

## **ACE Ceres–Merced Extension Scoping Memorandum**

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## Scoping Memorandum

<b>To:</b>	Kevin Sheridan, SJRRC Dan Leavitt, SJRRC
<b>From:</b>	Tiffany Mendoza, ICF Leo Mena, ICF
<b>Cc:</b>	Daniel Krause, AECOM
<b>Date:</b>	August 13, 2020
<b>Re:</b>	<b>ACE Ceres-Merced Extension Project - Scoping Summary</b>

The San Joaquin Regional Rail Commission (SJRRC), serving as the lead agency under the California Environmental Quality Act (CEQA) for the ACE Ceres-Merced Extension Project (Project), issued a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Project on May 28, 2020 (Attachment A). This initiated an environmental scoping period for the Project from May 28, 2020 to July 7, 2020.

## Scoping Notification

Agencies, organization, and individuals directly or indirectly affected by the Project were notified of the preparation of the EIR and how to participate in the scoping meetings. Notification materials announced the dates of the scoping period, the dates and times of the scoping meetings, an overview of the Project, and instructions on how to submit scoping comments. A summary of how the public was notified of the Project, the NOP, and the scoping meetings is included below.

### Newspaper Notification

A public notice was published in the Merced Sun-Star on May 28, 2020, announcing the start of the scoping comment period and virtual scoping meeting dates. Additional newspaper ads ran in several papers closer to the scoping meeting dates. The full list of newspaper notices is included below. The newspaper notices are included in Attachment B.

- Merced Sun-Star: May 28, 2020, May 31, 2020, and June 21, 2020
- Modesto Bee: June 11, 2020 and June 21, 2020
- Turlock Journal: June 20, 2020

### Digital Advertising

Digital advertisements ran on the Merced Sun-Star website from June 16, 2020 through June 30, 2020. The ads were displayed on the newspaper's website a total of 30,000 times (30,000 impressions) and nine individuals clicked through to the Project website. Copies of the digital ads are included in Attachment B.

### **NOP Mailing**

The NOP was sent via the U.S. Postal Service, using certified mail, to 163 responsible and trustee agencies, as well as additional agencies and individuals that the SJRRC identified as being interested in the Project. The NOP was also sent to the State Clearinghouse, the Stanislaus County Clerk, and the Merced County Clerk. The NOPs were mailed in advance of the May 28, 2020 publication of the NOP.

### **Email Notification**

Emails were distributed to potentially-impacted property owners, agencies, organizations, elected officials, and other interested parties. Emails were distributed on May 28, 2020, June 12, 2020, June 24, 2020, and June 30, 2020. The email notifications are included in Attachment B.

### **Website Updates**

A Project webpage was published at <http://www.acerail.com/merced-extension-eir/>. The website included Project information, scoping materials, and was updated with meeting dates, times, and links for the online meeting platform. Additionally, the webpage provided details on how to submit comments and provided a form to submit comments or subscribe to the Project email list.

### **Online Community Calendars**

Scoping meeting details were submitted to several online community calendars for publication in advance of the meetings. Meeting details were published on the following community calendar sites. Samples of the community calendar postings are included in Attachment B.

- Modesto Chamber of Commerce Community Events calendar – <https://www.business.modchamber.org/events>
- MyMerced.com online magazine – <http://www.mymerced.com/eventcalendar.html>
- Hey Turlock – <https://www.heyturlock.com/>

### **Social Media**

ACE used their social media platforms (Facebook and Twitter) to distribute scoping meeting notifications. Meeting notices and information were posted on the following dates. Copies of the social media posts are included in Attachment B.

- Twitter: June 11, 2020 and June 24, 2020
- Facebook: June 11, 2020, June 18, 2020, June 24, 2020, and June 30, 2020

## **Virtual Scoping Meetings (Webinars)**

Three virtual scoping meetings were held during the scoping period. In accordance with social distancing guidance related to the Novel Coronavirus (COVID-19), all scoping meetings for the Project were held online as webinars. Approximately 59 people participated in the scoping meetings, broken out by meeting date as follows.

- June 25, 2020 (3:00 pm – 4:30 pm) – 33 participants

- June 25, 2020 (6:30 pm – 8:00 pm) – 15 participants
- June 30, 2020 (6:30 pm – 8:00 pm) – 11 participants

The three meetings were identical in format beginning with a live presentation (Attachment C) providing an overview of the Project and the CEQA process, followed by a question and answer session to respond to questions submitted online by attendees. Questions asked during the webinar were not considered official scoping comments or included in the summary section below. Common topics of questions asked in the question and answer session included the following.

- Clarifying questions related to Project scoping, the CEQA process, and the Project schedule.
- Station design and features, including overcrossings, pedestrian access, accessibility, parking, etc.
- Operational schedule of ACE service.
- Construction impacts, such as street closures.
- Operational impacts, such as noise, traffic delays, safety, etc.
- Impacts to local businesses.

## Summary of Key Issues Raised

Between March 28, 2020 to July 7, 2020, 22 written comments were received from several public agencies, local organizations, and individuals. The following is a summary of the key issues raised during the scoping period. This summary is not intended to be exhaustive, rather it is intended to summarize the major concerns raised in comments in regard to the scope and content of the EIR. Copies of all written comments received by USPS mail, email, and submittal on the Project website are provided in Attachment D.

## Station Location, Project Features and Operations

- Support for locating a station in Livingston, citing population and employment demographics, the City's planning efforts that incorporated ACE, the development of a bus/train transit center, and availability of vacant property.
- Support for the proposed extension of ACE service to Merced and the resulting improved connectivity.
- Request for clarification if service will be established between Ceres/Merced and San Jose, possibly via a connection between the Southern Pacific northbound to the Western Pacific westbound tracks in Lathrop.
- Concern for the impact to business caused by the construction of the walkway bridge connecting the Turlock Transit Station to the potential Turlock Station location, as walkway could obstruct views of the business and signage.
- Request that where at-grade highway rail crossings are proposed to be created or modified, pedestrian crossing improvements be evaluated and installed.



- Request that railroad pre-emption timing and track detection systems be included in the scope of the Project.
- Request to evaluate the feasibility of acquiring enough slots to make it possible for the San Joaquin to travel on ACE tracks from Merced to North Lathrop
- Evaluate the cumulative impacts of sharing the ACE tracks from Merced to North Lathrop.
- Request to identify the improvements necessary for and to evaluate the impacts of the Altamont Corridor Vision (as expressed in the May 3, 2019 presentation), including scenarios with 30 and 20 ACE and San Joaquin trains per day connecting the Valley to the Bay Area.

## **Environmental Analysis**

### **General**

- Request that any environmental impacts associated with the City of Ceres that were not evaluated in the program-level ACE Extension Lathrop to Ceres/Merced EIR be addressed in this project-level EIR.
- Request to consider the economic impact to businesses located near the proposed Turlock station from the associated walkway bridge and potential road closures.

### **Aesthetics**

- Describe the visual impact associated with the walkway bridge at the proposed Turlock station.

### **Air Quality**

- Describe the Project's potential to reduce the length of vehicle trips and air quality impacts associated with travel from nearby communities to the potential station locations in either Livingston or Atwater.

### **Cultural Resources**

- Request to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the Project, to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.
- Describe the Project's compliance with Assembly Bill 52, including tribal consultation requirements.
- Describe the Project's compliance with Senate Bill 18, including tribal consultation requirements, if the Project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space.
- Request to conduct an archeological records search and to contact the Native American Heritage Commission for a Sacred Lands File search and a Native American Tribal Consultation List.

- Adequately assess the existence and significance of tribal cultural resources and plan for avoidance preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources.

### **Hazards and Hazardous Materials**

- Acknowledge the potential for activities near the Project site to result in the release of hazardous wastes/substances on the Project site. Conduct studies to evaluate the nature and extent of historic or future contamination, and the potential threat to public health and/or the environment.
- Identify the mechanisms to initiate any required investigation into and/or remediation of the release of hazardous wastes/substances and the government agency who will be responsible for oversight.
- Describe the potential disturbances to aerial-deposited lead-contaminated soils and evaluate soils for lead analysis prior to performing any intrusive activities for the Project.
- If any sites have been used or are suspected of having been used for mining activities, describe proper investigation for mine waste.
- Describe the potential for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Describe the process for sampling and removal, demolition, or disposal if any of the chemicals are present.
- Describe process for ensuring any soil backfill is free of contamination.
- Describe the potential for the organochlorinated pesticides resulting from agricultural, weed abatement or related activities.

### **Hydrology and Water Quality**

- Evaluate flood impacts due to elevation changes and construction-related backwater effects which may affect existing drainage patterns.
- Evaluate flood impacts resulting from new urban development in areas the Project serves.
- Evaluate consistency of Project related to Senate Bill 5 (SB5, 2007) and the January 2018 San Joaquin River Basin Lower San Joaquin River, CA Final Integrated Interim Feasibility Report EIR/EIS.
- Miscellaneous comments regarding flooding due to other Projects, including the Mossdale Tract Flood modeling.
- Evaluate Project compliance with wastewater discharge as it relates to the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Central Valley Water Board's Basin Plan.
- Describe Project compliance with surface and groundwater permitting requirements, including: Construction Storm Water General Permit; Phase I and II Municipal Separate Storm Sewer Systems permits; Industrial Storm Water General Permit; Clean Water Act Section 404 Permit; Clean Water Act Section 401 Permit; Waste Discharge Requirement

permit from Central Valley Water Board; Dewatering Permit from the State Water Board or Central Valley Water Board; and National Pollutant Discharge Elimination System permit.

- Evaluation of permits required from Central Valley Flood Protection Board under its Title 23, California Code of Regulation, for the construction, maintenance, and protection of adopted plans of flood control. Activities requiring permits may include the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, planting or removal of vegetation, and repair or maintenance of levees.

### **Noise and Vibration**

- Describe any additional noise created at crossings.
- Review noise effects related to the Escalon project of several years ago as it relates to reduction in overall noise.

### **Utilities and Service Systems**

- Describe if the Project would include restrooms or other amenities where a non-municipal water supply and/or sewer connection would be required.

## **Agency Coordination and Public Information/Involvement**

### **Agency Coordination**

- Request for coordination activities related to the Turlock Station.
  - Coordinate with the 38<sup>th</sup> District Agricultural Association (DAA) and appropriate State Agencies for use of the land needed for parking. Agencies include Department of General Services, California Department of Food & Agriculture, Fairs and Expositions Branch.
  - Analyze the layout and design of parking lot with 38<sup>th</sup> DAA Officials so lot can be used as needed during the annual Fair in July, and other large, identifiable events.
  - Analyze the use of overflow parking and access in to the Grand Oak Event Center facility.
  - Coordinate with 38<sup>th</sup> DAA officials on pedestrian bridge access and locking/opening procedures for continued security of Fairgrounds.
- Request to coordinate with Stanislaus County Public Works – Design department related to the intersection improvement project at the Goldens State/Golf Ave./Berkeley Ave. intersection located just southeast of the City of Turlock.

**Public Information/Involvement**

- Requests to receive Project information.
- Request to coordinate and discuss potential impacts with local business community, specifically businesses located near potential station locations.

## **Attachment A: Notice of Preparation**



## **NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT**

### **ACE Ceres–Merced Extension Project**

**SCOPING PERIOD: THURSDAY MAY 28, 2020 – TUESDAY JULY 7, 2020**

**DATE:** May 28, 2020  
**TO:** Agencies, Organizations, and Interested Parties  
**FROM:** San Joaquin Regional Rail Commission  
**SUBJECT:** Notice of Preparation of an Environmental Impact Report (EIR) for the ACE Ceres-Merced Extension Project

**NOTICE IS HEREBY GIVEN** that the San Joaquin Regional Rail Commission (SJRRRC) intends to prepare an environmental impact report (EIR), consistent with requirements under the California Environmental Quality Act (CEQA). The purpose of the EIR is to evaluate the environmental issues associated with the proposed improvements included in the Altamont Commuter Express (ACE) Ceres–Merced Extension Project (Project). The SJRRRC will serve as the lead agency under CEQA for the EIR.

The purpose of this Notice of Preparation (NOP) is to notify agencies, organizations, and individuals that SJRRRC plans to prepare the EIR and to request input on the scope of the environmental analysis to be performed. From public agencies, we are inviting comments on the scope and context of the environmental information that is germane to each agency’s statutory responsibilities with regard to the Project. SJRRRC is also requesting interested individuals’ or organizations’ views on the scope of the environmental document.

#### **A. Scoping Period**

The public scoping period will begin on Thursday, May 28, 2020. Written responses and comments on the scope of the ACE Ceres-Merced Extension Project will be accepted until 5:00 PM on Tuesday, July 7, 2020. Please send written comments to:

San Joaquin Regional Rail Commission  
Attn: ACE Ceres–Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

Your comments may also be sent by email to [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com). Please include the “ACE Ceres–Merced Extension Project” in the subject heading.

#### **B. Virtual Scoping Meetings**

In accordance with current social distancing guidance related to the Novel Coronavirus (COVID-19), all scoping meetings for the ACE Ceres-Merced Extension Project will be held online as webinars. Virtual scoping meetings will take place at the following times:

- Virtual Scoping Meeting #1 (Webinar) – June 25 (3:00 pm – 4:30 pm)
- Virtual Scoping Meeting #2 (Webinar) – June 25 (6:30 pm – 8:00 pm)
- Virtual Scoping Meeting #3 (Webinar) – June 30 (6:30 pm – 8:00 pm)

The link to join each virtual scoping meeting will be made available on the Project webpage (<https://acerail.com/merced-extension-eir>) the day of the webinar. Visit the Project webpage at <https://acerail.com/merced-extension-eir> to sign up to receive email reminders for these webinars. Virtual scoping meetings will begin with a live presentation providing an overview of the Project and the CEQA process, followed by a question and answer session based on questions submitted online from attendees. All three virtual scoping meetings will be identical in format and content. The scoping meetings will provide an opportunity for the lead agency to explain the Project and to give interested agencies, organizations, and individuals an opportunity to ask questions related to the scope and content of the EIR.

## C. Project History

SJRRRC manages and operates the ACE service, which currently provides commuter rail service between San Jose and Stockton. The existing 86-mile ACE service corridor passes through Santa Clara, Alameda, and San Joaquin Counties, with 10 stations along the route. At the western end of the ACE corridor, ACE operates on an approximately 4-mile segment of track between San Jose and Santa Clara owned and operated by the Peninsula Corridor Joint Powers Board (PCJPB, also referred to as Caltrain). North of the Santa Clara Station to Stockton, ACE operates on approximately 82 miles of track owned by Union Pacific Railroad (UPRR). ACE operates on portions of UPRR's Coast, Niles, Oakland, and Fresno subdivisions.<sup>1</sup>

As part of Senate Bill (SB) 132 passed in April 2017, SJRRRC was awarded \$400 million for the ACE service expansion in the San Joaquin Valley, including associated system improvements. SJRRRC prepared a prior EIR for the ACE Extension Lathrop to Ceres/Merced Project in 2017-2018. The prior EIR analyzed a Phase I extension from Lathrop to Ceres at a project-level detail and Phase II extension from Ceres to Merced at a programmatic level of detail. The prior EIR was certified and Phase I of the Project was approved by the SJRRRC Board of Commissioners on August 3, 2018. The extension to Ceres is currently in the engineering design and permitting phase and is anticipated to start construction in fall of 2021.

The Project, for which this NOP is being released, is Phase II of the project that was analyzed in the ACE Extension Lathrop to Ceres/Merced EIR. The new EIR that is being prepared by the SJRRRC will analyze the potential environmental impacts from expanding ACE service between Ceres and Merced at a project-level detail. This new project-level EIR is tiered from the programmatic analysis in the prior EIR and, thus, where appropriate, the new EIR will incorporate analysis from the prior analysis.

## D. Project Location

As shown in Figure 1, the Project spans Stanislaus and Merced Counties. SJRRRC proposes to extend ACE passenger rail service from Ceres to Merced by constructing and upgrading tracks with the existing UPRR Fresno Subdivision right-of-way (ROW), a total distance of approximately 34 miles. New stations and a layover and maintenance facility would be constructed along the extension alignment. The Project limits include portions of the Fresno Subdivision's ROW, additional ROW for new facilities (stations and a layover and maintenance facility), and construction or access areas located outside the ROW.

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<sup>1</sup> A *subdivision* is a portion of railroad or railway that operates under a single timetable (authority for train movement in the area).

## E. Project Objectives

The primary objectives of the Project are to enhance commuter rail and intercity service and transit connectivity in the San Joaquin Valley; reduce traffic congestion, improve regional air quality, and reduce greenhouse gas (GHG) emissions; and to promote local and regional land use and transportation sustainability goals. Each of these objectives is discussed in detail below.

- **Enhance commuter rail and intercity service and transit connections in the San Joaquin Valley.**  
Project improvements would support enhanced commuter and intercity passenger rail and transit access and connectivity, as well as provide additional surface passenger transportation capacity in the San Joaquin Valley. The ACE extension to Merced would extend the reach of the existing commuter and intercity rail transportation network of the San Joaquin Valley. The Project would provide additional service to areas currently lacking access to passenger rail transportation as well as supplementing rail service to other areas. The Project would support transit-oriented development near proposed station locations. The Project would also provide an opportunity to connect with the future California High-Speed Rail System, which would integrate ACE service into a unified northern California rail network. These commuter and intercity rail connections are expected to stimulate additional ACE ridership.
- **Reduce traffic congestion, improve regional air quality, and reduce greenhouse gas emissions.**  
An expanded and improved ACE system would provide a transportation alternative to automobile use, which would alleviate traffic congestion on corridor highway segments (along State Route-99, Interstate [I-] 205, I-580, I-680, and I-880) and result in air quality benefits and a reduction in GHG emissions. In addition, by maximizing connections with other transit services within the San Joaquin Valley, the Project would contribute to indirect benefits related to alleviating congestion and improving regional air quality. Reductions in air pollutant emissions represent long-term health benefits for ACE riders, and for residents and employees along the ACE corridor. In addition, reduction of GHG emissions would help California to meet its goals under Assembly Bill 32, the 2006 Global Warming Solutions Act (as amended by Senate Bill 32), as well as other state GHG emission reduction goals.
- **Promote local and regional land use and transportation sustainability goals.**  
Metropolitan areas are implementing strategies to encourage more efficient use of land resources, improve mobility, and provide alternative transportation facilities and services in order to lower GHG emissions and to maintain air quality standards. One statewide strategy adopted in the California State Implementation Plan is the development of multi-use transportation corridors, including the addition of more transit and the expansion of rail modal options. This Project would further improve regional air quality and reduce GHG emissions, beyond reducing VMT from automobiles, by supporting regional land use and transportation planning goals under the Sustainable Communities and Climate Protection Act of 2008 (also known as SB 375) and other local, regional, and state sustainability initiatives. ACE is evaluating potential new ACE stations between Ceres and Merced. The new transit stations could act as a catalyst for smart growth in communities by revitalizing city core areas and addressing traffic congestion issues in the cities of the northern San Joaquin Valley.

## F. Project Description

The Project would consist of the following:



- a **Ceres to Merced Extension Alignment** consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced;
- new **Turlock, Livingston or Atwater, and Merced Stations** along the extension alignment; and
- a new permanent **Merced Layover & Maintenance Facility** to support extension operations.

Upon implementation of full operations of the Project, ACE train service would consist of the following:

- In the morning, three northbound trains would run from Merced Station to the Natomas/Sacramento Airport Station (included in the Valley Rail Sacramento Extension Project). Passengers boarding in Merced and Stanislaus Counties and Southern San Joaquin County would either stay on the train in the direction of Sacramento or transfer onto the three westbound trains in the direction of San Jose at the North Lathrop Station (timed transfers). One westbound train would run from Merced Station to San Jose Diridon Station.
- In the evening, three southbound trains would run from Natomas/Sacramento Airport Station to Merced Station. ACE passengers returning from the Bay Area would transfer at the North Lathrop Station (timed transfers) onto the three Sacramento to Merced trains. One eastbound/southbound train would run from San Jose Diridon Station to Merced Station.

The potential impacts from the increased operation of ACE trains between Natomas/Sacramento Airport Station and Cabral Station have been analyzed in the *Valley Rail Sacramento Extension Project EIR*. In addition, increased operation of ACE trains between the North Lathrop Station and Ceres Station have already been analyzed in the *ACE Extension Lathrop to Ceres/Merced EIR*. This Project would not increase the train service in these areas beyond what was considered in these previous EIRs. Thus, the EIR for this Project is focused on the operational impacts associated with increased train service (four roundtrip ACE trips) between Ceres Station and the proposed Merced Station.

No improvements are proposed along the existing ACE corridor between Stockton and San Jose. However, where applicable, the EIR will analyze operational impacts due to changes in ridership at existing ACE stations<sup>2</sup> in the San Francisco Bay Area.

## H. Potential Environmental Effects

The lead agency has initially determined that the following topics will be included for evaluation in the EIR: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources (including Tribal Cultural Resources), Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise and Vibration, Population and Housing, Public Services, Recreation, Safety and Security (including Wildfire), Transportation, and Utilities and Service Systems. The EIR will consider both temporary construction-period and permanent impacts. The EIR will also include a cumulative impact analysis of the impacts of the Project in combination with other planned railway projects, transportation improvements, and land use plans and projects in the various cities along the Project corridor.

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<sup>2</sup> These include the San Jose Diridon, Santa Clara, Great America, Fremont, Pleasanton, Livermore, and Vasco Road Stations.

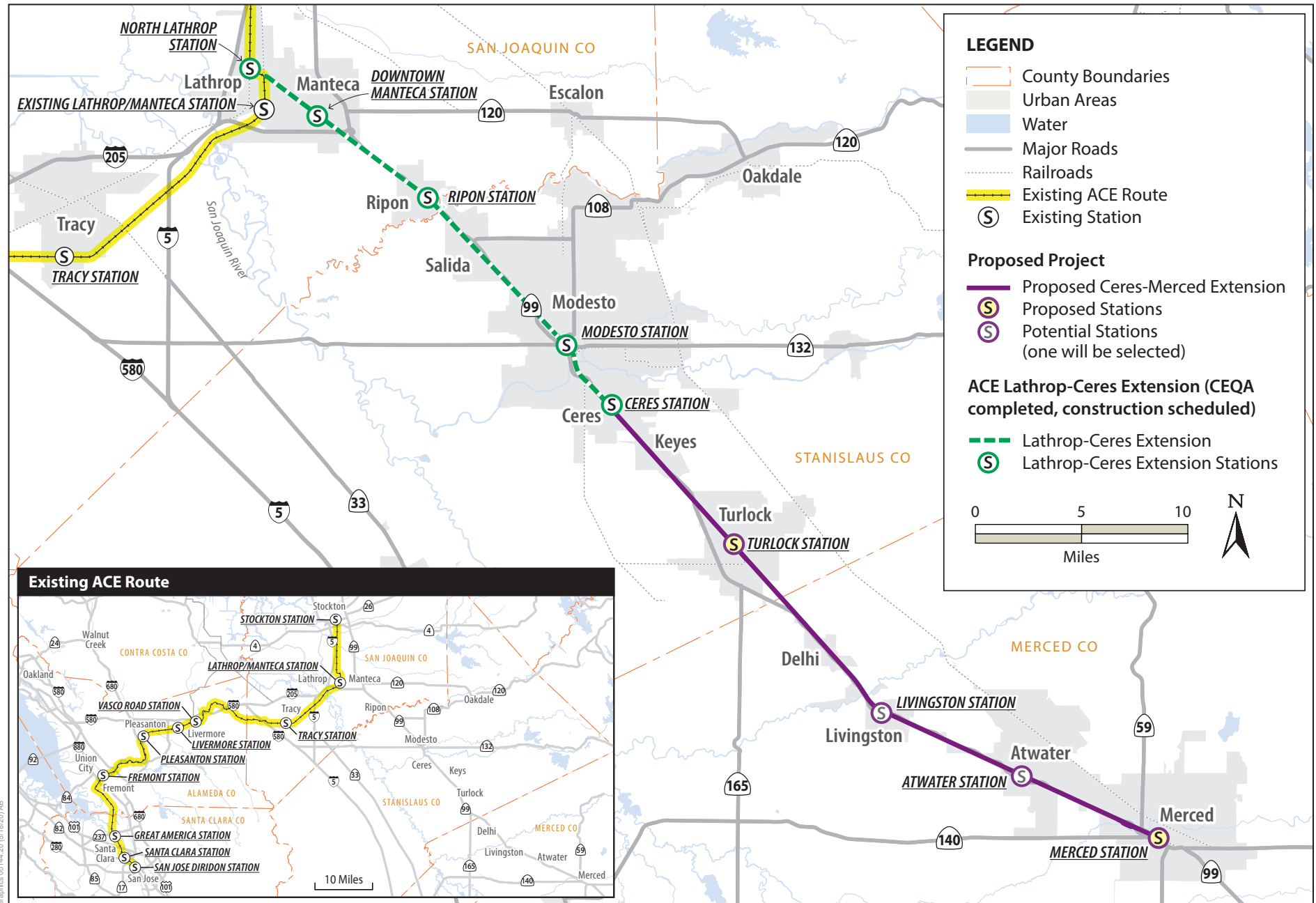
SJRRC is seeking comments from agencies, stakeholders, and the public regarding the scope of the environmental topics that will be analyzed in the EIR.

## **I. Alternatives**

As required by CEQA, the EIR will consider a reasonable range of alternatives in addition to the proposed Project. SJRRC is seeking comments from agencies, stakeholders, and the public regarding feasible alternatives for evaluation in the EIR. After consideration of input from project scoping and development of environmental analysis of the proposed Project, SJRRC will consider the need for analysis of additional alternatives. Only alternatives that are feasible, meet most of the Project objectives, and reduce one or more significant environmental impacts of the proposed Project will be analyzed in detail in the Alternatives chapter of the EIR. Alternatives that are infeasible, that do not meet most of the Project objectives, or that do not reduce one or more significant environmental impacts of the proposed Project will be discussed briefly in the EIR as to why they were dismissed from further consideration but will not be analyzed in the EIR as allowed by the requirements of CEQA.

SJRRC is seeking comments from agencies, stakeholders, and the public regarding the potential alternatives that will be analyzed in the EIR.

# Notice of Preparation



**Figure 1**  
**Project Location**  
ACE Ceres-Merced Extension Project

## **Attachment B: Scoping Notification**

## Newspaper Notification

## PEOPLE

## Fallon apologizes for blackface in 20-year-old skit

NBC's "Tonight" show host **Jimmy Fallon** has apologized for doing an impersonation of fellow comic **Chris Rock** while in blackface during a 2000 episode of "Saturday Night Live."

Fallon tweeted on Tuesday that "there is no excuse for this."

Discussion of Fallon's 20-year-old skit surfaced this week after a video of it was posted online. According to Variety, it was first posted on Twitter by

a user named "chefboyoh-dear," and showed Fallon, as Rock, appearing on a talk show.

Fallon tweeted that it was a terrible decision to impersonate Rock, also a former "Saturday Night Live" cast member.

"I am very sorry for making this unquestionably offensive decision and thank all of you for holding me accountable," the late-night star wrote.

The history of minstrel shows and movies where white performers donned blackface to mock black people has made its use considered offensive today.

— ASSOCIATED PRESS

## On this date

## Birthdays

Basketball Hall of Famer **Jerry West** is 82. Singer **Gladys Knight** is 76. Singer **John Fogerty** (Creedence Clearwater Revival) is 75. Singer **Kylie Minogue** is 52. Olympic gold medal figure skater **Katerina Gordeeva** is 49. Actress **Monica Keena** is 41. Actress **Alexa Davalos** is 38. Actress **Megallyn Echikunwoke** is 38.

— ASSOCIATED PRESS

## DEAR ABBY

**DEAR ABBY:** My husband and I are 58 and getting ready to celebrate our first wedding anniversary. We knew each other in college, but were just friends back then. After college, we married others and raised children. We stayed married to our spouses for close to 30 years.

We reconnected eight years ago, started an affair and divorced our partners. Neither of us is proud of this. My adult children have accepted my husband. His refused to accept me, and only one of them has a relationship with him.

He was out of town recently, and I caught him in a lie about having invited a female former colleague to lunch with him. I was shocked and hurt because this is how our relationship started. He has apologized, but I can't get over the fact he lied to me, and it has caused a rift between us. He has always been honest with me, so I wonder why he lied about this woman.

I know I'm in no position to judge others. I can't afford counseling, and we don't belong to a church for spiritual help. I suffer from depression and anxiety (I am under the care of a doctor and take medication) but cannot shake the sadness. How can I ever trust my husband again? — **HURTING HEART IN THE MOUNTAINS**

## DEAR HURTING HEART:

In light of the way your affair with your husband began, he may have lied because he was afraid of upsetting you. A way to start this very necessary conversation would be to tell him how shaken you are that he wasn't truthful and try to get him to explain why he thought he had to lie. You should also ask if he thinks there is anything awry in your marriage.

If he tells you nothing is wrong and there is nothing he would change, believe him. However, if

after that, you are still feeling insecure, ask the doctor who is treating your depression and anxiety to suggest some low-cost mental health/counseling services in your community.

*Dear Abby is written by Abigail Van Buren, also known as Jeanne Phillips, and was founded by her mother, Pauline Phillips. Contact Dear Abby at [www.DearAbby.com](http://www.DearAbby.com) or P.O. Box 69440, Los Angeles, CA 90069.*

## BRIDGE

## The art of circumvention

**NORTH**  
♦ 7 5 2  
♥ 8 7 3 2  
♠ 6 4 3  
**WEST**  
♥ 9 4  
♠ 10 9 4  
♦ A 10 8  
**EAST**  
♠ K Q 10 8 3  
♥ 9 3 4  
♦ 7 5 2  
**SOUTH**  
♦ A K  
♥ A 8 3  
♠ K Q J 9 7 5 2

The bidding:  
East: 1♦ South: West: North: 3♦ 5♦  
Opening lead — nine of spades.

In many contracts, declarer frequently must guess how the opponents' cards are likely to be divided and then proceed accordingly. Sometimes, though, it may be possible to find an approach that makes any guesswork unnecessary.

Take this case where you're in five clubs doubled and West leads the nine of spades, on which East plays the ace. You are immediately faced with a crucial decision. If you think

East has seven spades for his three-spade bid, you must win the trick in order to prevent the ace from being ruffed on the next play.

But if you think East may have started with only six spades, you should let him win with the first trick. Otherwise, if you took the ace and led a trump, you would go down after West won with the ace and retained his remaining spade. East would then play a third spade to promote a second trump trick for West.

Although there is no way of knowing for sure whether East started with six or seven spades, you can solve the problem by catering to both possibilities as follows: Win the first spade with the ace, cash the ace of hearts, lead a diamond to the king and return the queen of hearts. After East follows low, you discard the six of spades.

West wins with the king but cannot stop you from scoring 11 tricks. The only other trick he can get is the ace of clubs, since he cannot put East on lead to produce the overtrick position.

While this approach does not solve the question of how many spades East started with, it far more importantly brings home the contract.

— TOMMORROW: Bridging Quiz.

**CANCER** (June 21-July 22): Consider your options and how you see yourself moving forward. Paving the way to a better future doesn't always mean more money. Having peace of mind, doing something you enjoy and taking better care of your emotional well-being are priceless. ★★

**LEO** (July 23-August 22): A change someone wants you to make will tempt you, but consider what's involved. Choose to bide your time. Look inward, and you'll discover what you can do to improve. Truthfulness and being realistic begin within. ★★

**VIRGO** (August 23-September 22): Avoid getting involved in someone's problem. If you want to make a difference, consider the changes you can make to up your game. Learn something new, and expand your interests and skills. Apply your energy to physical fitness and better health. ★★

**LIBRA** (Sept. 23-Oct. 22): Take greater interest in your creative endeavors. Look for innovative ways to share what you have to offer with others. Technology will play an active role in the way you use your strengths to get ahead. ★★

**SCORPIO** (Oct. 23-Nov. 21): Take a step back, and observe how others respond. Avoid an

emotional situation that could cost you if you say or do the wrong thing. Focus on home and family and putting everything in its place. Protect your possessions and passwords. ★★

**SAGITTARIUS** (Nov. 22-Dec. 21): Be open to suggestions, but don't be gullible. Don't expect everyone to be beneficial. Paying attention to the way you look and how you take care of your health and well-being will make a difference. Put your needs first. ★★

**CAPRICORN** (Dec. 22-Jan. 19): Change begins within. Consider what you want to achieve and the best way to turn what you already have into what you desire. Discipline and hard work will pay off. ★★

**AQUARIUS** (Jan. 20-Feb. 18): Make your place comfortable and geared toward being more productive. Don't be fooled by someone's lavish plan or persuasive tactics to separate you from your money. ★★

**PISCES** (February 19-March 20): Take on only what's feasible. Honesty and integrity will be mandatory when dealing with others. Problems at home will arise if you can't get along with someone who lives with or near you. Set boundaries if necessary. ★★

— EUGENIA LAIST

## MERCED SUN-STAR THREE-DAY FORECAST

## YOUR 3-DAY FORECAST

Today	Friday	Saturday
Very hot	Mostly sunny and hot	Partly sunny and not as hot
106° 62°	96° 57°	84° 56°
RealFeel: 109° UV Index: 11	RealFeel: 101° UV Index: 11	RealFeel: 88° UV Index: 10

UV Index: 0-2 Low; 3-5 Moderate; 6-7 High; 8-10 Very High; 11+ Extreme. Show is the highest value of the day.

## AIR QUALITY INDEX

Yesterday: Moderate Today: Moderate

Pollen Index Yesterday: Grass: Moderate Weeds: Low Trees: Moderate Mold: Low

Source for Air Quality: airnow.gov Pollen: NAB

## ALMANAC

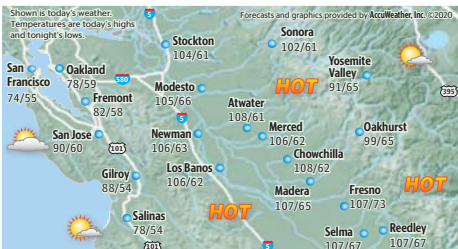
Merced through 12 p.m., yesterday

TEMPERATURE	
High/low	96°/67°
Normal high/low	85°/74°
Last year high/low	68°/44°
Record high	97° (2009/43°) (1967)
PRECIPITATION	
24 hours through 12 p.m., yesterday	0.00"
Month to date (normal)	0.20" (0.55")
Season to date (normal)	12.66" (12.46")
Last year to date	12.30"

## SUN &amp; MOON

Sunrise today: 5:45 a.m. Moonrise today: 11:11 a.m.  
Sunset tonight: 8:15 p.m. Moonset today: 12:53 a.m.

First	Full	Last	New
May 29	Jun 5	Jun 12	Jun 20



## LAKE LEVELS

Lake	Elevation	Yesterday	Storage	Storage
			last year	
Lake McClure	119.85	728.845	860.211	

## AROUND THE REGION

AROUND THE REGION						
City	Today			Tomorrow		
	Hi	Lo	W	Hi	Lo	W
Atwater	108	61		s	96	57
Bakersfield	107	73		s	99	60
Fresno	107	73		s	98	63
Lake Tahoe	88	48	pc	80	47	pc
Los Angeles	81	60	pc	75	59	s
Los Banos	106	62		s	94	58
Mammoth Lakes	83	48		pc	78	42
Mariposa	100	64		s	90	54
Monterey	71	55		s	73	56
Palm Springs	112	72		s	105	70
Redding	101	67		s	98	61
Reno	95	60		s	94	59
Sacramento	101	61		s	86	58
San Diego	73	65	pc	72	65	pc
San Francisco	74	55	pc	73	57	pc
San Jose	90	60	pc	80	59	pc
Santa Barbara	67	56	pc	65	54	pc
Stockton	104	61		s	92	57
Yosemite	91	65		s	86	50

Weather(W): s=sunny, pc=partly cloudy, c=cloudy, sh=showers, t=thunderstorms, r=rain, sf=snow flurries, sf=snow, h=ice

## AROUND THE NATION

City	Today		Tomorrow	
	H	L	H	L
Albuquerque	87	63	pc	88
Anchorage	65	49	pc	65
Atlanta	82	67	t	84
Boston	85	63	pc	77
Charleston, SC	85	74	t	80
Chicago	78	60	t	73
Dallas	87	65	t	86
Denver	74	53	pc	86
Detroit	81	63	t	72
Honolulu	85	72	s	84
Houston	85	68	t	89
Las Vegas	107	80	s	106
Miami	88	77	pc	87
Minneapolis	76	53	s	67
Nashville	81	63	t	78
New Orleans	88	72	c	88
New York City	73	66	c	79
Orlando	91	74	t	90
Philadelphia	78	69	sh	86
Phoenix	109	81	s	110
Portland, OR	88	58	s	86
Salt Lake City	88	65	s	96
Seattle	77	55	pc	78
Washington, DC	82	73	t	88



## Notice of Preparation of an Environmental Impact Report and Scoping Meetings for the ACE Ceres–Merced Extension Project

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**Mail:** San Joaquin Regional Rail Commission  
Attn: ACE Ceres–Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

**Email:** [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)  
Please include the "ACE Ceres–Merced Extension Project" in the subject heading.



PEOPLE

Atlanta hip-hop stars try reason amid the chaos

Amid the chaos in downtown Atlanta Friday night, two of the city’s most visible advocates, **Killer Mike** and **T.I.**, joined Mayor **Keisha Lance Bottoms** to speak to their native city. “If we lose Atlanta, what else we got? We lose an ability to plot, to plan, to strategize, to organize and to properly mobilize,” said Killer Mike (aka **Mike Render**). “I want you to go home. I want you to talk to 10 of your friends. I want you guys to come up with

real solutions.” Killer Mike also advocated for the return of a “community review board” with the Atlanta Police Department. **T.I. (Clifford “Tip” Harris)** joined his friend and business partner to speak about Atlanta, drawing on f **Dr. Martin Luther King, Maynard Jackson** and **Andrew Young** as examples of those “who paved the way.” “Atlanta has been here for us. This is Wakanda,” T.I. said, invoking the fictional country from “Black Panther.” “It’s sacred. It must be protected.” Another prominent Atlanta hip-hop figure, **Big Boi**, retweeted the

On this date

Birthdays

Actor-director **Clint Eastwood** is 90. Actress **Archie Panjabi** is 48. Actor **Curtis Williams Jr.** is 33.

— ASSOCIATED PRESS

video of Killer Mike talking at the mayor’s press conference. Earlier in the evening, **Jermaine Dupri** posted a video to his social media accounts, urging people to vote in the June 9 primary. — ATLANTA JOURNAL-CONSTITUTION

DEAR ABBY

**DEAR ABBY:** I’m in my mid-30s and have just been married for the first time. I chose not to take my husband’s last name for several reasons. I have a child from a previous relationship who shares my name; I have a unique name that I love; and I am established in a career in which name recognition is important. I am also an older bride. Unfortunately, I didn’t discuss it with my husband before the wedding, although I did explain my reasoning later.

We participate in a lot of activities as a couple where our names are written out, and people often ask me why I have a different last name. My husband is really bothered by it and hates when people bring it up. I want to make him happy and make these situations less uncomfortable, but I refuse to change it. Am I being unreasonable? How do I approach these awkward situations? Should I take his name in social situations but just not legally? – **LOVING MY NAME IN PENNSYLVANIA**

**DEAR LOVING:** Many women these days have more than one identity and more than one name. If you are asked in a social situation why you didn’t adopt your husband’s name, an appropriate response would be that you are established in your career and felt changing it would be disruptive. However, I see nothing wrong with allowing yourself to be identified as “Janie Smith”

(“Howard Smith’s” wife) on invitations, place cards, etc. if you’re OK with that. While most men these days would not be bothered by the fact that you have different names, it may make your husband feel better, and you might even come to like it. **DEAR ABBY:** If you get time to read this, I need some advice about my fiancé. We have been engaged for two years, and I recently found out that when he dies, he is leaving everything to his friend if his mom is no longer living.

I gave up my place and moved an hour and a half from my job to live with him. Should I be upset over this? – **LEFT WITH NOTHING**

**DEAR LEFT WITH NOTHING:** Your letter is a classic example of why it’s important that people review their wills periodically. Your fiancé’s will may have been made before you entered the picture. It’s important that you have a calm and rational discussion about it. If you are still concerned after that, then you probably should be.

BRIDGE

Now you see it, now you don’t

South dealer. Neither side vulnerable.

**NORTH**  
♠ A K 7 3  
♥ A 8 4  
♦ K 7 5  
♣ K 8 2

**WEST**  
♠ 9 8 4  
♥ K 7 5 2  
♦ Q 10 3  
♣ J 10 4

**EAST**  
♠ Q J 6  
♥ —  
♦ J 9 8 4 2  
♣ Q 9 7 6 5

**SOUTH**  
♠ 10 5 2  
♥ Q J 10 9 6 3  
♦ A 6  
♣ A 3

The bidding:  
South West North East  
1 ♥ Pass 1 ♠ Pass  
2 ♥ Pass 4 NT Pass  
5 ♥ Pass 5 NT Pass  
6 ♣ Pass 6 ♥ Pass

Opening lead — jack of clubs.

There is a play in bridge that has to be seen to be believed, and even after you’ve seen it, you may still not believe it. It rarely occurs in actual practice, but virtually every serious student of the game has encountered the play in bridge literature or theoretical discussions, and eagerly awaits the once-in-a-lifetime opportunity to execute it at the table.

**Today’s hand provides a good**

example. A study of all four hands reveals that South has two inescapable losers — one in spades and the other in the trump suit. From West’s viewpoint, once dummy appears, he has every right to feel certain of scoring a trump trick with his king, come what may. But if South pays close attention to his knitting, West will wind up a sadder but wiser man.

**Declarer wins** the club lead with the ace and finessees the queen of hearts. West does not cover, of course, and also does not cover when the jack is led. South next leads a club to the king and ruffs a club. These plays are followed by the A-K of diamonds and a diamond ruff.

**Declarer now leads** the A-K and another spade, East winning with the queen. At this point, South has the 10-9 of hearts. West the K-7 of hearts, and dummy the ace of hearts and seven of spades.

**When East returns** a diamond or club, South ruffs with the nine and West’s “sure” trump trick disappears. Whether he overruffs with the king or undertruffs with the seven makes no difference whatever. Either way, the king is dead. In effect, West’s king is “smothered.”

**And, as a matter of fact,** that’s how the “smother play” got its name. But don’t hold your breath waiting for it!

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HOROSCOPE

**Happy Birthday:** How you handle day-to-day problems will make a difference. Take control of your emotions, and look for practical alternatives that suit the changing lifestyle trends, and you will up your game and be ready to take on whatever comes your way. Think smart, act practically and do your best to implement healthy routines and practices. Your numbers are 3, 10, 17, 26, 31, 38, 42.

**ARIES** (March 21-April 19): Consider your attributes and what you have to work with, and you will come up with a plan that will help you be diverse and cutting-edge concerning your career and the lifestyle you want. Protect your health. ★★

**TAURUS** (April 20-May 20): You’ll accomplish the most if you work independently of others and have a goal in mind. What you accomplish will lead to an unexpected opportunity. How you revise your daily routine will bring results that distance you from unnecessary meddling. ★★★★★

**GEMINI** (May 21-June 20): Tunnel vision will help you be more productive. The less interference or temptation you encounter, the better. A change of attitude will boost your immune system and your confidence. ★★

**CANCER** (June 21-July 22): Choose a unique environment. Surround yourself with the things that make you happy. Comfort and convenience will motivate you to enjoy what you have and make the most of your life. Share your feelings and intentions with someone you love. ★★★★★

**LEO** (July 23-Aug. 22): Don’t let anyone take advantage of you. Focus on personal growth and self-improvement projects that will boost your ego. An energetic challenge will help ease stress. Test your strength, endurance and intelligence. Romance is on the rise. ★★★★★

**VIRGO** (Aug. 23-Sept. 22): Take care of unfinished business yourself. Relying on someone will lead to disappointment. Base a change you need to make on information that you receive from a reliable source. Broaden your outlook and awareness. ★★★★★

**LIBRA** (Sept. 23-Oct. 22): Keep life simple, and live within your means. A problem at home will escalate if you have neglected your duties or someone who relies on you. Don’t take a risk if there is a chance of injury, illness or financial loss. ★★★★★

**SCORPIO** (Oct. 23-Nov. 21): Take care of matters personally. Someone will cost you money if you don’t set boundaries.

Avoid joint ventures. Work toward something you can do on your own. A creative endeavor is favored. ★★★★★

**SAGITTARIUS** (Nov. 22-Dec. 21): Get to the bottom of any situation that has left you feeling out of the loop. Ask pertinent questions, find out where you stand and make a move that will encourage fewer problems and a better relationship with someone special. ★★★★★

**CAPRICORN** (Dec. 22-Jan. 19): Think matters through, and proceed to make a change that will help you improve your life. An exciting prospect will come with high expectations as well as uncertainty regarding personal benefits. Don’t act prematurely. ★★

**AQUARIUS** (Jan. 20-Feb. 18): Make adjustments at home that will make your life easier. A fitness routine or physical change you make will give you the personal pick-me-up and confidence you need to go after what you want. Romance is in the stars. ★★★★★

**PISCES** (Feb. 19-March 20): Don’t take what others say to heart. Get the facts yourself, and let your intuition be your guide. Let go of negativity in your life, and focus on what brings you the most joy. A lifestyle change will boost your morale. ★★★★★

— EUGENIA LAST

MERCED SUN-STAR THREE-DAY FORECAST

YOUR 3-DAY FORECAST

Today	Monday	Tuesday
Partly sunny	Clouds and sun	Very warm with sun and clouds
83° 59°	87° 60°	95° 63°
RealFeel: 92° UV Index: 11	RealFeel: 91° UV Index: 7	RealFeel: 100° UV Index: 9

UV Index: 0-2 Low; 3-5 Moderate; 6-7 High; 8-10 Very High; 11+ Extreme. Shown is the highest value of the day.

AIR QUALITY INDEX

Yesterday: Good Today: Moderate

POLLEN INDEX YESTERDAY

Grass: Moderate Weeds: Low  
Trees: Moderate Mold: Low

Source for Air Quality: airnow.gov Pollen: NAB

ALMANAC

Merced through 12 p.m. yesterday

TEMPERATURE	
High/low	75°/61°
Normal high/low	85°/54°
Last year high/low	88°/56°
Record high	104° (1984)/43° (1954)

PRECIPITATION	
24 hours through 12 p.m. yest.	0.00"
Month to date (normal)	0.20" (0.59")
Season to date (normal)	12.66" (12.49")
Last year to date	12.30"

SUN & MOON

Sunrise today	5:43 a.m.	Moonrise today	2:38 p.m.
Sunset tonight	8:17 p.m.	Moonset today	2:40 a.m.

Full	Last	New	First
Jun 5	Jun 12	Jun 20	Jun 28



LAKE LEVELS

Lake	Elevation yesterday	Storage yesterday	Storage last year
Lake McClure	819.86	728,848	849,003

AROUND THE REGION

City	Today			Tomorrow		
	Hi	Lo	W	Hi	Lo	W
Atwater	83	59	pc	86	60	pc
Bakersfield	86	64	pc	89	63	pc
Fresno	84	63	pc	88	64	pc
Lake Tahoe	62	43	pc	62	45	c
Los Angeles	78	61	pc	79	61	pc
Los Banos	83	59	pc	86	60	pc
Mammoth Lakes	66	40	pc	65	39	c
Mariposa	76	57	pc	80	58	pc
Monterey	67	54	pc	67	55	pc
Palm Springs	101	73	pc	102	76	s
Redding	81	58	pc	85	58	c
Reno	77	56	pc	74	54	t
Sacramento	82	56	pc	86	59	pc
San Diego	73	64	pc	74	65	pc
San Francisco	68	53	pc	69	53	pc
San Jose	75	54	pc	77	56	pc
Santa Barbara	69	55	pc	71	56	pc
Stockton	84	57	pc	87	57	pc
Yosemite	72	52	sh	70	49	pc

Weather(W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, f-ice



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FROM PAGE 1A

## BELLO

munity rallied around me. Initially, I didn't want to go out in public. I felt like people would just stare at me. I later realized it didn't matter. The people who were staring wanted to help."

With the help of intensive physical therapy the past six years, Bello describes himself as relatively independent.

He can go to school, he can drive and, go shopping. He's able to use his arms and that allows him to use a manual wheelchair. With assistance he can also stand.

Bello even hopes to start wakeboarding with specialized equipment soon.

"He's worked so hard," said Hilmar football coach Frank Marques. "He and his parents have put as much into his recovery as humanly possible. It's astonishing, their hard work and dedication. I'm super proud of him because it's been a long battle for him."

Bello is majoring in mechanical engineering and is on track to graduate from UC Merced in 2021.

## GIVING BACK

While a newly-disabled

person waits for their first wheelchair, they usually go to a dealer who may have one or two wheelchairs to loan on site.

The "Share a Chair" program has 15 wheelchairs in its inventory, which gives people who are recently injured more options to find a chair that fits them better.

Bello's project will help fund the refurbishment and repair of about 15 chairs. Eventually he wants to work with other nonprofit organizations to expand the program to other areas of the state and possibly other areas of the country.

Bello was elated when he found out he had earned the scholarship that will also help pay for his education.

"I'm ecstatic," he said. "I put a lot of effort into the application. When I found out I won, I was really excited. It's an honor for me. I'm excited to give back to the community like I haven't been able to do in the past. You can't quantify the confidence a nice chair gives someone. A lot of people who are recently injured are suffering from depression or other mental ill-



Submitted by Joseph Bello

Joseph Bello smiles for a photo with girlfriend Addison Hunt. About \$7,000 of a scholarship that Bello was awarded will go toward helping newly disabled wheelchair users get their first wheelchair.

nesses. So anything that can help them have some confidence helps. It's one less thing they have to worry about."

Knowing Bello and his family so long, Marques isn't surprised to see him find a way to help people.

"I think it says a lot about his character," Marques said. "Before the accident, he was a student-body type of guy, an All-American kid, the type of kid everyone wanted to be around. He's always had a huge heart and now,

after the accident, he's carrying it on. He's always been a super human being, so this doesn't surprise me."

If anybody would like to donate to the "Share a Chair" program, donations can be made to the SCI Active Network online at <http://www.sciactivenetwork.org/donate>.

Shawn Jansen:  
209-385-2462,  
@MSSports

## Advocates worry Blacks, Hispanics falling behind in census

BY MIKE SCHNEIDER  
Associated Press

ORLANDO, Fla.

Halfway through the extended effort to count every U.S. resident, civil rights leaders worry that minority communities are falling behind in responding to the 2020 census.

With outreach efforts to motivate minority responses upended by a global pandemic, both the National Urban League and the NALEO Educational Fund are sounding the alarm that communities with concentrations of Blacks and Hispanics have been trailing the rest of the nation in answering the census questionnaire.

The once-each-decade count helps determine where \$1.5 trillion in federal funding goes and how many congressional seats each state gets.

"Going into 2020, we knew the census was going to be extremely challenging. We knew the Census Bureau didn't have sufficient preparations to do all of its tests to make sure it would work out the way it should be ... and then COVID-19 hit," said Arturo Vargas, CEO of NALEO Educational Fund said last week during a virtual town hall with NBCUniversal Telemundo.

The pandemic is disproportionately affecting the Latino population, he said, so "we have to figure out how we break through the real noise affecting their daily lives to do something as ordinary as going through the mail and filling out their forms."

People can respond

either online, by phone or through the mail, but many U.S. residents haven't taken the initiative.

The nation's self-response rate was 61.5% this week. Arizona, Florida, New Mexico, New York and Texas — states with large concentrations of Hispanics — were lagging. California, which invested \$187 million in outreach efforts, was doing slightly better, with 62.6% of its households responding, he said.

A more detailed analysis of response rates in late May and early June conducted by the Center for Urban Research at the City University of New York's Graduate Center showed that neighborhoods with concentrations of Black residents had a self-response rate of 51%, compared to 53.8% for Hispanic-concentrated neighborhoods and 65.5% for white-dominant neighborhoods.

Advocates at the National Urban League are particularly worried that the count will miss Black immigrants, Blacks in rural communities, formerly incarcerated men and women, and children under age 4.

The Census Bureau already plans to send out as many as 500,000 workers this summer and fall to the homes of people who haven't responded, but the league's president and CEO, Marc Morial, says it must do more — hiring still more door-knockers, targeting more advertising to minority communities and mailing out another round of paper questionnaires.

FROM PAGE 1A

## UNEMPLOYMENT

number continue to decline into June."

## INDUSTRIES GAIN JOBS

Amid the new normal caused by the coronavirus pandemic, some jobs within different industries saw significant growth in Merced County in May — including those hit especially hard by COVID-19's impacts.

Notably, the leisure and hospitality industry recovered 800 jobs after falling by 2,000 between February and April. The industry felt much of the brunt of pandemic-related closures.

It includes employment at hotels and motels, dining establishments, bars and movie theaters. Many such destinations have been allowed to reopen with modifications recently.

Gutierrez said the industry under normal circumstances tends to see growth at this time of year, as hotels gear up for the summer season. It is still down 2,400 jobs compared to last May.

Farming-related employment experienced the largest increase with 2,700 added jobs, continuing an increase also seen between the months of February and April.

"The agricultural economy continues to play an

important role in Merced County," Gutierrez said.

Other industries contributed to a total of 800 additional jobs locally.

Gutierrez noted that while more people go back to work as more sectors reopen, he is concerned about reports of COVID-19 cases and related hospitalizations rising, and what this could mean for the economy's future.

"If through the governor's office, we were forced to revert back and re-close some of the industries we were allowed to reopen ... that would be extremely challenging for those businesses that survived that first wave," Mirrione said.

## UNCERTAINTIES PERSIST

Despite the slight relief in unemployment, Gutierrez cautioned that it is too early to consider the news a trend.

"If the virus case numbers fade, maybe people can resume their economic lives and spending," he said. "But right now the virus's path is so unpredictable."

Even under normal circumstances, Merced County's unemployment rate tends to about double the state's rate. Now, the gap is much tighter. But that isn't necessarily all

good news, officials warn. "Locally, its great news to see that folks are back to work, so I'm very happy to see the increase there," Mirrione said. But he added "The impact statewide is very concerning to us."

Mirrione said the county will have to wait and monitor how unprecedented California unemployment could affect the state budget and aid. Another aspect influencing the length and breadth of the economic outlook is the federal and state protections, like the Coronavirus Aid, Relief, and Economic Security (CARES) Act, intended to prevent a long term recession.

In May 2011, the Merced County had rocketed to 17.1% unemployment — a bit higher than it is now. This was likely due to the Great Recession, Mirrione said. But the factors affecting the coronavirus-spurred recession are too different to look to the county's recovery back then as a road map now, he said.

"At this point, we're in a wait and see pattern," Mirrione said. "Depending on how the state budget is finalized, there's the potential for possible CARES Act allocation."

At the adoption of the county's fiscal year 2020-21 budget recently, officials urged County Supervisors to think of the economy in terms of at

least two years.

Aspects like the property tax receipts were determined in January, prior to the bulk of COVID-19's economic effects, Mirrione said. This means that the next fiscal year will include those tax receipts affected by the pandemic.

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ACE Ceres-Merced Extension Project  
Environmental Impact Report

## JOIN AN UPCOMING VIRTUAL PUBLIC SCOPING MEETING (WEBINAR)

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FROM PAGE 1A  
**SURGE**

more than 66 percent of coronavirus infections have affected Latinos, who make up 47 percent of county population, while only 23 percent of cases are white residents. The largest surge in cases has impacted the predominately Latino neighborhoods in west and south Modesto. Early this week, a state testing site was moved from Keyes to a center at Marshall Park in west Modesto.

County officials said the Keyes testing site was chosen by the state after an analysis of demographic data for improving testing access for agricultural workers, undocumented people and other residents. At first, people took advantage of the testing opportunity in Keyes but then the numbers dwindled, a top official said.

Michael Garcia, a former commander for the American GI Forum, told supervisors Latinos at lower income levels often live in smaller homes with family members from multiple generations. Garcia said some Spanish-speaking residents may have distrust for the county's contact tracing process, which attempts to identify those who have been in contact with an infected person. Garcia called for culturally competent health education for the community.

Ken Carlson: 209-578-2321



After spending two weeks in quarantine because of the coronavirus in Kyiv, Ukraine, Claudio Arakari of Buenos Aires, Argentina, and her husband, Osvaldo Nakandakare, hold their baby daughter Soye for the first time Wednesday. Soye was born via a Ukrainian surrogate mother.

FROM PAGE 1A  
**BABIES**

zarré to arise from travel restrictions imposed to limit the spread of the coronavirus.

But the schedule for pickups so far is slower than the rate of births, so the stranded surrogate babies are still growing in number in Ukraine.

Authorities have estimated that 1,000 surrogate mothers are expecting. So far, 120 genetic parents of 125 babies have asked for assistance with travel, and 31 couples have arrived, including the 11 who met their babies Wednesday, according to Lyudmila Denisova, Ukraine's human rights ombudsman. The U.S. Embassy in Kyiv said in a statement that it had helped six American par-

ents travel to Ukraine.

Ukraine is an outlier among nations, though not alone, in allowing foreigners access to a broad range of reproductive health services, including buying eggs and arranging for surrogate births for a fee. Ukrainian law grants custody to the genetic parents.

Diez and her husband, Fernando Montero, both 46, said they turned to Ukraine for a surrogate mother after years of failed fertility treatments in Argentina.

They named their son Ignacio (and nicknamed him Nacho). Born April 29, he spent the first month and a half of his life cared for by nurses in a room packed with cribs.

FROM PAGE 1A  
**FIREFIIGHTERS**

spread among those social circles," she said. "They see it as funny and OK. How are we to expect that there are not more bad apples?"

West Stanislaus Fire Chief Jeff Gregory confirmed his firefighter is a battalion chief and one of the department's volunteers and has been disciplined.

"The West Stanislaus County Fire District has an outstanding relationship with the people of the district," Gregory said in an email. "Our members are sworn to serve and protect. We were made aware of a Facebook post by one of our members that was insensitive."

**SUSPENDED FROM DUTY**

"We immediately reached out to the member and had him remove the post. He has since been suspended from duty and (is) being assigned diversity sensitivity training. The West Stanislaus Fire District values our community and its diversity as it continues to grow."

The district has six fire stations serving about 10,000 residents, in such communities as Newman, Wesley and Crows Landing. It is staffed primarily by volunteers, who receive \$10 for each call they respond to.

Modesto Fire Chief Alan Ernst said his department will investigate the

complaint it received over the weekend that one of its firefighters clicked on the Facebook like icon, allegedly showing support of the post.

Ernst declined to name the firefighter or give his rank, such as whether he is an engineer or captain, saying it was a personnel matter. Ernst said Monday the firefighter would be placed on paid leave once he returned to duty while the department conducted the investigation.

Ernst said this allegedly happened while the firefighter was off duty but said he could not say more because of his role in the investigation of recommending potential discipline once the inquiry is completed.

Gregory said the battalion chief is a longtime and valued volunteer who has worked his way up the ranks. "He does regret

what he did, and I think he learned a good lesson," Gregory said in an email. One of the people who provided The Bee with the screenshots of the post said the battalion chief shared the post.

Neither the Modesto firefighter — who The Bee verified is a fire captain — nor the West Stanislaus battalion chief responded to requests from comment from The Bee.

**WHAT DOES IT MEAN TO CLICK 'LIKE'?**

Public officials and employees need to use caution when exercising their First Amendment rights, said Rex Osborn, a retired Manteca Police Department spokesman who trains public officials and employees in non-verbal leadership.

"They still have freedom of speech, but we tell them they have to walk a

fine line because of the public's perception," Osborn said.

He said that ranges from body language to social media and how the public perceives those messages.

Osborn said he has never heard of someone getting in trouble for liking a Facebook post. "Like is very ambiguous," he said. "It's hard to know the person's state of mind and what they meant."

He said clicking on Facebook's like icon mean someone is acknowledging a post or that the person wholeheartedly agrees with it or was the click a mistake? "The interpretation of a like is the hard part. And it's too easy to do."

Kevin Valine:  
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@kevinvaline

**The Modesto Bee**

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## AROUND THE REGION

## MODESTO

**What:** AFP virtual lunch and learn program  
**When:** Thursday, July 2, 12:30-3 p.m.  
**Where:** Online

**Info:** The Association of Fundraising Professionals, Yosemite chapter, invites the public to its two-hour mini education course, "Securing the Gift," presented by Jack Abbot, MA, CFRE, Sanford Institute of Philanthropy. Cost is \$20 for members, \$30 for non-members. Email [afp@yosemite.com](mailto:afp@yosemite.com) or visit [community.afpglobal.org/afpcayosemitechapter](http://community.afpglobal.org/afpcayosemitechapter).

**What:** Modesto Institute for Continued Learning  
**When:** Through Mid-August  
**Where:** Online via Zoom

**Info:** The Modesto Institute for Continued Learning (MCL) invites seniors 55 and over, interested in learning-in-retirement, to its free summer classes online through Zoom conferencing. The curriculum includes history classes, travel around the world, current events and more. The current classes for the Summer Session include: Tuesdays 1-3 p.m., Open Discussions; Wednesdays 10 a.m.-noon, "What in the World" (current events); Wednesdays 1-3 p.m., History of the CIA. If you are interested in attending, email Dave Froba [davefroba@comcast.net](mailto:davefroba@comcast.net) or Ron Rutschman [ruts@shotmail.com](mailto:ruts@shotmail.com).

## NORTHERN CALIFORNIA

**What:** Special Olympics of Northern California at Home Games  
**When:** June 29-July 2  
**Where:** Your home

**Info:** In lieu of the organization's largest annual in-person competition, Special Olympics Northern California (SONC) will host the 2020 Summer Games at Home virtual event. SONC's annual in-person Summer Games was cancelled due to the COVID-19 pandemic. Visit [www.SONC.org](http://www.SONC.org).

## LA GRANGE

**What:** Odd Fellows Breakfast  
**When:** Sunday, July 12, 8 to 11 a.m.  
**Where:** KOF Hall, 3018 Yosemite Blvd.

**Info:** The La Grange Odd Fellows, Lafayette Lodge No. 65 invites the public to its second Sunday breakfast. Guest will get biscuits and gravy, sausage, ham and cheese omelets and all-you-can-eat pancakes. Cost is \$8 ages and over, \$3 ages 6 to 12, free ages 5 and under. Complimentary coffee and orange juice will be available. Note: the breakfast will adhere to social distancing and safe food handling guidelines. Tickets also available for Saturday, Aug. 15, annual Carish Dinner. Call Chris at 209-855-2128 or email [renwah@sonnet.com](mailto:renwah@sonnet.com).

## PATTERSON

**What:** Patterson special school board meeting, in person  
**When:** Monday, 6 p.m.  
**Where:** Patterson Unified School District, 510 Keystone Blvd.

**Info:** The Patterson Unified School District Board of Trustees will hold a special meeting that begins in open session at 6 p.m. for public comment and then will close to closed session for a review of the superintendent. Due to the current emergency, social distancing and masks are required. Board agenda: [boarddocs.com/cal/husd/Board.pdf](http://boarddocs.com/cal/husd/Board.pdf). District info: 209-895-7700.

## TURLOCK

**What:** Stanislaus County Fair Food Fix Drive-Thru  
**When:** June 26-28, 11 a.m. to 7 p.m.  
**Where:** 900 North Broadway

**Info:** Fair management worked with local fair vendors to bring the community options for fair food this summer. The fair will only accept drive-thru orders. Customers must stay and order their food in car, an employee will take the order. VFW 5059 Auxiliary Booth will have hamburgers and fries. Yonah's will have fresh hand-dipped corn dogs and curly fries. Visit [www.stancofair.com](http://www.stancofair.com).

Send Region items to Region, The Modesto Bee, 948 11th St., Suite 300, Modesto, CA 95354; call 209-578-2330; fax 209-578-2207; or email [region@modbee.com](mailto:region@modbee.com).



Actionsewer members speak to a crowd during a Juneteenth event at Cesar Chavez Park in Modesto Friday.

## FROM PAGE 3A

## JUNETEENTH

the promise of the Thirteenth, Fourteenth and Fifteenth Amendments," Roaf said. "Of not only having it written on paper, but actually fully realizing it in practice."

Finn Ceja, a 15-year-old Turlock High student, was among the demonstrators who gathered at a Juneteenth protest on the intersection of Geer Road and Monte Vista Avenue. Holding a Black Lives Matter sign, he joined about 50 people in chanting "No justice, no peace." "I know you can't always change people's minds, but at least (I can try) opening up a conversation and getting them to do a little more research just to learn a little more to educate themselves," Ceja said.

## CALLS FOR BETTER BLACK HISTORY EDUCATION

Brianna Jones, a co-founder of Never Stay Silent, described Juneteenth as an opportunity to reflect on Black culture. African-American history involves more than slavery, said Jones, who added that Juneteenth is an opportunity to educate people about African kingdoms as well as the importance and

influence of Black music. "We are so much more than oppression, we are so much more than the chains and the poverty and everything that people say the stereotypes of Black people are and what we've been through," Jones said. "We are so much more than that."

Riley Cade, 16, said learning about Juneteenth and Black history within the community is especially meaningful because teachers at Turlock High School don't cover the subjects. As she and her peers ran a Black Student Union fundraiser at the Turlock Juneteenth event, Cade explained how they are pushing for an ethnic studies requirement.

"African-American history is American history," Cade said. "...We are human beings and we are deserving of rights. It's important for people to know that when the colonists went to Africa, they did not steal slaves. They stole doctors, writers, scholars and architects — good, hard-working and intelligent people — and they made them slaves."

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[@kristinlam](mailto:@kristinlam)

## FROM PAGE 3A

## BUSINESS BEAT

itized."

Merced health officials reported Hughson Nut Company had eight cases in their Livingston plant at the start of the week, and by mid-week rumors swirled about more cases at other area facilities. The plant manager confirmed "several" cases at the Livingston facility only to The Bee, which the company also said will be re-cleaned with professional services after an initial cleaning when the cases were confirmed. They are also awaiting test results for additional employees.

The Texas Roadhouse on Silk Road in Modesto confirmed it recently had two employees test positive. A corporate representative told The Bee neither of the employees worked while they had symptoms, the restaurant was deep-cleaned and "given that we wear masks and are not in close contact with guests for 15 straight minutes, guests should not be concerned."

Late last month the Save Mart supermarket in Riverbank's Crossroads shopping center closed when an employee tested positive for COVID-19. The day after the closure, the company posted about the incident on Facebook and released additional and specific information about its cleaning procedures.

When you compare and contrast all the businesses' responses to reports of positive COVID-19 cases in their workplaces, it's clear the public isn't being consistently informed. What's less clear is what we can do about it.

## CDC RECOMMENDATIONS FOR BUSINESSES WITH SICK EMPLOYEES

According to Cal/OSHA any work-related COVID-19 illnesses of employees must be recorded and logged with the state. The CDC offers overall guidelines on how businesses should handle employees who are sick with the virus, as well as cleaning protocols. They include:

- Separating and sending home any sick employees immediately.
- Closing off any areas (though not necessarily the whole facility) where sick employees worked for prolonged periods of time.
- Cleaning those areas, but waiting 24 hours first to "limit exposure for other employees to existing respiratory droplets."
- Opening outside doors and windows to increase circulation in the area while waiting to clean.

- Sanitizing dirty surfaces with soap and water before disinfecting them, then disinfecting with products that meet EPA criteria for use against SARS-CoV-2.
- Informing fellow employees of their possible exposure, while also maintaining confidentiality for sick employees.

Close contact is generally defined as being exposed to another person for 10 to 15 minutes while less than 6 feet apart.

The California Department of Public Health has issued its own outbreak guidance for workplaces as well. In addition to generally following the CDC recommendations, they also state that "(i) testing all employees in a workplace should be the first strategy considered for identification of additional cases" and then to "(c) conduct contact tracing and quarantining of close contacts of confirmed cases in the workplace."

In Stanislaus County their Good2Go Stanislaus business training program also follows the general CDC guidelines and requires notification to both

the Health Services Agency and close contacts. The general guidelines for outbreaks at businesses include contact tracers being given the names of infected employees along with all employee rosters, and then upon verification placing exposed employees in quarantine, according to protocols sent by Stanislaus Health Educator Kamlesh Kaur.

"As more areas of the county opens and residents get back to work or other activities, we are bound to have individuals exposed to positive cases whether at work or in community," Kaur wrote in an email to the Bee about information on local outbreaks.

## PREVENTATIVE MEASURES STILL BEST DEFENSE AGAINST OUTBREAKS

As the county, state and nation reopen amid the continuing global pandemic, exposure is bound to increase and employees are therefore bound to get sick. That's just how highly contagious respiratory viruses without vaccines and universally applied preventative measures work.

As always, the best defense is a good offense. Agencies from the WHO to the CDC, CDPH and Stanislaus County HSA continue to recommend maintaining 6 feet of social distance, wearing face coverings, washing your hands and not touching your face.

Stanislaus County announced a planned mask mandate in the region Wednesday night, ahead of Gov. Gavin Newsom's statewide order issued Thursday afternoon. Those

## WHEN YOU COMPARE AND CONTRAST ALL THE BUSINESSES' RESPONSES TO REPORTS OF POSITIVE COVID-19 CASES IN THEIR WORKPLACES, IT'S CLEAR THE PUBLIC ISN'T BEING CONSISTENTLY INFORMED.

orders should eliminate any questions about who should be wearing masks in public and business settings. (Hint: The answer is everyone.)

But the question of what the public deserves to know when their favorite stores or restaurants, or workplaces large and small, have confirmed COVID-19 cases remains unclear. According to a written statement from a spokesperson for the CDPH,

"Local health departments may identify outbreaks during their investigations of cases. It would be a local responsibility to assess the situation and determine how to respond."

Health officials do this all the time in cases of infectious disease outbreaks like hepatitis A or E. coli. In Stanislaus County, Health Officer Dr. Julie Vaishampayan has been at times reluctant to confirm cases at specific businesses, citing HIPAA privacy rules. Requests for confirmation of recently rumored cases at the aforementioned businesses were not returned.

Dr. Vaishampayan has spoken with The Bee about widely reported outbreaks at nursing home facilities in Turlock and Modesto, as well as confirmed some outbreaks in other counties including the Safeway in Tracy which led to the death of a Turlock man.



I think people understand the need and right to privacy for workers who have tested positive. No one wants to brand people with Scarlet C's or create

undue panic. For small workplaces, revealing information might indeed breach confidentiality rules. Also, it's important to note that just because a business reports an employee with the virus, it doesn't mean that's automatically a bad business.

But this still puts the public and some workers in a Catch-22 when it comes to finding out about businesses where employees have tested positive. Without transparency, the public can't make informed decisions about their health and possible risks. Corporations, like Walmart, refuse to report out stores with sick workers, instead saying they are doing due diligence by informing local health departments. And then local health departments decline to state which businesses have had positive cases.

Let's be perfectly clear, maintaining secrecy at your business or outright trying to sweep COVID-19 cases under the rug helps no one. It creates an atmosphere of fear among employees, and it dilutes the public trust in your institution. Better to be clear, and say what steps you are taking to address the enormous coughing elephant in the room. Otherwise, in the absence of information, people will assume your business has something potentially deadly to hide.

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# Drive-thru to offer fair food fix

BY ANGELINA MARTIN  
Turlock Journal

The fair may be canceled this summer, but the community will still be able to get their fill of corn dogs and more from the comfort of their cars.

The Stanislaus County Fair is launching the Sit Tight, Fair Bites Drive-Thru next weekend, giving locals the chance to grab fair food favorites despite the coronavirus pandemic’s impact on the annual event. So far, attendees will be able to order a famous fair burger or Warrior Fries from the Veterans of Foreign Wars 5059 Auxiliary booth or one of Yonan’s fresh-dipped corn dogs with a side of curly fries — two fair food staples that otherwise would have been sorely missed this year, fair spokesperson Adrenna Alkhas said.

“Our community is so fair-driven during the summer time that we wanted to give that feeling back to the community somehow,” she

said. Customers can purchase food by driving up to the fair’s main Arch Gate on North Broadway, where their order will be taken as they sit in their car. Then, they’ll park inside the fairgrounds and wait for an employee to deliver the food to their car. Alkhas said people have inquired about the possibility of to-go orders from fair food vendors for years, so it’s been exciting to finally implement the service despite the circumstances.

All public health and safety guidelines will be followed by employees, like masks, gloves and frequent sanitization.

The drive-thru not only allows community members to get their fair food fix, but also gives organizations like the VFW the chance to still fundraise even though the fair has been canceled.

“The food is a huge component of the fair because it’s not just something that people love, this is how some



Photo contributed

**Locals can still indulge in a Stanislaus County Fair food favorite, corn dogs, through a drive-thru event being held weekends June 26 through July 19.**

of our nonprofits make a majority of their funding,” Alkhas said. “With the fair being postponed, it has been hard for some of these folks. The ripple effect has been tremendous for the commu-

nity, from our livestock kids to our food vendors and carnival employees, but mostly our nonprofits.”

The Sit Tight, Fair Bites

SEE FAIR, PAGE A7

# AgREPORT

## ▶ VISIT CDFA WEBSITE FOR LATEST COVID-19 WORKER SAFETY RESOURCES

The California Department of Food and Agriculture (CDFA) offers Coronavirus (COVID-19) Resources for Food and Agriculture via a web page that is updated regularly. This is part of CDFA’s continuous effort to provide food and agriculture workers and employers with access to the latest information.

Latest updates to the Worker Safety section ([www.cdfa.ca.gov/coronavirus/#WorkerSafety](http://www.cdfa.ca.gov/coronavirus/#WorkerSafety)) include:

— The U.S. Centers for Disease Control and Prevention (CDC) has updated its Guidance for Agriculture Workers and Employers to include an Agricultural Employer Checklist for Creating a COVID-19 Assessment and Control Plan.

— The CDC also now offers guidance on the appropriate use of testing for SARS-CoV-2 and a Testing Strategy for Coronavirus (COVID-19) in High-Density Critical Infrastructure Workplaces after a COVID-19 Case Is Identified, illustrated by a testing strategy flow diagram.

— CalOSHA offers COVID-19 Infection Prevention for Agricultural Employers and Employees, as well as a COVID-19 Daily Checklist for Agricultural Employers and a COVID-19 General Checklist for Agricultural Employers.

CalOSHA also offers a video, COVID-19 Infection Prevention Guidance for Agricultural Workers. For these and many more resources that are updated regularly, visit [www.cdfa.ca.gov/coronavirus/](http://www.cdfa.ca.gov/coronavirus/)

## ▶ EQUITY AND ACCESS IN AGRICULTURE: REPORT OF CALIFORNIA’S FARMER EQUITY ACT

Diversity – and pride in that diversity – are California hallmarks. For generations, Californians have boldly lived true stories of strength and perseverance toward a better life for themselves, their families and their communities. The current events in further pursuit of those goals align with California’s values, and the California Department of Food and Agriculture is proud to play a role for our farmers and ranchers from across the racial, ethnic and gender spectrum.

In 2017, a bill authored by Assemblymember Cecilia Aguilar-Curry to enhance farmer equity was signed into law. The Farmer Equity Act, also known as AB 1348, recognizes that California’s farmers and ranchers are made up of a diverse group of people who have not all had equal access to resources and information in order to successfully run their businesses. The law aims to change that definitively by making sure that socially disadvantaged farmers and ranchers have equal access to assistance programs.

The legislation called for CDFA to produce a Farmer Equity Report, which is now complete and identifies four key challenges facing socially disadvantaged farmers and ranchers.

- Land tenure
- Language

SEE AG, PAGE A7

# CHP seeks reaccreditation

STAFF REPORTS  
Turlock Journal

The California Highway Patrol (CHP) will seek public input later this month as part of its assessment from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), an internationally recognized nonprofit organization dedicated to improving law enforcement and public safety services.

The primary purpose of CALEA is to improve the delivery of public safety services by maintaining a comprehensive body of law enforcement standards, establishing and administering an accreditation process,

and recognizing professional excellence. The CHP, which has been accredited since 2010, is the largest state law enforcement agency in the United States to be accredited. The CHP Academy and Communications Centers are also accredited.

As a part of this assessment, members of the public are invited to comment by calling (916) 843-4398 between 9 a.m. and 11 a.m. June 30. Additionally, the public is invited to participate in a virtual public hearing at 1 p.m. June 30. The virtual public hearing, which will be conducted via Webex, will give members of the public an opportunity to

interact with CALEA assessors, to provide commentary about the CHP, or ask questions about the accreditation process. To participate in the virtual public hearing, e-mail [chp-accreditation@chp.ca.gov](mailto:chp-accreditation@chp.ca.gov) no later than 5 p.m. June 25.

The public’s input is one component of a three-day virtual visit in June by a team of assessors from CALEA. During their visit, the CALEA assessors will verify the CHP’s overall compliance with a set of standards designed to ensure the Department’s policies and procedures are consistent with law enforcement industry best practices. The assessors

will remotely examine CHP Headquarters, the CHP Academy in West Sacramento, and various administrative and field commands to examine all aspects of the Department’s policies, procedures, administration, operations, and support services.

“We welcome the accreditation process,” said CHP Commissioner Warren Stanley, who has led the Department since 2017. “The input we receive from the public and the assessment team gives the CHP direction and helps us continuously improve. The CALEA assessment is a valuable resource for the Department.”

## ConservationCorner

### Recycling during coronavirus

Although stay-at-home orders are slowly but surely being released in cities and counties across the country, many Americans are undoubtedly spending more time at home this year. This leaves potential for more waste generation to occur at home; but it can also lead to more opportunity to reuse and recycle certain items.

#### Tips and Reminders During and After COVID-19:

- Keep plastic bags, masks, wipes, and latex gloves out of the recycling bin.
- If someone in your home has COVID-19, treat your recyclables as trash.
- Don't put your recyclables in plastic bags.

- Clean and shake dry recyclables to ensure products get recycled.
- Break down cardboard boxes and put them in the recycling bin whenever possible.
- Put recycling and trash in the appropriate bins, not next to them. Leaving materials next to bins increases risks to sanitation workers and can attract pests.

For questions or additional information, contact Municipal Services at (209) 668-5590 or visit the City of Turlock website at: [www.CityofTurlock.org](http://www.CityofTurlock.org). Brought to you by the City of Turlock Municipal Services Department.

### Tips for waste disposal amid COVID-19

Ensure that everything in the recycling bin is recyclable.

Bag all trash, including bulk waste and brush.

When there is more trash than normal, dispose of it over several trash pickup days rather than all at once.

**NOT RECYCLABLE**

- sharp objects
- plastic bags
- batteries
- food
- explosives
- tanglers

**RECYCLABLE**

- cardboard
- plastic bottles or jugs
- aluminum cans
- steel or tin cans
- chipboard
- paper
- glass

SOURCE: REPUBLIC SERVICES/COMMUNITY IMPACT NEWSPAPER

### CONSERVATION TIP

Summer Watering Schedule: Odd numbered residences can water on Wednesdays and Sundays. Even numbered residences can water on Tuesdays and Saturdays. No watering is allowed between the hours of 9 a.m. and 7 p.m.

## Yard Sale?

# \$\$\$

Sell your stuff in our Marketplace 209 section.  
Please call to place your ad.  
**209-634-9141**



**TURLOCK JOURNAL**



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**SAN JOAQUIN REGIONAL RAIL COMMISSION**

## ACE Ceres—Merced Extension Project Environmental Impact Report

### JOIN AN UPCOMING VIRTUAL PUBLIC SCOPING MEETING (WEBINAR)

The San Joaquin Regional Rail Commission (SJRRRC) invites agencies, stakeholders, and the public to join one of three virtual scoping meetings (webinars) to learn more about the project to extend Altamont Corridor Express (ACE) service to Merced.

Virtual Scoping Meeting #1 (Webinar)	Virtual Scoping Meeting #2 (Webinar)	Virtual Scoping Meeting #3 (Webinar)
<b>Thursday, June 25, 2020</b>	<b>Thursday, June 25, 2020</b>	<b>Tuesday, June 30, 2020</b>
<b>3:00 – 4:30 pm</b>	<b>6:30 – 8:00 pm</b>	<b>6:30 – 8:00 pm</b>

Webinar links will be made available at the Project webpage one week prior to the meeting date. Sign-up to receive email reminders and learn more when you visit the Project webpage.

**<https://acerail.com/merced-extension-eir>**

Virtual scoping meetings will begin with a live presentation providing an overview of the Project and the California Environmental Quality Act (CEQA) process, followed by a question and answer session based on questions submitted online from attendees. All three virtual scoping meetings will be identical in format and content.

#### Additional Information

The Notice of Preparation (NOP) provides a more detailed description of the Project and can be viewed online at <https://acerail.com/merced-extension-eir>.

The SJRRRC is currently preparing an environmental impact report (EIR), consistent with requirements under CEQA. The purpose of the EIR is to evaluate the environmental issues associated with the proposed improvements included in the ACE Ceres—Merced Extension Project (Project). The SJRRRC will serve as the lead agency under CEQA for the EIR.

The Project consists of the following:

- A **Ceres to Merced Extension Alignment** consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced, which would allow for an extension of ACE rail service to Merced;
- New **Turlock, Livingston or Atwater, and Merced Stations** along the extension alignment; and
- A new permanent **Merced Layover & Maintenance Facility** to support extension operations.

#### Scoping Comments – Your Comments are Important to Us

SJRRRC is seeking comments from agencies, stakeholders, and the public regarding the scope of the environmental topics that will be analyzed in the EIR. Written responses and comments on the scope of the ACE Ceres-Merced Extension Project will be accepted until **5:00 PM on Tuesday, July 7, 2020**.

Please send comments to:

Mail: San Joaquin Regional Rail Commission  
Attn: ACE Ceres—Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

Email: [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)  
Please include the “ACE Ceres-Merced Extension Project” in the subject heading.

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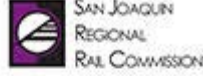




## Virtual Scoping Meetings

ACE Ceres-Merced Extension Project  
June 25 and June 30

TAP HERE



## Virtual Scoping Meetings

### ACE Ceres-Merced Extension Project

Join a webinar to learn more about the  
Project to extend Altamont Corridor  
Express service to Merced.

#### SAVE THE DATE

Thursday, June 25, 3:00-4:30 pm  
Thursday, June 25, 6:30-8:00 pm  
Tuesday, June 30, 6:30-8:00 pm

[Click Here](#)



## Virtual Scoping Meetings

### ACE Ceres-Merced Extension Project

Join a webinar to learn more about the  
Project to extend Altamont Corridor  
Express service to Merced.

#### SAVE THE DATE

Thursday, June 25, 3:00-4:30 pm  
Thursday, June 25, 6:30-8:00 pm  
Tuesday, June 30, 6:30-8:00 pm

[Click Here](#)

## Email Notification

## Mendoza, Tiffany

---

**From:** ACE Rail <marketing@acerail.com>  
**Sent:** Thursday, May 28, 2020 2:00 PM  
**To:** Mendoza, Tiffany  
**Subject:** ACE Ceres–Merced Extension Project – Notice of Preparation of an EIR and Virtual Meetings



SAN JOAQUIN  
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### ACE Ceres–Merced Extension Project Notice of Preparation of an EIR and Virtual Meetings

The San Joaquin Regional Rail Commission (SJRRRC) intends to prepare an environmental impact report (EIR), consistent with requirements under the California Environmental Quality Act (CEQA). The purpose of the EIR is to evaluate the environmental issues associated with the proposed improvements included in the Altamont Commuter Express (ACE) Ceres–Merced Extension Project. The SJRRRC will serve as the lead agency under CEQA for the EIR.

The Project, for which this NOP is being released, is Phase II of the Project that was analyzed in the *ACE Extension Lathrop to Ceres/Merced EIR*. The new EIR that is being prepared by the SJRRRC will analyze the potential environmental impacts from expanding ACE service between Ceres and Merced at a project-level detail. This new project-level EIR is tiered from the programmatic analysis in the prior EIR and, thus, where appropriate, the new EIR will incorporate analysis from the prior analysis.

The Project would consist of the following proposed elements:

- A **Ceres to Merced Extension Alignment** consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced;
- New **Turlock, Livingston or Atwater, and Merced Stations** along the extension alignment; and
- A new permanent **Merced Layover & Maintenance Facility** to support extension operations.

The purpose of the Notice of Preparation (NOP) is to notify agencies, organizations, and individuals that SJRRRC plans to prepare the EIR and to request input on the scope of the environmental analysis to be performed. The [NOP](https://acerail.com/merced-extension-eir) provides a more detailed description of the Project and can be viewed online at <https://acerail.com/merced-extension-eir>.

#### Virtual Scoping Meetings

In accordance with current social distancing guidance related to the Novel Coronavirus (COVID-19), all scoping meetings for the ACE Ceres–Merced Extension Project will take

place online as webinars. Virtual scoping meetings will take place at the following dates and times:

- Virtual Scoping Meeting #1 (Webinar) - June 25, 2020 (3:00 P.M. - 4:30 P.M.)
- Virtual Scoping Meeting #2 (Webinar) - June 25, 2020 (6:30 P.M. - 8:00 P.M.)
- Virtual Scoping Meeting #3 (Webinar) - June 30, 2020 (6:30 P.M. - 8:00 P.M.)

The link to join each virtual open house will be made available on the Project webpage prior to the webinars. Visit the Project webpage at <https://acerail.com/merced-extension-eir> to sign up to receive email reminders for these webinars. Virtual scoping meetings will begin with a live presentation providing an overview of the Project and the CEQA process, followed by a question and answer session based on questions submitted online from attendees. All three virtual scoping meetings will be identical in format and content.

### Scoping Comments

SJRRC is seeking comments from agencies, stakeholders, and the public regarding the scope of the environmental topics that will be analyzed in the EIR. Written responses and comments on the scope of the ACE Ceres-Merced Extension Project will be accepted until 5:00 PM on Tuesday, July 7, 2020.

Please send comments to:

Mail: San Joaquin Regional Rail Commission  
Attn: ACE Ceres-Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

Email: [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)

Please include the "ACE Ceres-Merced Extension Project" in the subject heading.



ACE Rail | 949 East Channel St., Stockton, CA 95202

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**From:** ACE <info@sjjpa.com>  
**Sent:** Friday, June 12, 2020 12:08 PM  
**To:** Mendoza, Tiffany  
**Subject:** ACE Ceres–Merced Extension Project Environmental Impact Report



SAN JOAQUIN  
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## **ACE Ceres–Merced Extension Project Environmental Impact Report**

### **Save the Date! Virtual Public Scoping Meetings (Webinars)**

The San Joaquin Regional Rail Commission (SJRRC) invites agencies, stakeholders, and the public to join one of three virtual scoping meetings (webinars) to learn more about the project to extend Altamont Corridor Express (ACE) service to Merced.

- **Virtual Scoping Meeting #1 (Webinar) – June 25 (3:00 pm – 4:30 pm)**
- **Virtual Scoping Meeting #2 (Webinar) – June 25 (6:30 pm – 8:00 pm)**
- **Virtual Scoping Meeting #3 (Webinar) – June 30 (6:30 pm – 8:00 pm)**

Webinar links will be made available at the project webpage one week prior to the meeting date. Sign-up to receive email reminders and learn more when you visit the project webpage at: <https://acerail.com/merced-extension-eir>.

Virtual scoping meetings will begin with a live presentation providing an overview of the Project and the California Environmental Quality Act (CEQA) process, followed by a question and answer session based on questions submitted online from attendees. All three virtual scoping meetings will be identical in format and content. In accordance with current social distancing guidance related to the Novel Coronavirus (COVID-19), all scoping meetings for the Project will be held online as webinars.

### **Additional Information**

The Notice of Preparation (NOP) provides a more detailed description of the Project and can be viewed online at <https://acerail.com/merced-extension-eir>.

SJRRC is currently preparing an environmental impact report (EIR), consistent with requirements under CEQA. The purpose of the EIR is to evaluate the environmental issues associated with the proposed improvements included in the ACE Ceres–Merced Extension Project (Project). The SJRRC will serve as the lead agency under CEQA for the EIR.

The Project consists of the following:

- A **Ceres to Merced Extension Alignment** consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced, which will allow for an extension of ACE rail service to Merced;
- New **Turlock, Livingston or Atwater, and Merced Stations** along the extension alignment; and
- A new permanent **Merced Layover & Maintenance Facility** to support extension operations.

### **Scoping Comments – Your Comments are Important to Us**

SJRRC is seeking comments from agencies, stakeholders, and the public regarding the scope of the environmental topics that will be analyzed in the EIR. Written responses and comments on the scope of the ACE Ceres-Merced Extension Project will be accepted until **5:00 PM on Tuesday, July 7, 2020**.

Please send comments to:

Mail: San Joaquin Regional Rail Commission  
Attn: ACE Ceres–Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

Email: [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)

Please include the “ACE Ceres-Merced Extension Project” in the subject heading.



San Joaquin joint powers authority | 949 E. Channel Street, Stockton, CA 95202

[Unsubscribe tiffany.mendoza@icf.com](mailto:tiffany.mendoza@icf.com)

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## Mendoza, Tiffany

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**From:** ACE <info@sjjpa.com>  
**Sent:** Wednesday, June 24, 2020 11:02 AM  
**To:** Mendoza, Tiffany  
**Subject:** ACE Ceres–Merced Extension Project – Virtual Scoping Meetings This Thursday!



SAN JOAQUIN  
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### ACE Ceres–Merced Extension Project Environmental Impact Report

**Reminder: Virtual Scoping Meetings Begin Thursday!**  
**Meeting Links Now Available at**  
<https://acerail.com/merced-extension-eir>

The San Joaquin Regional Rail Commission (SJRRRC) invites agencies, stakeholders, and the public to join one of three virtual scoping meetings (webinars) to learn more about the project to extend Altamont Corridor Express (ACE) service to Merced. Virtual scoping meetings begin this week.

- **Virtual Scoping Meeting #1 (Webinar) – June 25 (3:00 pm – 4:30 pm)**
- **Virtual Scoping Meeting #2 (Webinar) – June 25 (6:30 pm – 8:00 pm)**
- **Virtual Scoping Meeting #3 (Webinar) – June 30 (6:30 pm – 8:00 pm)**

Webinar links and dial-in phone numbers are available at the project webpage. Sign-up to receive email reminders and learn more when you visit the Project Webpage at: <https://acerail.com/merced-extension-eir>

Virtual scoping meetings will begin with a live presentation providing an overview of the Project and the California Environmental Quality Act (CEQA) process, followed by a question and answer session based on questions submitted online from attendees. All three virtual scoping meetings will be identical in format and content. In accordance with current social distancing guidance related to the Novel Coronavirus (COVID-19), all scoping meetings for the Project will be held online as webinars.

#### **Additional Information**

The Notice of Preparation (NOP) provides a more detailed description of the Project and can be viewed online at <https://acerail.com/merced-extension-eir>.

SJRRC is currently preparing an environmental impact report (EIR), consistent with requirements under CEQA. The purpose of the EIR is to evaluate the environmental issues associated with the proposed improvements included in the ACE Ceres–Merced Extension Project (Project). The SJRRC will serve as the lead agency under CEQA for the EIR.

The Project consists of the following:

- A **Ceres to Merced Extension Alignment** consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced, which will allow for an extension of ACE rail service to Merced;
- New **Turlock, Livingston or Atwater, and Merced Stations** along the extension alignment; and
- A new permanent **Merced Layover & Maintenance Facility** to support extension operations.

### **Scoping Comments – Your Comments are Important to Us**

SJRRC is seeking comments from agencies, stakeholders, and the public regarding the scope of the environmental topics that will be analyzed in the EIR. Written responses and comments on the scope of the ACE Ceres-Merced Extension Project will be accepted until **5:00 PM on Tuesday, July 7, 2020**.

Please send comments to:

Mail: San Joaquin Regional Rail Commission  
Attn: ACE Ceres–Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

Email: [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)

Please include the “ACE Ceres-Merced Extension Project” in the subject heading.



**Mendoza, Tiffany**

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**From:** ACE <info@sjjpa.com>  
**Sent:** Tuesday, June 30, 2020 10:02 AM  
**To:** Mendoza, Tiffany  
**Subject:** ACE Ceres–Merced Extension Project – Final Virtual Scoping Meeting Today!



## **ACE Ceres–Merced Extension Project Environmental Impact Report**

**Reminder: Last Virtual Scoping Meeting Today!**  
**Meeting Link Now Available Links**  
at: <https://acerail.com/merced-extension-eir>.

The San Joaquin Regional Rail Commission (SJRRRC) invites agencies, stakeholders, and the public to join the last virtual scoping meeting (webinar) this evening to learn more about the project to extend Altamont Corridor Express (ACE) service to Merced.

- **Virtual Scoping Meeting #3 (Webinar) – June 30 (6:30 pm – 8:00 pm)**

Webinar link and dial-in phone number are available at the project webpage. Sign-up to receive email reminders and learn more when you visit the project webpage at: <https://acerail.com/merced-extension-eir>.

The virtual scoping meeting will begin with a live presentation providing an overview of the Project and the California Environmental Quality Act (CEQA) process, followed by a question and answer session based on questions submitted online from attendees. In accordance with current social distancing guidance related to the Novel Coronavirus (COVID-19), all scoping meetings for the Project will be held online as webinars.

**Additional Information**

The Notice of Preparation (NOP) provides a more detailed description of the Project and can be viewed online at <https://acerail.com/merced-extension-eir>.

SJRRC is currently preparing an environmental impact report (EIR), consistent with requirements under CEQA. The purpose of the EIR is to evaluate the environmental issues associated with the proposed improvements included in the ACE Ceres–Merced Extension Project (Project). The SJRRC will serve as the lead agency under CEQA for the EIR.

The Project consists of the following:

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- New **Turlock, Livingston or Atwater, and Merced Stations** along the extension alignment; and
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### **Scoping Comments – Your Comments are Important to Us**

SJRRC is seeking comments from agencies, stakeholders, and the public regarding the scope of the environmental topics that will be analyzed in the EIR. Written responses and comments on the scope of the ACE Ceres-Merced Extension Project will be accepted until **5:00 PM on Tuesday, July 7, 2020**.

Please send comments to:

Mail: San Joaquin Regional Rail Commission  
Attn: ACE Ceres–Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

Email: [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)

Please include the “ACE Ceres-Merced Extension Project” in the subject heading.



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## **Online Community Calendars**

ACE Ceres-Merced Extension Project Public Meeting  
**Name:** ACE Ceres-Merced Extension Project Public Meeting

**Date:** June 30, 2020

**Time:** 6:30 PM - 8:00 PM PDT

**Website:** <https://acerail.com/merced-extension-eir/>  
[<https://acerail.com/merced-extension-eir/> ]

**Event Description:**  
: The San Joaquin Regional Rail Commission (SJRRRC) invites agencies, stakeholders, and the public to join one of three virtual scoping meetings (webinars) to learn more about the project to extend Altamont Corridor Express (ACE) service to Merced. The virtual scoping meetings are a part of the environmental review process which will result in an Environmental Impact Report (EIR) for the proposed Altamont Corridor Express (ACE) Ceres-Merced Extension Project. Members of the public are encouraged to participate. Visit the Project webpage at <https://acerail.com/merced-extension-eir/> to learn more, to join the virtual scoping meetings, and for information on how to provide scoping comments.

**Location:**  
Online - <https://acerail.com/merced-extension-eir/>

**Date/Time Information:**  
June 30, 2020; 6:30-8:00 pm

**Set a Reminder:**

Enter your email address below to receive a reminder message.

-- Select Days Before Event --

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1114 J St. , Modesto, CA 95354 – (209) 577-5757 – [jlastra@modchamber.org](mailto:jlastra@modchamber.org)

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get('Version') ); } add_action( 'wp_enqueue_scripts', 'my_theme_enqueue_styles' );
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Monday  
June 15, 2020

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**TOWN RIDE**  
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At Bob Hart Square  
Info: 209-261-7109

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June 15 & 16, 2020



[INSTRUCTIONAL CLASSES](#)

You can also purchase a meal to be donated to one of our local First Responders or Front Line Hospital Workers.

Tickets are \$25 per meal and you can purchase in advance is strongly encouraged.

All food and supplies used will be purchased through local retailers who employ our local citizens.

[return to top](#)

June 25, 2020

#### Event: Virtual Public Scoping Meeting – ACE Ceres-Merced Extension

**Description:** The San Joaquin Regional Rail Commission (SJRRRC) invites agencies, stakeholders, and the public to join one of three virtual scoping meetings (webinars) to learn more about the project to extend Altamont Corridor Express (ACE) service to Merced. The virtual scoping meetings are a part of the environmental review process which will result in an Environmental Impact Report (EIR) for the proposed Altamont Corridor Express (ACE) Ceres-Merced Extension Project. Members of the public are encouraged to participate.

The Project consists of the following: (1) a Ceres to Merced Extension Alignment consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced, which will allow for an extension of ACE rail service to Merced; (2) new Turlock, Livingston or Atwater, and Merced Stations along the extension alignment; and (3) a new permanent Merced Layover & Maintenance Facility to support extension operations.

Visit the Project webpage at <https://acerail.com/merced-extension-eir/> to learn more, to join the virtual scoping meetings, and for information on how to provide scoping comments.

Start: 3:00 pm

End: 4:30 pm

Date: 6/25/20

Location: Online - <https://acerail.com/merced-extension-eir/>

Cost: N/A

[return to top](#)

JUL

July 6, 2020

## Ask Me Anything featuring Rocio Gonzalez

Monday, July 6th  
2-3 PM PST

Register at  
<https://bit.ly/AMARocio>

Can't attend, but have a  
question for Rocio?  
Email [emeyer4@ucmerced.edu](mailto:emeyer4@ucmerced.edu) the  
question.



About Me: I am currently in the process of opening a healthy and affordable juice bar in Merced. I am also studying Holistic Nutrition through the Energetic Health Institute.

Description: Kind Neighbor is an all natural and sustainable juice bar. Our mission is to educate and serve natural, healthy and affordable foods to our community. We believe foods can heal. So we want to help our community learn what food can do for them. We also believe words can have an impact in your everyday routine. That is why each juice one orders has a positive affirmation to help you start your day. We never compromise our taste so we use organic fruits & vegetables, and products as much as possible. Our goal is to be sustainable, so we try to source our products locally as much as possible. Lastly, we are an eco-friendly juicery and we do everything possible to give back to our earth. Some of the ways we do this is by composting, reusing our pulp, and using reusable glass bottles.



UCMerced  
Sustainability



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July 31, 2020

FRIDAY, JULY 31, 2020  
8 PM




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# VIRTUAL PUBLIC SCOPING MEETING – ACE CERES-MERCED EXTENSION PROJECT

june  
**25**  
2020

## DETAILS

<b>Date:</b>	June 25
<b>Time:</b>	3:00 pm - 4:30 pm
<b>Recurring:</b>	One event on June 25, 2020 at 6:30 pm One event on June 30, 2020 at 6:30 pm <a href="#">(See All)</a>
<b>Event Categories:</b>	Civic
<b>Website:</b>	<a href="#">Visit Event Website</a>

## VENUE

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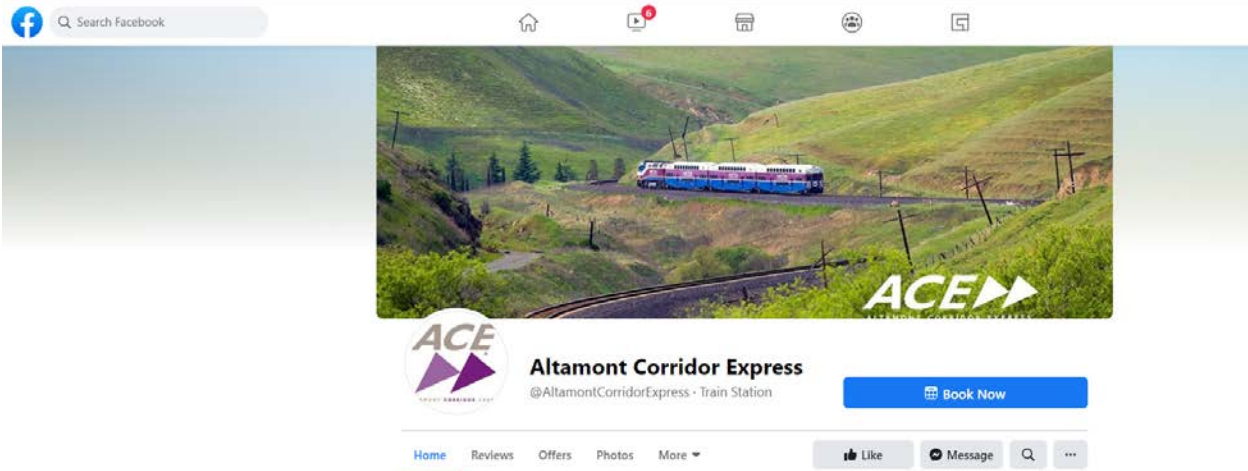



The San Joaquin Regional Rail Commission (SJRRCC) invites agencies, stakeholders, and the public to join one of three virtual scoping meetings (webinars) to learn more about the project to extend Altamont Corridor Express (ACE) service to Merced. The virtual scoping meetings are a part of the environmental review process which will result in an Environmental Impact Report (EIR) for the proposed Altamont Corridor Express (ACE) Ceres-Merced Extension Project. Members of the public are encouraged to participate.

The Project consists of the following: (1) a Ceres to Merced Extension Alignment consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced, which will allow for an extension of ACE rail service to Merced; (2) new Turlock, Livingston or Atwater, and Merced Stations along the extension alignment; and (3) a new permanent Merced Layover & Maintenance Facility to support extension operations.


Visit the Project webpage at <https://acerail.com/merced-extension-eir/> to learn more, to join the virtual scoping meetings, and for information on how to provide scoping comments.

## Social Media



**Altamont Corridor Express**  
June 30 · 🌐

Reminder: The San Joaquin Regional Rail Commission is conducting an environmental impact report for the ACE Ceres-Merced Extension Project. Learn more about this project by joining a virtual scoping meeting today at 6:30 PM! For more information visit: <https://acerail.com/merced-extension-eir/>



adjustments to how we are reaching out to you. Please join us at one of our upcoming scoping meeting webinars to learn more about the project and the environmental review process currently underway. Links will be made available on this webpage prior to the webinars.

**Virtual Scoping Meeting #1 (Webinar)**  
Thursday, June 25, 2020  
3:00 - 4:30 pm

**Virtual Scoping Meeting #2 (Webinar)**  
Thursday, June 25, 2020  
6:30 - 8:00 pm

**Virtual Scoping Meeting #3 (Webinar)**  
Tuesday, June 30, 2020  
6:30 - 8:00 pm

Can't make any of our scheduled webinars? Presentation materials for the virtual scoping meetings posted on this Project webpage soon after webinars are held.


**Submit Scoping Comments**  
Written responses and comments on the scope of the ACE Ceres-Merced Extension Project will be accepted until 5:00 PM on Tuesday, July 7, 2020. Please send written comments to:  
San Joaquin Regional Rail Commission  
Attn: ACE Ceres-Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

Your comments may also be sent by email to:


ACERAIL.COM


### ACE Ceres-Merced Extension Project – Environmental Impact Report - ACE Rail


Join the Virtual Scoping Meetings (via Zoom)  
Tuesday, June 30, 2020, 6:30 – 8:00 pm Online:  
<https://us02web.zoom.us/j/89077086925> Phone:  
669-900-6833, Webinar ID: 890 7708 6925 # Use the submission form below to provide Scoping...


 3

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## Altamont Corridor Express

June 24 · 🌐

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Reminder: The San Joaquin Regional Rail Commission is conducting an environmental impact report for the ACE Ceres-Merced Extension Project. Learn more about this project by joining a virtual scoping meeting on June 25 or June 30. For more information visit: <https://acerail.com/merced-extension-eir/>

### San Joaquin Regional Rail Commission ACE Ceres-Merced Extension Project Project Scoping Meetings



#### SAVE THE DATE

##### Virtual Scoping Meeting #1 (Webinar)

Thursday, June 25, 2020  
3:00 – 4:30 pm

##### Virtual Scoping Meeting #2 (Webinar)

Thursday, June 25, 2020  
6:30 – 8:00 pm

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Tuesday, June 30, 2020  
6:30 – 8:00 pm

Join one of the three webinars above to learn more about the Project to extend the Altamont Corridor Express (ACE) service to Merced. Webinars will be identical in content. The link to join the webinars will be made available at the Project webpage. For more information about the Project and to receive email reminders for the webinars, please subscribe to our Project e-mail list at:

**[www.acerail.com/merced-extension-eir](https://www.acerail.com/merced-extension-eir)**

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## Altamont Corridor Express

June 18 · 🌐

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Reminder: The San Joaquin Regional Rail Commission is conducting an environmental impact report for the ACE Ceres-Merced Extension Project. Learn more about this project by joining a virtual scoping meeting on June 25 or June 30, and visiting the Project webpage.

### San Joaquin Regional Rail Commission ACE Ceres-Merced Extension Project Project Scoping Meetings



### **Reminder: Join a Virtual Scoping Meeting**

Join one of the three webinars below to learn more about the Project to extend the Altamont Corridor Express (ACE) service to Merced. Webinars will be identical in content. The link to join the webinars will be made available at the Project webpage. For more information about the Project and to receive email reminders for the webinars, please subscribe to our Project e-mail list at:

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## Altamont Corridor Express

June 11 · 🌐



Save the Date! The San Joaquin Regional Rail Commission is conducting an environmental impact report for the ACE Ceres-Merced Extension Project. Learn more about this Project by joining a virtual scoping meeting on June 25 or June 30, and visiting the Project webpage.

### San Joaquin Regional Rail Commission ACE Ceres-Merced Extension Project Project Scoping Meetings



#### SAVE THE DATE

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6:30 – 8:00 pm

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San Joaquin Regional Rail Commission  
ACE Ceres-Merced Extension Project  
Project Scoping Meetings

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Thursday, June 25, 2020 3:00 – 4:30 pm	Thursday, June 25, 2020 6:30 – 8:00 pm	Tuesday, June 30, 2020 6:30 – 8:00 pm

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ACE® train is a commuter rail serve from Stockton to San Jose, Monday through Saturday.

## What's happening

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**Jim Jordan questions Fauci on protests and the spread of COVID-19**

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**Ed Rendell**

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Reminder: The San Joaquin Regional Rail Commission is conducting an environmental impact report for the ACE Ceres-Merced Extension Project. The Scoping meetings will be on June 25 or June 30. For more information visit:

Environmental assessment and intensity monitoring and control system and connectivity in the San Joaquin Valley

Additional passenger and service to areas with no service or very limited service

Reduction of travel time and environmental impact

Opportunity to connect with the future high-speed rail network

Expansion of new transportation alternatives to accommodate the future growth of the Valley Rail

Long term health benefits for ACE riders, and the reduction of greenhouse gas emissions

Reduction of local and regional greenhouse gas emissions

ACE Ceres-Merced Extension Project – Environmental Impact ...

PROJECT OVERVIEW AND BACKGROUND The ACE Ceres-Merced Extension Project is a key component of the Valley Rai...

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Tiffany Kaye

@tiffanykayem

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## **Attachment C: Scoping Meeting Presentation**

**ACE Ceres-Merced Extension Project**




**Virtual Scoping Meeting for the ACE Ceres-Merced Extension Project EIR**

**June 30, 2020 (6:30 – 8:00 PM)**


San Joaquin Regional Rail Commission

**Meeting Format**

- **Presentation**, followed by a **Questions and Answers** session
- For the Questions and Answers session, use the “Q&A” button bottom of your screen (Note: questions will not be answered until the Q&A section near the end of the virtual meeting)



**Phone only? Contact Leo Mena at 415-677-7170 to submit questions verbally**



Note: Questions asked during this webinar will be considered but are not official scoping comments.

Please e-mail, mail, or use the online submission form to submit official scoping comments.

San Joaquin Regional Rail Commission

**Agenda**

- I. Welcome, Meeting Goals, and Introductions
- II. Project Background
- III. Project Overview
- IV. Project Elements
- V. Environmental Review Process
- VI. Questions and Answers

San Joaquin Regional Rail Commission


**Welcome, Meeting Goals, and Introductions**

**Welcome,  
Meeting Goals,  
and Introductions**


San Joaquin Regional Rail Commission

**Welcome, Meeting Goals, and Introductions**


**Presenters**




**Dan Leavitt**  
Manager of Regional Initiatives  
San Joaquin Regional Rail Commission



**Daniel Krause**  
Project Manager  
AECOM



**Daniel Hartman**  
Project Engineer  
AECOM



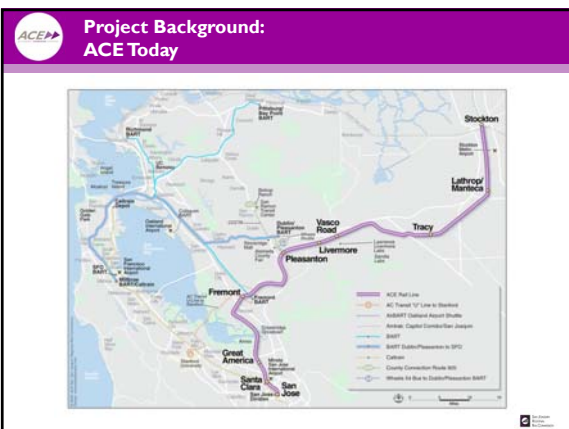
**Rich Walter**  
CEQA Lead  
ICF

San Joaquin Regional Rail Commission

**Project Background**

**Project  
Background**


San Joaquin Regional Rail Commission



**Project Background: ACE Today**


**Normal Service Pattern (Pre-COVID 19)**

- Four (4) Weekday Roundtrips
- Four (4) Westbound AM Trains run from Stockton to San Jose
- Four (4) Eastbound PM Trains run from San Jose to Stockton



**Temporarily Reduced Service**

- Due to reduced demand from the COVID 19 crisis, service is temporarily reduced to two (2) roundtrips each weekday
- The number of train cars has also been reduced



**Project Background: ACE Today**

**Annual Ridership**


- Safely transports over 1.5 million passengers (pre-COVID)

**Onboard Amenities**

- Bike cars with 14 bike stalls
- Tables, power outlets & Wi-Fi onboard

**Benefits of Riding ACE**

- Relax or work in comfort on ACE versus sitting in traffic
- Socialize with fellow passengers



**Project Background: Valley Rail Program**

Valley Rail Program includes expansion of both ACE and the San Joaquin Services

Valley Rail is funded by the Transit and Intercity Rail Capital Program (TIRCP) and other state funding sources.

**Project Background: Valley Rail Program (ACE Components)**

**Existing and Proposed ACE Rail Network**

The ACE portion of Valley Rail Program includes:

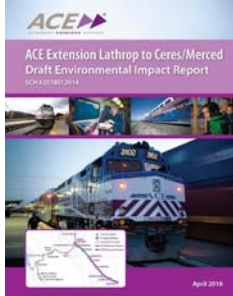
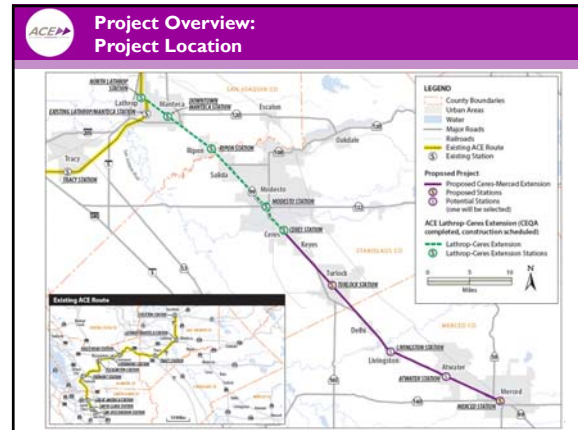
- Extensions from Stockton to Sacramento/Natomas (Environmental Clearance Phase)
- Extension from Lathrop to Ceres (Approved Project in Final Design and Permitting Phase)
- Extension from Ceres to Merced (Environmental Clearance Phase)

**Project Overview**

**Project Overview**

**Project Overview:  
Building on Previous Work**


- In 2018, the San Joaquin Regional Rail Commission completed an EIR for the ACE Extension from Lathrop to Ceres and to Merced.
- Analyzed Phase I of the extension of ACE from North Lathrop to Ceres at a "project-level" detail
- Analyzed Phase II of the extension of ACE from Ceres to Merced at a "programmatic level" of detail (Proposed Project);
- The current Project is now conducting an EIR at the "project-level" of detail to complete the environmental clearance process for the Ceres-Merced Extension.

**Project Overview:  
Service Plan**

**Service Plan of the Project includes:**

- Four (4) ACE Roundtrips to/from Merced on Weekdays
- Three (3) roundtrips would run between Merced and Sacramento/Natomas
- One (1) roundtrip would run between Merced and San Jose
- Timed transfers at the new North Lathrop Station would be provided, connecting passengers on the Natomas to trains to ACE trains headed to San Jose
- Initial service to Merced anticipated to begin in 2025



**Project Overview:  
Project Benefits**

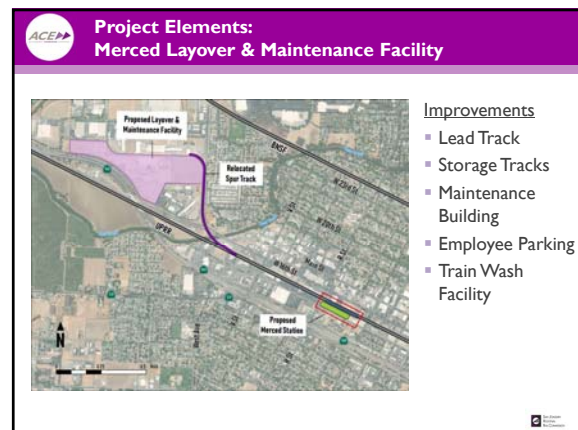
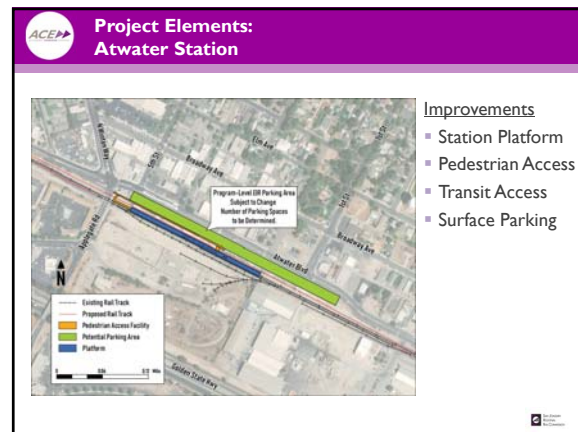
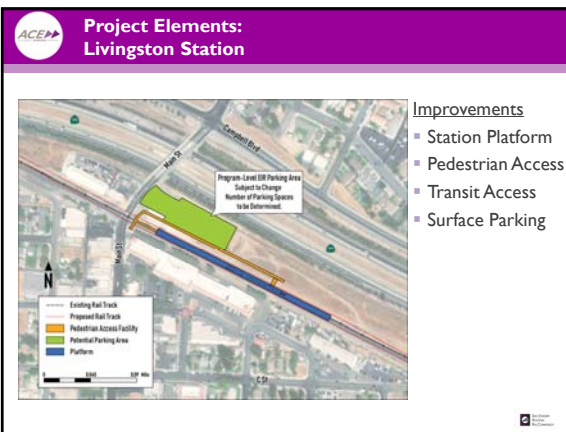
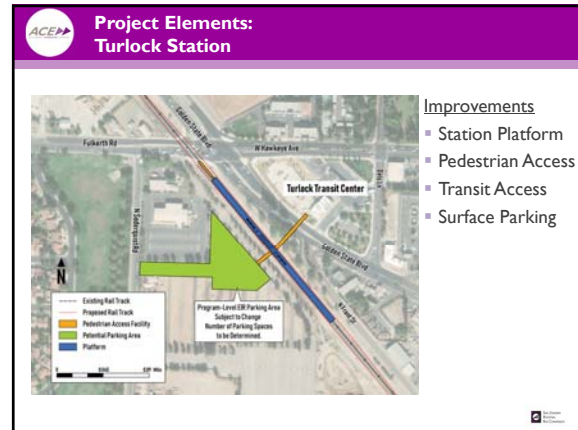
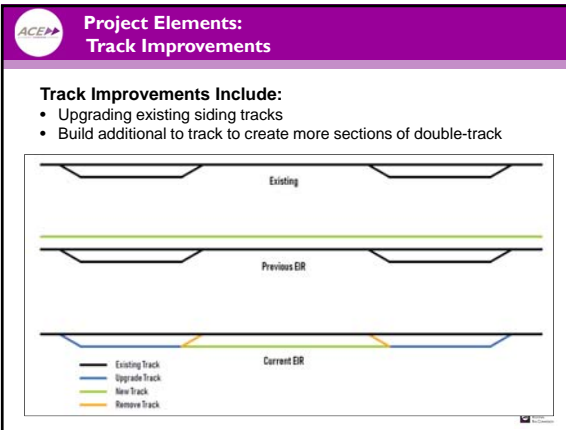
**Project Benefits**

- Enhanced commuter and intercity passenger rail and transit access and connectivity in the San Joaquin Valley
- Additional passenger rail service to areas with no service or very limited service
- Support of transit-oriented development near proposed station locations
- Opportunity to connect with the future high-speed rail in Merced
- Creation of new transportation alternatives to automobile use, which would alleviate traffic on congestion roads and highways in the region
- Increased air quality and the reduction of greenhouse gas emissions
- Long-term health benefits for ACE riders and residents and employees along the ACE corridor as a result of reduced emissions
- Promotion of local and regional land use and transportation planning sustainability goals and initiatives

**Project Overview:  
Project Elements**

**Project Elements**









**Project Elements:  
Example of a Maintenance Facility**

**Outside Views of the Existing ACE Maintenance Facility in Stockton**



- The Merced Layover and Maintenance Facility would provide for both maintenance of trains and layover track for trains between service runs.
- For reference, photos of the existing ACE Maintenance Facility located in Stockton are presented to the left.

**Inside the Existing ACE Maintenance Facility in Stockton**




**Environmental Review Process**


# Environmental Review Process

**Environmental Review Process:  
Project Objectives**


## Project Objectives



Reduce traffic congestion, improve regional air quality, and reduce greenhouse gas emissions




Enhance commuter rail and intercity service and transit connections in the San Joaquin Valley



Promote local and regional land use and transportation sustainability goals

**Environmental Review Process:  
Environmental Impact Report**

- San Joaquin Regional Rail Commission (SJRR) is the lead agency for this Project, and will prepare an Environmental Impact Report (EIR) consistent with the California Environmental Quality Act (CEQA)
- The Draft EIR will:
  - Identify significant environmental impacts
  - Analyze potential environmental effects and identifies ways to avoid or mitigate them.
  - Evaluate reasonable alternatives that could reduce or avoid environmental impacts
  - Develop detailed mitigation (ways to reduce or avoid environmental impacts)
  - Provide information for public review and comment
  - Disclose to decision makers the impacts, mitigation, and public comments




**Environmental Review Process:  
Potential Environmental Effects**



- The EIR will consider impacts to the following resource areas:
  - Aesthetics
  - Agricultural Resources
  - Air Quality
  - Biological Resources
  - Cultural Resources (including Tribal Cultural Resources)
  - Energy
  - Geology and Soils
  - Greenhouse Gas Emissions
  - Hazards and Hazardous Materials
  - Hydrology and Water Quality
  - Land Use and Planning
  - Noise and Vibration
  - Population and Housing
  - Public Services
  - Recreation
  - Safety and Security (including Wildfire)
  - Transportation
  - Utilities and Service Systems

**Environmental Review Process:  
Key Project Milestones and Timeline**



**Environmental Review Process:  
Scoping**

- Scoping is the first step in the EIR process.
- SJRRRC is seeking comments on two things.
  - What should be studied in the EIR
  - Any comments on feasible alternatives that meet most of the project objective and would minimize environmental impacts of the Proposed Project



**Environmental Review Process:  
Scoping Comments**

**Your input is important to us!**  
Submit Scoping Comments – through 5:00 pm on **July 7, 2020**

<b>Mail:</b> San Joaquin Regional Rail Commission Attn: ACE Ceres-Merced Extension Project 949 East Channel Street Stockton, CA 95202	<b>Email:</b> MercedExtComments@acerail.com Please include "ACE Ceres-Merced Extension Project" in the subject heading
---	--


**Project Website:**  
Input your contact information and provide comment in the submission form at the bottom of the Project webpage at [www.acerail.com/merced-extension-eir/](http://www.acerail.com/merced-extension-eir/)

**Questions and Answers**

## Questions and Answers

**Questions and Answers**

Open the "Q&A" box at the bottom of your screen to submit a question and view other questions.

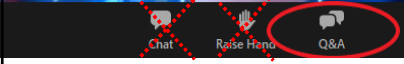


Phone only? Contact Leo Mena at 415-677-7170 to submit questions verbally.  
Submit Scoping Comments – through 5:00 pm on **July 7, 2020**  
By e-mail: [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)  
By Mail: San Joaquin Regional Rail Commission, Attn: ACE Ceres-Merced Extension Project, 949 East Channel Street, Stockton, CA 95202  
Project Webpage Submission Form: bottom of the Project webpage at [www.acerail.com/merced-extension-eir/](http://www.acerail.com/merced-extension-eir/)

**Note:** Questions asked during this webinar will be considered but are not official scoping comments. Please e-mail, mail, or use online form to submit official scoping comments.

**Questions and Answers**

Open the "Q&A" box at the bottom of your screen to submit a question and view other questions.



Phone only? Contact Leo Mena at 415-677-7170 to submit questions verbally.

**Standing By for Additional Questions  
(until 8:00pm)**

**Note:** Questions asked during this webinar will be considered but are not official scoping comments. Please e-mail, mail, or use online form to submit official scoping comments.

**Thank You**

## Thank you!

## **Attachment D: Scoping Comments**



## NATIVE AMERICAN HERITAGE COMMISSION

June 2, 2020

Kevin Sheridan  
San Joaquin Regional Rail Commission  
949 East Channel Street  
Stockton, CA 95202

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1550 Harbor Boulevard  
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West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2018012014, ACE Ceres-Merced Extension Project, Stanislaus and Merced Counties**

Dear Mr. Sheridan:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

**RECEIVED**  
**JUN 08 2020**  
**SJRRRC**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

**7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:

- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

**8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

**9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

**10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
  - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
  - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - i.** Protecting the cultural character and integrity of the resource.
  - ii.** Protecting the traditional use of the resource.
  - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

**11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

**3. Contact the NAHC for:**

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

**4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.**

- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Staff Services Analyst

cc: State Clearinghouse

**From:** [Gordon Johnson](#)  
**To:** [Merced Comments](#)  
**Subject:** Attn: ACE Ceres-Merced Extension Project  
**Date:** Thursday, June 25, 2020 3:45:01 PM

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Is there consideration for the additional noise created by the trains going through RR Crossings?

Was the Escalon project of several years ago in installing horns at the crossing effective in reducing the overall noise from the trains traveling through the town?

--

Gordon Johnson  
209/883.4640 ph/txt  
209/883.4644 FAX  
[gordon@gordonj.com](mailto:gordon@gordonj.com)

**From:** [ACE Rail](#)  
**To:** [Merced Comments](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Thursday, June 25, 2020 12:53:50 AM

---

Name: David Johnston

Email: davidbaera@aol.com

Message:

It was my understanding that there was going to be a train run from the Ceres Merced area to San Jose and back each day. To do this there was to be built a connection between the old Southern Pacific northbound to the old Western Pacific westbound tracks in Lathrop. I see no mention of this in any of the recent material I have read. Is this connection going to be built? Is this new service to San Jose still planed? Thank you, David Johnston

**From:** [Jose Antonio Ramirez](#)  
**To:** [Merced Comments](#)  
**Cc:** [Jose Antonio Ramirez](#)  
**Subject:** Scoping Meeting Comments June 25, 2010 Making the case on why ACE should have a train station in the City of Livingston ACE - Train  
**Date:** Monday, June 29, 2020 12:17:56 PM  
**Attachments:** [DOC.PDF](#)  
[Livingston\\_Commuteshed\\_FinalReport.pdf](#)

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Please accept this e-mail as formal comments as part of the Scoping Meeting Webinars.

Below you will find 10 points that we are using to make the case for the City of Livingston to land the Altamont Corridor Express (ACE) train platform/station. Attached you will find additional information that is valuable. We have been doing a number of things to increase our prospect of landing the ACE Train here.

1. Proximity to the City of Merced Matters. If the ACE Train loads passengers in Atwater and has to stop a very short distance later in Merced it might be considered not feasible or practical. The platform in Livingston makes more since.
2. The downtown ACE Train in Livingston will serve Foster Farms which employees over 3,500 hundred employees, many of which originate outside the city.
3. After conducting the commuter study it is clear that more people in Livingston travel north for employment and the like. See attached.
4. The City of Livingston planned and designed Downtown Improvements with the ACE Train in mind
5. The City of Livingston planned the Mural District Program/Planning with ACE Train in mind
6. The City of Livingston is Master Planning/Specific Plan a transit orientated development with the ACE Train in mind. It's the Gallo's 35 acres off of B Street and have firm support from Mike Gallo. There's going to be multi-family housing, senior housing and other types of housing as well as mix-use parcels. Potentially a 1,000 housing units.
7. The Livingston City Council along with staff and with the help of our Supervisor, programmed approximately \$1.6 million towards creating a bus/train transit center in the area in question.
8. There's huge section of dead space (property) that CALTRANS created when FWY 99 was rerouted and this property can be used for parking and carpooling purposes. We have approached CALTRANS about moving their drainage basin to accommodate parking for the

project.

9. If, the ACE train platform/station is designated to go into Livingston, it will serve two big population areas. We also anticipate individuals as far away as the City of Los Banos to use the service. The City of Livingston, Delhi and surrounding rural areas.
10. The City of Livingston has the support of its residents, business community and elected officials and are championing this effort.

---

**José Antonio Ramírez**

City Manager  
CITY OF LIVINGSTON  
1416 "C" Street  
Livingston , CA 95334

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voice 209.394-8041 ex 113 fax 209.394.1751 cell 209.398.1721  
[citymanager@livingstoncity.com](mailto:citymanager@livingstoncity.com) · [www.livingstoncity.com](http://www.livingstoncity.com)



**RESOLUTION NO. 2020-39**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON  
SUPPORTING THE EXPANSION OF THE ALTAMONT CORRIDOR  
EXPRESS (ACE) TRAIN TO MERCED COUNTY AND MAKING THE  
CASE FOR A TRAIN STOP IN DOWNTOWN LIVINGSTON**

**WHEREAS**, according to the California Department of Finance the population for San Joaquin, Stanislaus and Merced counties in the largest projected population growth in California; and

**WHEREAS**, employment opportunities in California are projected to increase most rapidly in Alameda, Santa Clara, and other Bay Area counties according to the California Department of Finance; and

**WHEREAS**, new residents to the Central Valley will provide a boost to economic activity in the area in which they reside, which includes increased direct local spending, more entrepreneurial talent, a substantial skilled and professional workforce, potential growth in business startups, and significant gains in job creation; and

**WHEREAS**, the annual overall commuter cost savings of using the ACE train versus vehicle transportation for work in the Bay Area is approximately \$11.85 million, and also represents an annual value of \$12.58 million in on-train paid work time for current Central Valley commuters who currently ride ACE train, according to the 2014 Great Valley Center's Regional Economic Impact Report; and

**WHEREAS**, the current ACE train service with four daily trains provides transportation for 1.3 million people annually who ride the ACE train for work, business, connections to other forms of travel, including air and tourism; and the annual ACE train ridership is projected to increase to over 4 million riders with the ACE train expansion project, which will add six more daily trains from Stanislaus County and Merced County to the Bay Area, for a total of ten daily trains from Merced, Stanislaus, and San Joaquin counties to the Bay Area, which is projected to increase ridership to 5.9 million annual riders by 2025; and

**WHEREAS**, ACE aims to run more frequent trains that will be more reliable, safer, and faster, and help reduce highway congestion and greenhouse gas emissions. In addition, by placing new train stations in existing downtowns, ACE hopes to also serve as a mechanism to help Merced County meet the regional and state sustainability goals under California Senate Bill 375 by diverting 42.8 million vehicle miles and reducing greenhouse gas (GHG) emissions by 23.7 million pounds, based on current ridership and diverted vehicle miles is expected to grow to 84.1 million vehicle miles which will also account for an increased reduction in GHG to 45.5 million pounds by 2020, and will also place Livingston in a more competitive position for cap and trade funding as well as provide downtown Livingston the opportunity to attract more transit-oriented development; and

**WHEREAS**, The City of Livingston embarked on a quest early on, in its desire to land an Altamont Corridor Express (ACE) train platform/station in its downtown. In the last few year the City has commissioned a commute shed profile from the City of Livingston to the San Francisco Bay Area. The commuter study was performed by the University of the Pacific Center for Business and Policy Research; and

**WHEREAS**, The City has pledged over \$600,000 dollars of its Measure V Regional Funding for this effort and has incorporated a number of planning initiatives around this goal. A whole host of downtown infrastructure, mural district designation, and other beautification improvements are all part of a coordinated effort to land the station; and

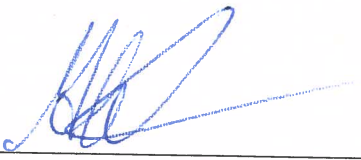
**WHEREAS**, a great number of major employers and small businesses will benefit as well as its employees. The Foster Farms Headquarters is located in close proximity to the proposed train station providing access to over 3,500 employees, many of which originate outside the City limits. Because the City is compact, several other major employers will also benefit, like AV Thomas Produce, Livingston Unified School District, Merced Union High School District and many other small business

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council of the City of Livingston does hereby support the following:

1. The expansion of the Altamont Corridor Express (ACE) train to Merced County and the study of an ACE train stop in downtown Livingston; and
2. The City of Livingston recognizes the importance of regional economic development and collaboration with our neighboring counties of Stanislaus and San Joaquin benefit the City of Livingston residents as well as neighboring cities in Merced "County. Given the potential for regional economic growth, the City of Merced supports the ACE train expansion in communities, which includes the development of ACE train stops in the cities of: Manteca, Ripon, Modesto, Ceres, Turlock, Livingston and Merced; and
3. The City of Livingston supports the necessary funding at the federal, state and local level for the ACE train expansion project into Merced, Stanislaus and San Joaquin Counties.

Passed and adopted this 16<sup>th</sup> day of June, 2020, by the following vote:

AYES:	Mayor Samra and Council Members Baptista, Aguilar, Kang, and Garcia
NOES:	None
ABSTAIN:	None
ABSENT:	None

---

Gurpal Samra, Mayor  
of the City of Livingston

# The City of Livingston and Merced County's San Francisco Bay Area Commute Shed Profile

*April 3, 2018*



*The City of Livingston and Merced County's San Francisco Bay Area Commute Shed Profile*

*Prepared for:*

City Manager's Office

1446 C Street

Livingston, CA 95334



*Prepared by:*

Center for Business and Policy Research

Eberhardt School of Business

McGeorge School of Law

Stockton and Sacramento, CA

UNIVERSITY OF THE PACIFIC

**Center for Business  
& Policy Research**

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## Introduction

This report is a profile of commuter flows from the City of Livingston, California and surrounds to the San Francisco Bay Area (S.F. Bay Area).<sup>1</sup> For the purposes of this analysis we have defined the S.F. Bay Area as a nine-county region consisting of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

The report details commuter flows from Merced County into the S.F. Bay Area. It begins with a summary of the differences between the two primary data sources on commutes: LODES and ACS/CTPP. This is done by comparing trends in commuters from 1990 to 2013 with the CTPP data and from 2002 to 2015 with the LODES data. That portion is then followed by a more geographically differentiated study of commuting using annual LODES data on commutes from 2010 to 2014 to estimate commute flows at the Census County Division (CCD)-level from the City of Livingston to the S.F. Bay Area. The report also contains detailed appendices, which detail methodologies of the commuting database as well as maps of the Merced County and S.F. Bay Area CCDs.

## Key Findings:

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- A growing share of Merced County commuters to the Peninsula and East Bay areas despite the South Bay still accounting for the largest portion of Bay Area commuters.
- Commuting to the Bay Area was rising rapidly between 1990 and the start of the Great Recession in 2007, but then declined and leveled off before beginning to recover again in the mid-2010s.
- Livingston commuters to the Bay Area are more concentrated on the East Bay and Peninsula areas than Merced County commuters on a whole.
- A sustained rise in the number of workers residing in the Bay Area and working in Merced County suggested broader inter-regional workforce integration.

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<sup>1</sup> This report does not analyze the overall commute shed of the City of Livingston nor Merced County although larger commuting patterns are described in parts.



## Livingston & Merced County Commuters to the S.F. Bay Area

There are two primary data sources on commutes: LODES and ACS/CTPP. Both data sources are produced by the U.S. Census Bureau. The nature of the commute data is a primary difference between the databases. The LODES data uses geographic details reported by employers who must pay unemployment insurance taxes and is therefore considered an administrative based record. The ACS/CTPP data uses a survey sent to households that asks workers about their place of work in the previous month and is therefore considered a sample-based record.

The advantages of the LODES data are that the data is more recent and detailed over time and geography since it is based on the large volume of administrative records. The disadvantage of LODES data is that it excludes self-employment and includes telecommuting, temporary and part-time jobs, and other situations where differing addresses of employee and employer may not reflect transportation between home and work. Despite its smaller sample, and less-frequent updates and lower geographic detail, ACS/CTPP data has the advantage of including the self-employed, includes demographic data, and is based on reported transportation to the place of work. Thus, both data sets provide important information, but it is important to be aware of these differences when interpreting the data. Further details of the methodological differences between the databases are provided in Appendix A.

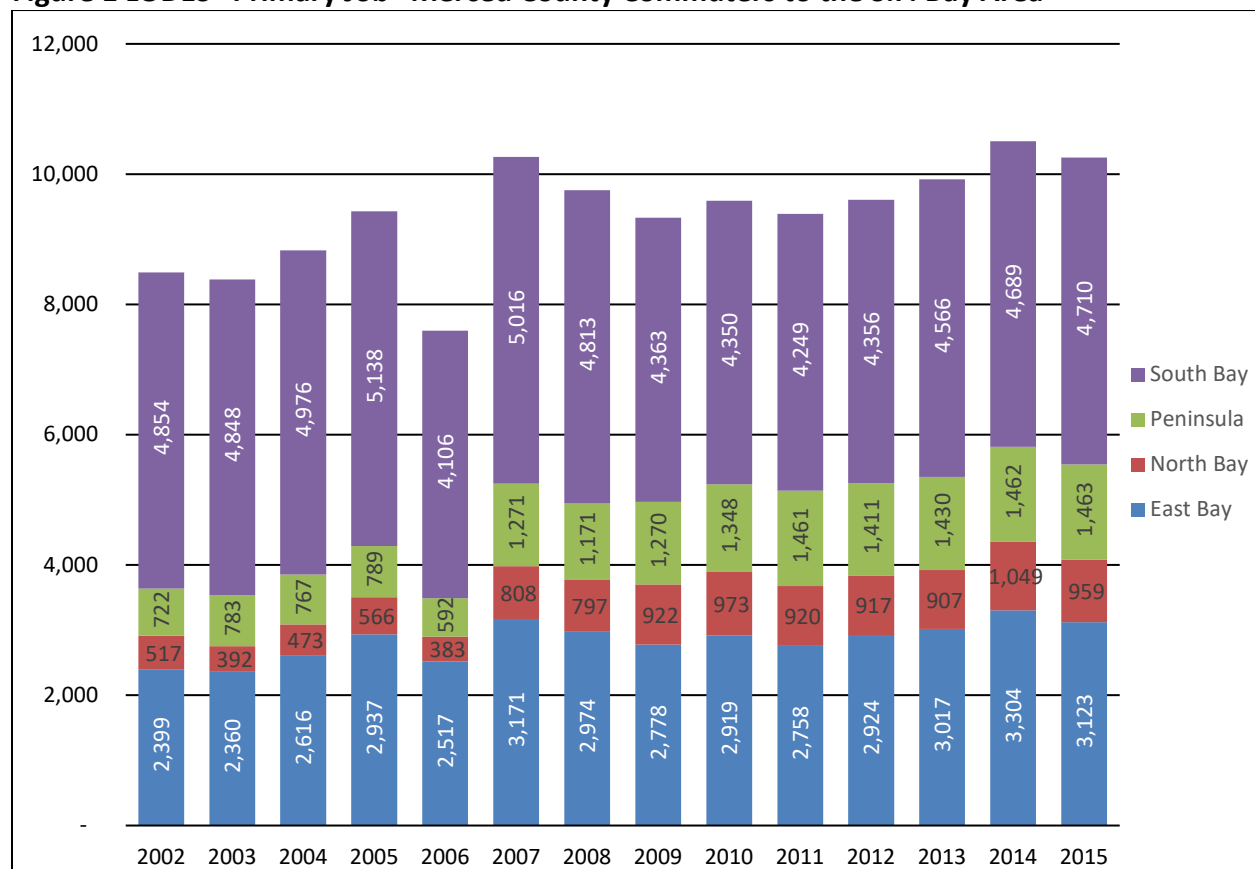
As administrative data, LODES based commute data is available on an annual basis and currently covers the years from 2002 to 2015. However, since all jobs covered by unemployment insurance are part of the LODES data an individual with multiple jobs in the same year would be counted multiple times in the data. To correct for this, the LODES data reports a “primary jobs” statistic that reports only the covered job that paid the greatest salary to an individual in each year. Table 1 details the composition of “primary job” commuters across sub-regions in the S.F. Bay Area. Figure 1 shows trends in these S.F. Bay Area “primary job” commuters from Merced County in the LODES data. A general profile of all Merced County out-of-County commuters provided in Table 2 shows the significance of the County’s commuters to other areas in California, which is mostly to other parts of the North San Joaquin Valley (NSJV).

**Table 1 2002-2015 Merced County Commuters to Sub-regions in the SF Bay Area<sup>2</sup> LODES data**

Merced County	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
East Bay	28%	28%	30%	31%	33%	31%	30%	30%	30%	29%	30%	30%	31%	30%
North Bay	6%	5%	5%	6%	5%	8%	8%	10%	10%	10%	10%	9%	10%	9%
Peninsula	9%	9%	9%	8%	8%	12%	12%	14%	14%	16%	15%	14%	14%	14%
South Bay	57%	58%	56%	54%	54%	49%	49%	47%	45%	45%	45%	46%	45%	46%

<sup>2</sup> We define the S.F. Bay Areas sub-regions as follows: The East Bay consists of Alameda and Contra Costa Counties; The North Bay consist of Marin, Napa, Solano, and Sonoma Counties; The Peninsula consists of San Francisco and San Mateo Counties; and The South Bay consists of Santa Clara County.

**Figure 1 LODES “Primary Job” Merced County Commuters to the S.F. Bay Area**



**Table 2 2002-2015 Merced County Residents Working Out-of-County (Out-Commuters) LODES data**

Merced County Residents	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Total Out-of-County Commuters	29,977	30,193	31,538	32,911	28,773	36,760	36,803	36,120	38,062	38,540	38,360	40,233	42,618	42,100
Other CA	21,323	21,612	22,555	23,253	20,942	26,218	26,657	26,488	28,143	28,746	28,293	29,834	31,508	31,216
Other State	162	198	151	228	233	276	391	299	329	406	459	479	606	629
S.F.Bay Area	8,492	8,383	8,832	9,430	7,598	10,266	9,755	9,333	9,590	9,388	9,608	9,920	10,504	10,255
Alameda County, CA	1,769	1,654	1,810	2,038	1,775	2,162	2,079	1,862	1,910	1,795	1,903	1,978	2,249	2,080
Contra Costa County, CA	630	706	806	899	742	1,009	895	916	1,009	963	1,021	1,039	1,055	1,043
Solano County, CA	231	169	239	304	158	390	331	366	427	419	428	373	469	422
Sonoma County, CA	110	106	131	141	123	258	289	304	306	274	268	311	320	266
Marin County, CA	56	65	51	72	44	95	88	155	142	133	134	125	146	147
Napa County, CA	120	52	52	49	58	65	89	97	98	94	87	98	114	124
San Francisco County, CA	288	349	315	355	268	593	574	628	659	805	706	715	705	742
San Mateo County, CA	434	434	452	434	324	678	597	642	689	656	705	715	757	721
Santa Clara County, CA	4,854	4,848	4,976	5,138	4,106	5,016	4,813	4,363	4,350	4,249	4,356	4,566	4,689	4,710

The survey-based data contained in the ACS/CTPP commute series is another useful dataset to analyze trends in commuting over time. Details of the trends from 1990 to the 2009-13 period are reported in Table 3. A few general conclusions can be derived from the sub-region data. Commuting between these regions was rising rapidly between 1990 and the start of the Great Recession in 2007, but then declined and leveled off with the large drop in employment during and after the recession. However, with economic recovery in the mid-2010s these commute flows to the Bay Area have been rising again.

**Table 3 1990-2013 Merced County Commuters to Sub-regions in the SF Bay Area ACS/CTPP Data**

<b>1990 (Decennial Census Long Form)</b>		
S.F. Bay Area Sub-region:	Merced County	
	Commuters	%
East Bay	181	18%
North Bay	58	6%
Peninsula	108	10%
South Bay	682	66%
<b>1990 Totals:</b>	<b>1,029</b>	<b>100%</b>
<b>2000 (Decennial Census Long Form)</b>		
S.F. Bay Area Sub-region:	Merced County	
	Commuters	%
East Bay	716	16%
North Bay	73	2%
Peninsula	211	5%
South Bay	3,449	78%
<b>2000 Totals:</b>	<b>4,449</b>	<b>100%</b>
<b>2006-2010 (ACS 5-Year Survey)</b>		
S.F. Bay Area Sub-region:	Merced County	
	Commuters	%
East Bay	996	17%
North Bay	195	3%
Peninsula	469	8%
South Bay	4,118	71%
<b>2006-2010 Totals:</b>	<b>5,778</b>	<b>100%</b>
<b>2009-2013 (ACS 5-Year Survey)</b>		
S.F. Bay Area Sub-region:	Merced County	
	Commuters	%
East Bay	1,121	21%
North Bay	143	3%
Peninsula	415	8%
South Bay	3,649	68%
<b>2009-2013 Totals:</b>	<b>5,328</b>	<b>100%</b>

To provide more geographic detail than sub-regions, the LODES data is used to analyze commute patterns from U.S. Census Bureau designated county sub-divisions known as Census County Divisions (CCDs). This allows us to examine commuting in and immediately around the City of Livingston. However, annual fluctuations in employment and disclosure limitations at the sub-county level can lead to misleading representations of commute flows. Therefore, we utilize the total 'all jobs' LODES dataset and average a five-year period of sub-county to sub-county commute patterns covering 2010 to 2014. Using these estimates, the outflows of commuters for each CCD in the Merced County are reported in Table 4. See Appendix B for a series of maps detailing the CCD areas.

**Table 4 2010 to 2014 Average Merced County Division Commuters to the S.F. Bay Area**

LODES 2010-2014 Average Annual Commute data by Census County Division (CCD) of Residence (Columns)/ CCD of Place of Work (Rows)		Merced County						
		Atwater	Dos Palos	Gustine	Hilmar-Irwin	Livingston-Delhi	Los Banos	Merced (City)
Alameda	Alameda CCD	8	-	2	2	5	6	18
	Berkeley CCD	13	3	2	2	9	10	28
	Fremont CCD	83	10	15	19	49	70	173
	Hayward CCD	92	-	17	17	59	73	187
	Livermore-Pleasanton CCD	131	14	32	31	75	98	221
	Oakland CCD	101	11	21	25	54	74	204
Contra Costa	Antioch-Pittsburg CCD	29	4	6	7	14	23	60
	Briones CCD	-	-	-	-	-	-	-
	Central Contra Costa CCD	140	16	23	29	78	95	270
	East Contra Costa CCD	18	2	4	4	13	17	42
	Tassajara CCD	4	-	1	-	2	3	5
	West Contra Costa CCD	28	4	5	5	18	23	64
Marin	Bolinas CCD	-	-	-	-	-	-	-
	Northwest Marin CCD	-	-	2	1	-	-	1
	Novato CCD	9	2	-	3	5	6	13
	Ross Valley CCD	6	-	-	-	4	5	14
	San Rafael CCD	14	3	2	4	8	10	23
	Southeast Marin CCD	5	2	1	-	-	5	8
Napa	Angwin CCD	2	-	-	-	-	-	2
	Calistoga CCD	2	-	-	-	1	-	2
	Lake Berryessa CCD	-	-	-	-	-	-	-
	Napa CCD	19	3	3	6	9	13	36
	St. Helena CCD	3	-	-	2	2	2	5
San Mateo	San Francisco CCD	150	16	21	36	87	120	321
	Half Moon Bay CCD	4	8	2	-	2	3	7
	San Mateo CCD	86	7	14	20	48	66	171
	South San Francisco CCD	69	8	10	15	40	49	121
Santa Clara	Diablo Range CCD	-	-	-	-	-	13	1
	Lexington Hills CCD	-	-	-	-	-	1	2
	Llagas-Uvas CCD	-	-	-	-	-	8	-
	San Jose CCD	-	64	113	140	-	557	1,448
	South Santa Clara Valley CCD	-	27	45	19	4	683	240
	West Santa Clara CCD	-	-	-	-	-	2	4
Solano	Dixon CCD	10	-	2	2	5	5	17
	Fairfield-Suisun City CCD	33	5	5	8	15	21	63
	Rio Vista CCD	4	1	2	4	3	5	8
	Vacaville CCD	21	5	3	5	15	18	45
	Vallejo CCD	25	3	4	6	15	19	48
Sonoma	Cloverdale-Geyserville CCD	5	2	1	1	2	4	9
	Healdsburg CCD	8	-	1	2	6	6	14
	Petaluma CCD	16	3	2	5	10	11	35
	Russian River-Sonoma Coast CCD	2	-	-	-	1	2	3
	Santa Rosa CCD	30	5	6	5	19	22	60
	Sebastopol CCD	3	-	-	-	1	2	3
	Sonoma CCD	6	-	1	1	2	3	8
Totals from Merced County		1,175	225	367	426	677	2,151	4,001

These commute flows to the S.F. Bay Area for the Livingston-Delhi CCD are illustrated in Figure 2 on the next page. This data shows the Livingston commuters to the Bay Area are more concentrated on the East Bay and Peninsula areas than Merced County commuters on a whole. In fact, according to this data there are more Livingston commuters to the North Bay area than the South Bay area, which is the largest destination for the County overall.

We also see that the LODES data shows consistently more commuting between Merced County and the Bay Area than the ACS/CTTP databases. This is detailed in Table 5 and may indicate that telecommuting and other employment involving less frequent travel are common between Merced County and the Bay Area.

**Table 5 2009-2013 Comparison Merced County Commuter Databases**

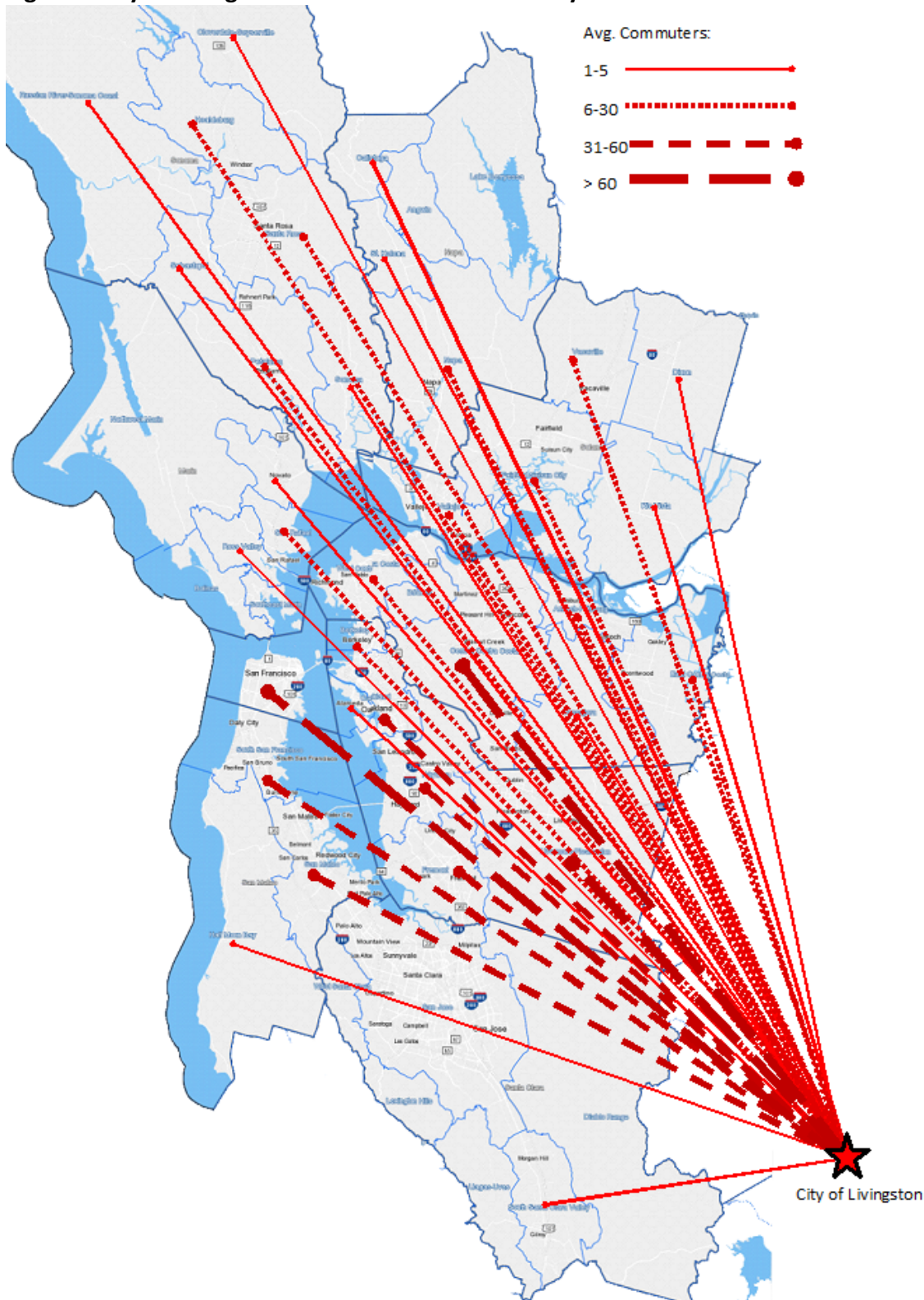
Home (live in Merced, work in these areas)	<b>2009-2013</b>	
	Resident Employed	
	ACS/CTTP	LEHD
Merced County, CA	67,392	36,534
East Bay	1,121	2,879
North Bay	143	928
Peninsula	415	1,384
South Bay	3,649	4,377
Other CA	17,772	28,301
Out of State	128	394
All Other Locations	10	189
Total Commuter	90,630	74,986

Finally, it is worth noting that there has also been a sustained rise in the number of workers residing in the Bay Area and working in Merced County. Table 6 reports that these commuters have increased in number by 2.15 times between 2002 and 2015. This growth is more significant than that with other regions and suggests a greater inter-regional circulation of workforces in general.

**Table 6 2002-2015 Non-resident Merced County Workers (In-Commuters) LODES data**

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Total In-County Commuters	15,242	15,597	16,277	17,552	19,488	19,841	21,696	21,577	21,660	23,815	24,325	25,475	25,380	24,994
Other CA (Non-Bay Area)	13,506	13,815	14,181	15,180	16,708	17,037	18,632	18,525	18,525	20,427	20,739	21,605	21,613	20,766
Other State	118	113	125	139	141	120	165	212	280	366	387	421	536	750
S.F. Bay Area	1,618	1,669	1,971	2,233	2,639	2,684	2,899	2,840	2,855	3,022	3,199	3,449	3,231	3,478
Alameda County, CA	455	457	480	553	663	618	699	696	652	635	738	771	789	888
Contra Costa County, CA	281	306	356	383	471	511	502	528	529	631	611	629	542	567
Solano County, CA	52	60	99	87	116	158	207	164	169	205	185	203	191	195
Sonoma County, CA	27	31	45	33	54	101	122	119	125	126	134	182	159	182
Marin County, CA	21	23	12	28	34	52	62	61	78	71	80	73	67	85
Napa County, CA	15	20	31	25	35	64	66	58	59	63	72	76	64	54
San Francisco County, CA	74	52	91	97	93	134	184	197	163	178	189	221	217	232
San Mateo County, CA	91	105	134	167	209	200	217	242	217	220	261	267	260	287
Santa Clara County, CA	602	615	723	860	964	846	840	775	863	893	929	1027	942	988

**Figure 2 City of Livingston Commuters to the S.F. Bay Area<sup>3</sup>**



<sup>3</sup> This map focuses on key commute destinations in the more urban parts of the S.F. Bay Area. For an alternative illustration of these commuters see Appendix C.



# Appendix A: Key Features of Commute Data in this Analysis

## Commute Data Based on the LODES database

The Longitudinal Employer-Household Dynamics (LEHD) program combines administrative records covering federal, state and Census Bureau data on employers and employees. Commuting information is then drawn from the LEHD Origins-Destinations Employment Statistics (LODES) data product produced by the LEHD program. LODES data thereby covers all jobs subject to unemployment insurance coverage, as well as federal, state, and local government employees. Despite its expansive coverage of employed workers, LODES data, and the LEHD program, does not cover self-employed workers, most agricultural workers on small farms, members of the Armed Forces, elected officials, most employees of railroads, some domestic workers, most student workers at schools, and employees of certain small nonprofit organizations. In addition, as administrative data this LODES data includes all jobs in the specified year whether they are part-time or full-time. As such, if an individual held several jobs in different location each would be counted as a commuter. As an administrative record, LODES is based on the address of the place of employment and the address of the employee. Thus, some LODES commutes are telecommuting, or other arrangements that may not involve daily travel between the addresses. Therefore, it is useful when possible to compare the LODES data with survey-based ACS/CTPP data to provide a range of likely commuters. However, when small area geographies are involved, and more recent data is needed, the LODES data is often the only source available. For further details of the employer and employee coverage under the LEHD program, see:

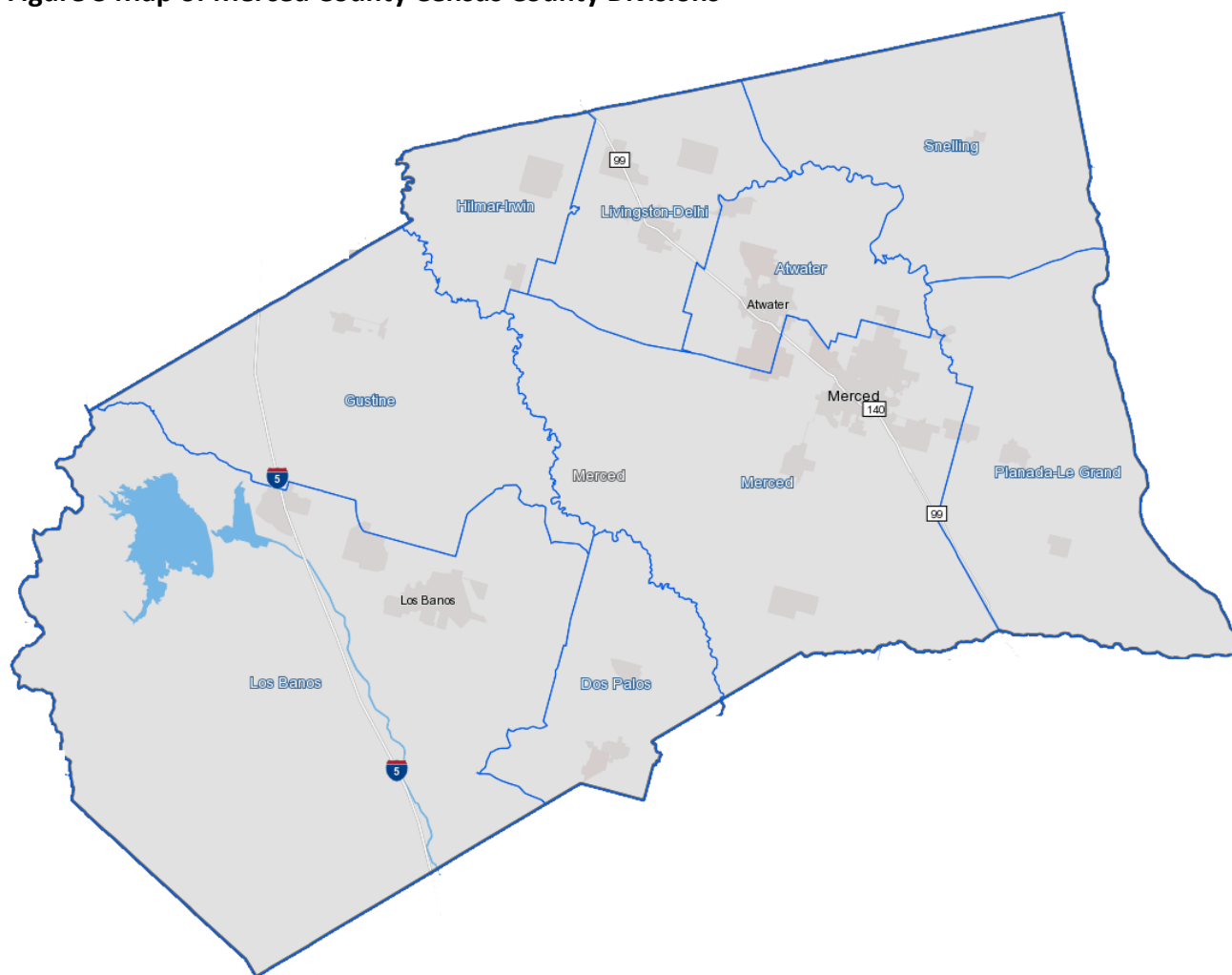
<https://www.bls.gov/cew/cewbultncur.htm#comparison>

## Commute Data Based on the ACS/CTPP database

The American Community Survey (ACS) is an ongoing statistical survey of households by the U.S. Census Bureau. It started in 2005, replacing the decennial census long-form which was last used in the 2000 Census. In terms of commuters, the ACS covers workers 16 years and over who did not work from home. Because of its sample size, several years of data are necessary to derive an accurate estimate of county-to-county commuters. This is periodically compiled by the American Association of State Highway and Transportation Officials in a product called the Census Transportation Planning Products (CTPP). Currently, two such ACS/CTPP five-year periods are available 2006-2010 and 2009-2013. We report commuting flows from both of those periods in this study, but demographic data for commuters is only available for the 2006-10 period. The next release, which will cover 2012-2016 is currently being developed, but it will not be available until early in 2019. For further details of the coverage under the ACS/CTPP program, see: <http://ctpp.transportation.org/Pages/5-Year-Data.aspx>

## Appendix B: Merced & S.F. Bay Area County Subdivisions (CCDs)

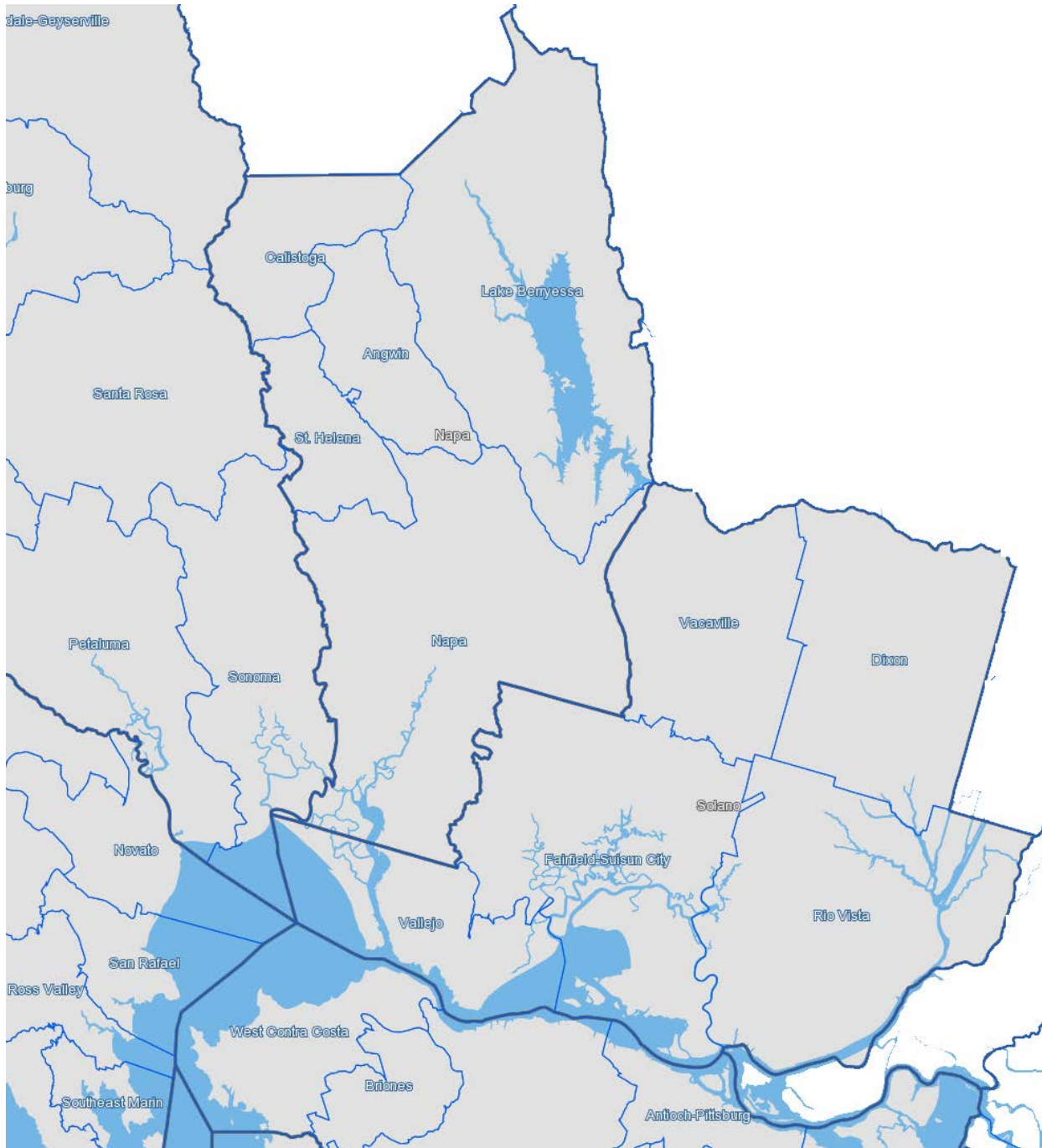
Figure 3 Map of Merced County Census County Divisions



**Figure 4 Map of Central San Francisco Bay Area Census County Divisions**



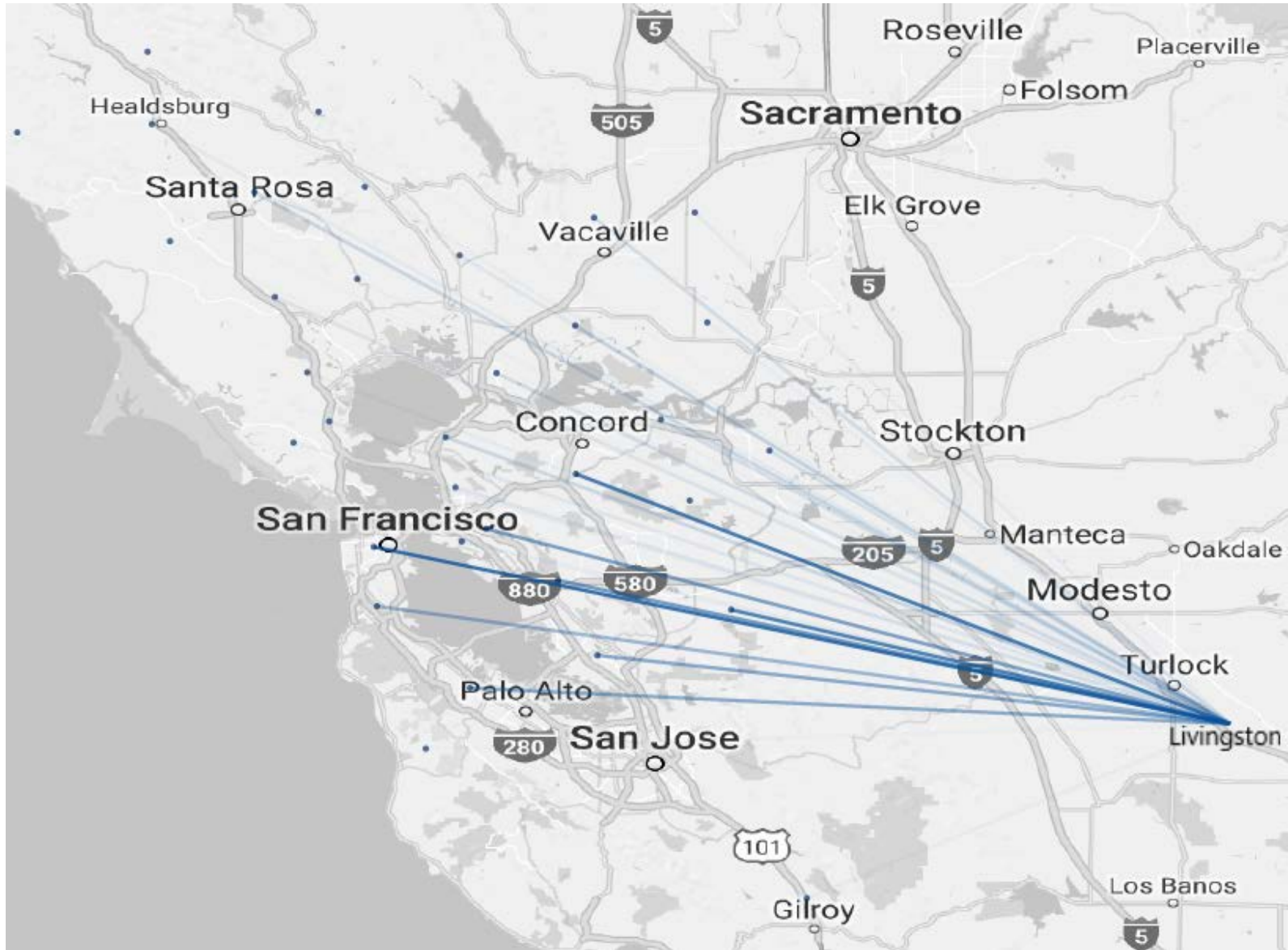
**Figure 5 Map of North San Francisco Bay Area Census County Divisions**





A map of the San Francisco Bay Area, showing various counties and regions. The map is color-coded: light blue for water bodies (San Francisco Bay, San Pablo Bay, Suisun Bay, and various rivers and lakes), light green for agricultural or undeveloped land, and light yellow for urban or developed areas. Major cities and regions are labeled, including Cloverdale-Gayeville, Healdsburg, Russian River-Sonoma Coast, Sonoma, Sebastopol, Santa Rosa, Petaluma, Novato, San Rafael, Rose Valley, Bolinas, Southeast Marin, San Francisco, Berkeley, West Contra Costa, Contra Costa, Vallejo, Napa, Angwin, Callistoga, and Lake Berryessa. The map also shows the boundaries of various counties, including Sonoma, Marin, Contra Costa, and Alameda.

## Appendix C: City of Livingston Commuters to the S.F. Bay Area





**From:** [Terra Land Group](#)  
**To:** [Merced Comments](#)  
**Cc:** ["Jones, Ryan@CVFPB"](#); [Chris Elias](#); [ckendall@valleylinkrail.com](#); [Elizabeth.A.Salyers@usace.army.mil](#)  
**Subject:** Public Comment Letter Re: ACE Ceres-Merced Extension Project  
**Date:** Monday, June 29, 2020 11:49:33 AM  
**Attachments:** [2020-06-29\\_LTR\\_SJRRRC\\_NOPEIR.pdf](#)

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Good Afternoon,

Attached please find a letter dated June 29, 2020 from Terra Land Group, LLC to the San Joaquin Regional Rail Commission Re: Public Comments on the ACE Ceres-Merced Extension Project Environmental Impact Report Notice of Preparation.

Thank you,

Martin Harris  
Terra Land Group  
MH/cm

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# TERRA LAND GROUP, LLC

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June 29, 2020

VIA EMAIL

San Joaquin Regional Rail Commission  
Attn: ACE Ceres-Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202  
(MercedExtComments@acerail.com)

**Re: Public Comments on the ACE Ceres-Merced Extension Project Environmental Impact Report Notice of Preparation.**

Dear Commission Members,

My name is Martin Harris and I am an authorized representative for Terra Land Group, LLC ("TLG"). 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 seven hundred letters to local and state authorities expressing concerns related to the effects of development on flooding in our area.

TLG wishes to comment on the upcoming Environmental Impact Report to be prepared for the ACE Ceres-Merced Extension Project which is a component of the Valley Rail Program. According to information provided on the ACE website, the Project would consist of the following:

- A Ceres to Merced Extension Alignment consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced;
- New Turlock, Livingston or Atwater, and Merced Stations along the extension alignment; and
- A new permanent Merced Layover & Maintenance Facility to support extension operations.

TLG is not opposed to development or transportation upgrades in the Central Valley. However, as decisions are being made which may create long-term, permanent changes to the region, TLG wants the authorities involved to consider all the impacts these developments may cause. TLG believes the Valley Link Project could contribute to significant and potentially unforeseen flood impacts due to elevation changes and construction-related backwater effects which may affect existing water drainage patterns. In addition, the new transportation provided by the Project will likely spur new urban development in areas the Project services. These future communities could be vulnerable to the increased flood impacts caused by the Project.

Therefore, TLG asks the San Joaquin Regional Rail Commission ("SJRRRC") members to ensure that impacts to hydrology, elevation and drainage patterns are included and addressed in the forthcoming EIR for the full extent of the project area. Further details and data on the possibility of increased flooding are included below.

# TERRA LAND GROUP, LLC

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For some time now, TLG has expressed concerns that the developing areas may not be paying their fair share towards the total floodwater, stormwater, and wastewater drainage 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 1-13**)

This becomes especially important when it is considered that any and all total drainage flow volumes and drainage flow patterns 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.

In addition, 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.

TLG is writing this letter to make the SJRRC members 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 LSJRF 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 1-13)**

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."*

**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 the final Mossdale Tract Drainage Plan? **(See Enclosures 1-13)**

(iii) A Stanislaus River right bank levee breach in the areas west of the City of Ripon.

(iv) Limited topographic relief to ground surface areas in and along the South Delta.

**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)?

**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) 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.

**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"))?

(vi) 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 1-13)

**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?

(vii) 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.

(viii) 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.

(ix) 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.

(x) 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 1-13)

(xi) 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.

(xii) 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).

(xiii) Flood and other hydrology-related impacts that may occur in conjunction with the San Joaquin Area Flood Control Agency's ("SJAFCFA") 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. SJAFCFA's Lower San Joaquin River Project will include Phase II of the Lower San Joaquin River Feasibility Study and Mossdale Tract.

(xiv) Potentially catastrophic flood risks associated with continuing delays as evidenced in SJAFCFA'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.



# TERRA LAND GROUP, LLC

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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:** What part (if any) will the (i) Delta Conveyance Project and (ii) the California Water Resilience Portfolio Initiative play in mitigating any and all drainage and water delivery, conservation, and supply impacts that need to be considered?

**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 10-12)**

With these concerns in mind, TLG urges the SJRRC members to consider the comments and concerns stated in this letter while considering the scope of the forthcoming EIR. Again, TLG requests that all due consideration is paid to hydrology impacts as may be affected by the development caused by the ACE extension project. **(See Enclosures 1-13)**

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](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](https://www.dropbox.com/s/tl0ir7soookd6ze/2018-03-05_LTR_SJAFCA_Letter2.pdf?dl=0))

# TERRA LAND GROUP, LLC

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3. 2017-04-20 letter from TLG to the San Joaquin County Board of Supervisors  
([https://www.dropbox.com/s/7dy40jz1qeotw56/2017-04-20\\_LTR\\_SJCBS\\_Re04-25-17MtgPubComm\\_MHcm.pdf?dl=0](https://www.dropbox.com/s/7dy40jz1qeotw56/2017-04-20_LTR_SJCBS_Re04-25-17MtgPubComm_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\\_Agltd3.pdf?dl=0](https://www.dropbox.com/s/a8ldad6e6or9c6p/2019-03-04_LTR_MCC_Agltd3.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](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](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\\_Aglts4.pdf?dl=0](https://www.dropbox.com/s/snktcx3dvn8obbz/2019-10-07_LTR_LAFCo_Aglts4.pdf?dl=0))
8. 2020-05-11 letter from TLG to the South San Joaquin Irrigation District  
([https://www.dropbox.com/s/c7plzfs56gvf1b/2020-05-11\\_LTR\\_SSJID\\_Aglts9.pdf?dl=0](https://www.dropbox.com/s/c7plzfs56gvf1b/2020-05-11_LTR_SSJID_Aglts9.pdf?dl=0))
9. 2020-06-01 letter from TLG to the Manteca City Council  
([https://www.dropbox.com/s/dxbuqn1scqp9p2r/2020-06-01\\_LTR\\_MCC\\_AgltsB3.pdf?dl=0](https://www.dropbox.com/s/dxbuqn1scqp9p2r/2020-06-01_LTR_MCC_AgltsB3.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

cc:

San Joaquin Area Flood Control Agency, Attn: Chris Elias, Executive Director  
Central Valley Flood Protection Board, Attn: Ryan Jones  
Elizabeth Salyers, Chief, Civil Works Project Management Branch, U.S. Army Corps of Engineers  
Tri-Valley - San Joaquin Valley Regional Rail Authority Board of Directors, % Candice Kendall, Executive Assistant

## 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 stay-at-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



## SJ River flows may triple in 45 years due to climate shift

### FLOOD PROTECTION

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 5,000-acre 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 neighbors 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 (SJAFCFA) 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 200-year 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 SJAFCFA project would also protect 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.

SJAFCFA 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

enforce the closure of portion of Interstate 5 — the major West Coast freeway running from Mexico to Canada — and the 120 Bypass.

Water would swamp the wastewater treatment plant serving 84,500 existing Manteca residents and more than 13,000 of Lathrop's nearly 26,000 residents.

Disrupt Union Pacific Railroad train movements as well as damage tracks that Altamont Corridor Express relies on.

182 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](mailto: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 robust.**

Bulletin file photo

**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 [dw Wyatt@mantecabulletin.com](mailto:dw Wyatt@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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Email: [sdhaliwal@ci.lathrop.ca.us](mailto:sdhaliwal@ci.lathrop.ca.us)

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,

A handwritten signature in black ink, appearing to read "Mayur Dhaliwal", written in a cursive style.

Mayor Dhaliwal

cc: Chris Elias, Executive Director, San Joaquin Area Flood Control Agency

**From:** [White, Nicholas@Waterboards](mailto:White.Nicholas@Waterboards)  
**To:** [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov); [Merced Comments](#)  
**Cc:** [Yang, Houa@Waterboards](mailto:Yang_Houa@Waterboards)  
**Subject:** RWQCB (R5) Comment Letter for 2018012014  
**Date:** Monday, June 29, 2020 4:56:16 PM  
**Attachments:** [2018012014 \(2020\) NW.pdf](#)

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Hello Kevin,

Please find the Central Valley Regional Water Quality Control Board Comment Letter for the ACE Ceres-Merced Extension (2018012014) attached.

Thank you,

Nicholas White, P.E.  
Water Resource Control Engineer  
401 Water Quality Certification Unit

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## Central Valley Regional Water Quality Control Board

29 June 2020

Kevin Sheridan  
San Joaquin Regional Rail Commission  
949 East Channel Street  
Stockton, CA 95202

### **COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, ACE CERES-MERCED EXTENSION PROJECT, SCH#2018012014, STANISLAUS AND MERCED COUNTIES**

Pursuant to the State Clearinghouse's 29 May 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the ACE Ceres-Merced Extension Project, located in Stanislaus and Merced Counties.

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

#### **I. Regulatory Setting**

##### **Basin Plan**

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

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

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

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

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

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

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

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

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

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

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:



[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

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

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

**Clean Water Act Section 404 Permit**

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

---

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

**Clean Water Act Section 401 Permit – Water Quality Certification**

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

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality/certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

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

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

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

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

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

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

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

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

**Limited Threat General NPDES Permit**

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

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

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

If you have questions regarding these comments, please contact me at (916) 464-4856 or [Nicholas.White@waterboards.ca.gov](mailto:Nicholas.White@waterboards.ca.gov).



Nicholas White  
Water Resource Control Engineer

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

**From:** [Matt Cranford](#)  
**To:** [Merced Comments](#)  
**Cc:** [Jill Bower](#); [Bill Mattos](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Tuesday, June 30, 2020 10:11:28 AM  
**Attachments:** [Letter for Environ Impact Ceres to Merced Extension.pdf](#)

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Please see the attached letter for comments and concerns regarding the EIR of ACE Ceres to Merced extension.

Thanks

**Matt Cranford**  
*Chief Executive Officer*  
Stanislaus County Fair  
209.668.1333 x306





June 29, 2020

San Joaquin Regional Rail Commission  
Attn: ACE Ceres-Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

Re: 38<sup>th</sup> DAA/Stanislaus County Fairgrounds Parking for Turlock ACE Station

Dear San Joaquin Regional Rail Commission

The 38<sup>th</sup> District Agricultural Association and Board of Directors is in agreement with moving forward into the Environmental Impact Report stage. Our comments for analyzation of the impact include the following:

- Working with the 38<sup>th</sup> DAA and appropriate State Agencies for use (Lease) of the land needed for parking. Agencies include Department of General Services (DGS), California Department of Food & Agriculture, Fairs and Expositions Branch (CDFA-F&E)
- Analyzing the layout and design of parking lot with 38<sup>th</sup> DAA Officials input so that it can be used by 38<sup>th</sup> DAA after hours as needed and during the annual Fair in July, and other large, identifiable event(s)
- Analyzing the use as overflow parking and access in to the Grand Oak Event Center Facility (formerly known as the Turf Club for the Stanislaus County Fairgrounds)
- Working jointly with 38<sup>th</sup> DAA Officials on pedestrian bridge access and locking/opening procedures for continued security of Fairgrounds facility during event and non-event use.

Sincerely,

Matt Cranford  
CEO

*imagine the fun!*

Promoting Agriculture, education, entertainment, And technology

900 North Broadway Avenue, Turlock, CA 95380 • (209) 668-1333 • Fax: (209) 668-0410 •

[www.StanCoFair.com](http://www.StanCoFair.com)

## Mendoza, Tiffany

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**From:** Benato, Cynthia@DTSC <Cynthia.Benato@dtsc.ca.gov>  
**Sent:** Monday, June 29, 2020 4:38 PM  
**To:** Merced Comments  
**Cc:** 'State.clearinghouse@opr.ca.gov'; Jameson, Lora@DTSC; Kereazis, Dave@DTSC; McCreary, Gavin@DTSC  
**Subject:** Notice Of Preparation Of Environmental Impact Report For The Ace Ceres-Merced Extension Project – Dated May 28, 2020 (State Clearinghouse Number: 2018012014)  
**Attachments:** ACE Ceres-Merced Extension.pdf

**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Good Afternoon.

Please see the attached DTSC Letter regarding the Notice Of Preparation Of Environmental Impact Report For The Ace Ceres-Merced Extension Project – Dated May 28, 2020 (State Clearinghouse Number: 2018012014).

If you have any questions, please contact Project Manager Gavin McCreary via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

*Cynthia Benato*

Cynthia Benato  
Office Technician  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control  
[Cynthia.benato@dtsc.ca.gov](mailto:Cynthia.benato@dtsc.ca.gov)



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

June 29, 2020

Mr. Kevin Sheridan  
San Joaquin Regional Rail Commission  
949 East Channel Street  
Stockton, California 95202  
[MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)

NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT FOR THE ACE CERES-MERCED EXTENSION PROJECT – DATED MAY 28, 2020 (STATE CLEARINGHOUSE NUMBER: 2018012014)

Dear Mr. Sheridan:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation for an Environmental Impact Report (EIR) for the ACE Ceres-Merced Extension Project. The proposed project is the Merced Extension Alignment consisting of upgrades and new-tracks and-bridges within the-HPRR Fresno Subdivision between Ceres and Merced; new Turlock, Livingston or Atwater, and Merced Stations along the extension alignment; and a new permanent Merced Layover and Maintenance Facility to support extension operations.

DTSC recommends that the following issues be evaluated in the EIR Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in



and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml\\_handbook.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf)).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* ([https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance\\_Lead Contamination\\_050118.pdf](https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf)).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* ([https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP\\_FS\\_Cleanfill-Schools.pdf](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf)).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: [https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP\\_App-1460.doc](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" being more prominent than the last name "McCreary".

Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Ms. Lora Jameson, Chief  
Site Evaluation and Remediation Unit  
Department of Toxic Substances Control  
[Lora.Jameson@dtsc.ca.gov](mailto:Lora.Jameson@dtsc.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

**From:** [ACE Rail](#)  
**To:** [Merced Comments](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Wednesday, June 24, 2020 5:48:03 PM

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Name: Marjorie Blom

Email: [marjorie.blom@ci.ceres.ca.us](mailto:marjorie.blom@ci.ceres.ca.us)

Message:

Sign my up for information regarding the ACE train

**From:** [ACE Rail](#)  
**To:** [Merced Comments](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Thursday, June 25, 2020 7:22:44 AM

---

Name: Dan Elshire

Email: [delshire@stacywitbeck.com](mailto:delshire@stacywitbeck.com)

Message:

Would like to receive information about upcoming webinars, project documents and news updates about the project.

**From:** [ACE Rail](#)  
**To:** [Merced Comments](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Thursday, June 25, 2020 3:47:49 PM

---

Name: Jose Martinez

Email: jose.martinez@stantec.com

Message:

Please add me to your mailing list for this project.

**From:** [ACE Rail](#)  
**To:** [Merced Comments](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Thursday, June 25, 2020 7:36:29 PM

---

Name: Frank Quintero  
Email: [quinterof@cityofmerced.org](mailto:quinterof@cityofmerced.org)  
Message:  
Add to distribution please

**From:** [Mikayla Vaba](#)  
**To:** [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Friday, May 29, 2020 11:16:12 AM

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Hello,

The State Clearinghouse (SCH) would like to inform you that our office will transition from providing close of review period acknowledgement on your CEQA environmental document, at this time. During the phase of not receiving notice on the close of review period, comments submitted by State Agencies at the close of review period (and after) are available on CEQAnet.

Please visit: <https://ceqanet.opr.ca.gov/Search/Advanced>

- Filter for the SCH# of your project **OR** your “Lead Agency”
  - If filtering by “Lead Agency”
    - Select the correct project
- Only State Agency comments will be available in the “attachments” section: **bold and highlighted**

Mikayla Vaba  
State Clearinghouse



**From:** [Sarah Kurtz](#)  
**To:** [Merced Comments](#)  
**Subject:** ACE Ceres-Merced Extension  
**Date:** Tuesday, June 30, 2020 7:18:05 PM

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[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

I am quite excited to see the possibility of the Merced extension. I hope you will be successful in bringing the project to completion.

I have tried using the Amtrak service and have found that delays are problematic especially when I am trying to catch an airplane or join a meeting in Sacramento.

Also, the Amtrak connection is very awkward for getting to the South Bay Area.

It sounds like you may be able to address these problems with improved service on a two-track corridor.

Because there is no practical way to get into and out of Merced, we are unable to host meetings in Merced in the way we would like. Having this as an option would be very helpful because the drive is not something I like to do.

I wish you success and thank you for your hard work on this - I know that completing a project such as this is quite challenging.

Sarah Kurtz

## Mendoza, Tiffany

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**From:** Herota, James@CVFPB <James.Herota@CVFlood.ca.gov>  
**Sent:** Monday, July 6, 2020 8:49 AM  
**To:** Merced Comments; OPR State Clearinghouse  
**Cc:** Buckley, Andrea@CVFPB  
**Subject:** "ACE Ceres-Merced Extension Project, NOP SCH No. 2018012014  
**Attachments:** 2018012014 Altamont\_Corridor\_NOP\_07012020.docx.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Greetings,

Please accept the attached comment letter for the ACE Ceres-Merced Extension Project, Notice of Preparation, SCH No. 2018012014.

If you have any questions please contact at [James.Herota@CVFlood.ca.gov](mailto:James.Herota@CVFlood.ca.gov) .



**James Herota, MPPA**  
Senior Environmental Scientist  
Environmental Services and Land Management Branch  
Central Valley Flood Protection Board  
  
(916) 574-0651 direct  
[James.Herota@CVFlood.ca.gov](mailto:James.Herota@CVFlood.ca.gov)  
3310 El Camino Avenue, Suite 170  
Sacramento, California 95821

### Important CVFPB Announcement:

Encroachment permit applications received on or after July 1, 2019 are subject to fees. Please visit <http://cvfpb.ca.gov/fees-2019/> for more information.

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Ste. 170  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682



July 1, 2020

Mr. Kevin Sheridan  
San Joaquin Regional Rail Commission  
949 East Channel Street  
Stockton, CA 95202

Subject: ACE Ceres-Merced Extension, Notice of Preparation, SCH No. 2018012014

Location: Counties of Stanislaus and Merced

Dear Mr. Sheridan,

Central Valley Flood Protection Board (Board) staff has reviewed the subject document and provides the following comments:

The proposed project is within the vicinity of the Stanislaus River, Merced River, Bear Creek, Canal Creek, Black Rascal Creek, Miles Creek, Mariposa Creek, Mariposa Bypass, Owens Creek, Dutch Slough, Chowchilla River regulated streams under Board jurisdiction, and may require a Board permit prior to construction.

The Board's jurisdiction covers the entire Central Valley including all tributaries and distributaries of the Sacramento and San Joaquin Rivers, and the Tulare and Buena Vista basins south of the San Joaquin River.

Under authorities granted by California Water Code and Public Resources Code statutes, the Board enforces its Title 23, California Code of Regulations (Title 23) for the construction, maintenance, and protection of adopted plans of flood control, including the federal-State facilities of the State Plan of Flood Control, regulated streams, and designated floodways.

Pursuant to Title 23, Section 6 a Board permit is required prior to working within the Board's jurisdiction for the placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee.

Permits may also be required to bring existing works that predate permitting into compliance with Title 23, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the works has not been clearly established or ownership and use have been revised.

Mr. Kevin Sheridan  
July 1, 2020

Other federal (including U.S. Army Corps of Engineers Section 10 and 404 regulatory permits), State and local agency permits may be required and are the applicant's responsibility to obtain.

Board permit applications and Title 23 regulations are available on our website at <http://www.cvfpb.ca.gov/>. Maps of the Board's jurisdiction are also available from the California Department of Water Resources website at <http://gis.bam.water.ca.gov/bam/>.

Encroachment permit applications received on or after July 1, 2019 are subject to fees, additional information is available on the Board's website at <http://cvfpb.ca.gov/fees-2019/>.

Please contact James Herota at (916) 574-0651, or via email at [James.Herota@CVFlood.ca.gov](mailto:James.Herota@CVFlood.ca.gov) if you have any questions.

Sincerely,



Andrea Buckley  
Environmental Services and Land Management Branch Chief

cc: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**From:** [Marjorie Blom](#)  
**To:** [Merced Comments](#)  
**Cc:** [Ann Montgomery](#); [Tom Westbrook](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Monday, July 6, 2020 10:46:09 AM  
**Attachments:** [ACE NOP EIR Response.7.6.20.pdf](#)

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Hello – Attached please find the City of Ceres' response to the Notice of Preparation of an Environmental Impact Report (EIR) for the *ACE Ceres-Merced Extension Project*. Questions regarding the City's response can be directed to Marjorie Blom, Planning Consultant at: [Marjorie.blom@ci.ceres.ca.us](mailto:Marjorie.blom@ci.ceres.ca.us); or Tom Westbrook, City Manager at: [Tom.Westbrook@ci.ceres.ca.us](mailto:Tom.Westbrook@ci.ceres.ca.us).

Thank for the opportunity to comment on the subject NOP.

Marjorie Blom, Planning Consultant  
City of Ceres  
(209) 538-5762



PLANNING AND BUILDING DIVISION  
2220 Magnolia Street  
Ceres, CA 95307  
209-538-5774  
Fax 209-538-5675

**CITY COUNCIL**

Chris Vierra, Mayor  
Bret Durossette      Mike Kline  
Linda Ryno              Channce Condit

July 6, 2020

San Joaquin Regional Rail Commission  
Attn: ACE Ceres-Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

**SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT  
REPORT ACE CERES-MERCED EXTENSION PROJECT**

Dear San Joaquin Regional Rail Commission:

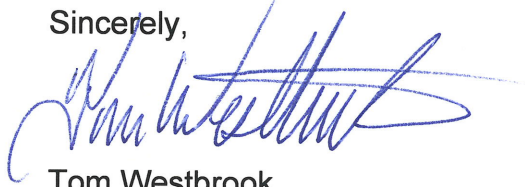
The City of Ceres (City) has reviewed the Notice of Preparation (NOP) for the ACE Ceres-Merced Extension Project (Project). The proposed Project for which the subject NOP is being released, is Phase II of the Project that was analyzed in the *ACE Extension Lathrop to Ceres/Merced EIR*. The new subject EIR is being prepared by the San Joaquin Regional Rail Commission (SJRR) which will analyze the potential environmental impacts from expanding ACE service leaving Ceres to Merced at a project-level detail. This new project-level EIR will be tiered from the programmatic analysis in the prior EIR, which will incorporate where appropriate, the analysis from the prior EIR.

Of interest to the City of Ceres is the proposed Ceres to Merced Extension Alignment consisting of upgrades, including new tracks and bridges within the United Pacific Railroad (UPRR) Fresno Subdivision between Ceres and Merced.

As noted in the subject NOP, increased operation of ACE trains between the North Lathrop Station and Ceres Station have already been analyzed in the *ACE Extension Lathrop to Ceres/Merced EIR*. This subject Project would not increase the train service is focused on the operational impacts with associated with increased train service (four roundtrip ACE trips) between Ceres Station and the proposed Merced Station. Should there be any environmental impacts found in this new EIR associated with the City of Ceres, they should be addressed in the Draft EIR.

Should you have any questions regarding this matter, please contact me at your convenience by phone at: (209) 538-5751 or by Email at: [tom.westbrook@ci.ceres.ca.us](mailto:tom.westbrook@ci.ceres.ca.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Westbrook", with a large, sweeping flourish extending to the right.

Tom Westbrook  
City Manager



**From:** [Sandy Singh](#)  
**To:** [Merced Comments](#)  
**Cc:** [Suraj Jhutti](#); [engineering@turlock.ca.us](mailto:engineering@turlock.ca.us); [abublak@turlock.ca.us](mailto:abublak@turlock.ca.us)  
**Subject:** ACE Ceres Merced Extension Project  
**Date:** Tuesday, July 7, 2020 4:37:42 PM

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[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

To Whom It May Concern,

I am writing to voice my concern over the building of the ACE Ceres Merced Extension Project. Although I appreciate the potential benefits this project may provide for the city of Turlock, as a local business owner of Circle J Food and Gas for 30 years, I am concerned with the negative impact that this project will have on my livelihood and the livelihoods of other local businesses near the Stanislaus County Fairgrounds.

I am highly concerned about the construction of the walkway bridge connecting the Turlock Transit Station to the Stanislaus County Fairgrounds due to Circle J Food and Gas' close proximity to both locations. The prosperity and longevity of my business relies upon our visibility to consumers traveling on Golden State Blvd. by car. The addition of a walkway bridge over Golden State Blvd. will obstruct potential consumers from seeing my business and our marketing materials. Like all other comparable gas and convenience businesses in Turlock, the success of our business is directly linked to our visibility to potential consumers traveling by car. Furthermore, my business is only accessible to south bound traffic off of Golden State Blvd. The creation of a walkway bridge that obstructs my business will be detrimental to the livelihood I have built over the last 30 years.

Another concern is regarding the construction of the walkway bridge, the railway tracks and potential road closures. 2 years ago, Golden State Blvd. and Fulkerth Ave. were shut down for 4 months due to the repair of the adjacent railway tracks. This roadway closure negatively impacted my business and livelihood by effectively eliminating my clientele for the duration of the road closures. A gas station and convenience store cannot survive in such a climate. For this reason, I question what type of timeline exists regarding the construction of the walkway bridge and new railway tracks. A complete shutdown of Golden State Blvd. and Fulkerth Ave. will not be acceptable.

As a longtime business and real estate owner in the City of Turlock, I am disappointed that this endeavor was not discussed with the local businesses that would be directly impacted by this projects construction. Given how poorly previous transportation projects were carried out near my business, I will not hesitate to take swift legal action. However, I have consulted with neighboring businesses who are equally as concerned and we are open to further discussing this project and its implications with ACE and the City of Turlock.

Please let me know next steps. I look forward to hearing from you.

Best Regards,  
Jasbir Singh

**From:** [ACE Rail](#)  
**To:** [Merced Comments](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Tuesday, July 7, 2020 11:41:02 AM

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Name: Denis Bazyuk

Email: bazyukd@stancounty.com

Message:

My name is Denis Bazyuk and I'm with Stanislaus County Public Works - Design. My phone number is (209) 525-4150. This is regarding the Golden State - Golf Ave - Berkeley Ave intersection located just southeast of City of Turlock. We have an intersection improvement project at this location that has been in development for past 7 years. The environmental, NEPA & CEQA, documents have been completed on our project and our design is nearly 100% complete as well. As the Union Pacific Railroad (UPRR) intersects our project, we have been coordinating with UPRR and CPUC as well. I just want to make sure that you are aware of our project and we schedule further coordination discussions. The consultant that is developing this project for us is Drake Haglan and Associates (aka Dewberry). Our PM from Dewberry, Matt Satow, will try to reach out to ACE for further coordination. However, feel free to contact me in the meantime for any questions. Thank you.

**From:** [Patrick Cavanah](#)  
**To:** [Merced Comments](#)  
**Cc:** [Sheryl Swartz](#)  
**Subject:** ACE Ceres-Merced Extension Project  
**Date:** Tuesday, July 7, 2020 11:26:03 AM  
**Attachments:** [202007071005.pdf](#)

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

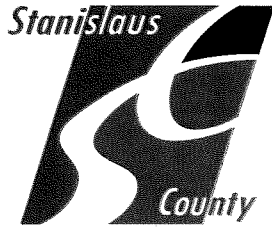
Good Morning,

Please see the attached comment letter from the Stanislaus County Environmental Review Committee regarding the Ace Ceres-Merced Extension Project Notice of Preparation of an EIR.

An original copy of the letter has been placed in the mail.

Thank you,

Patrick Cavanah  
Stanislaus County  
Chief Executive Office  
209-652-1975  
[cavanahp@stancounty.com](mailto:cavanahp@stancounty.com)



**CHIEF EXECUTIVE OFFICE**

**Jody L. Hayes**  
*Chief Executive Officer*

**Patrice M. Dietrich**  
*Assistant Executive Officer*

**Raul L. Mendez**  
*Assistant Executive Officer*

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

July 6, 2020

San Joaquin Regional Rail Commission  
Attn: ACE Ceres – Merced Extension Project  
949 East Channel Street  
Stockton, CA 95202

**SUBJECT: ENVIRONMENTAL REFERRAL – SAN JOAQUIN REGIONAL RAIL  
COMMISSION – ACE CERES-MERCED EXTENSION PROJECT – NOTICE OF  
PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR)**

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and provides the following comments:

**Utilities/Service Systems**

If the proposed project locations are to be located within unincorporated areas of Stanislaus County, please consider addressing if these locations will be providing restrooms or other amenities, where a non-municipal water supply and / or sewer connection would be required.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah  
Sr. Management Consultant  
Environmental Review Committee

PC:ss

cc: ERC Members

**From:** [Ramon Salinas](#)  
**To:** [Merced Comments](#); [Marketing](#)  
**Cc:** [Planning](#)  
**Subject:** RE: Stanislaus County ERC Referral - SJRRC - ACE Ceres – Merced Extension Project – Notice of Preparation of an EIR and Virtual Meetings - Please respond by July 7, 2020  
**Date:** Tuesday, July 7, 2020 11:24:44 AM

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

**Correction:**

**Public Works has some comments.**

- Where at-grade highway-rail crossings are proposed to be created or modified as part of this project, pedestrian crossing improvements should be evaluated and installed. At minimum new track panels shall be extended beyond the roadway edge to accommodate future pedestrian crossings. Coordinate with local highway agency.
- Railroad pre-emption system evaluations shall be included in the scope of this project. Preemption timing and track detection systems shall be installed or modified as necessary. Coordinate with local highway agency.

Thank you

Ramon Salinas  
Assistant Engineer  
Stanislaus County Public Works  
1010 10<sup>th</sup> Street, Suite 4204  
Modesto, CA 95354  
Phone: 209-525-7564  
Cell: 209-278-5734  
Fax: 209-525-6507  
Email: [salinasr@stancounty.com](mailto:salinasr@stancounty.com)

---

**From:** Ramon Salinas  
**Sent:** Sunday, June 21, 2020 7:42 PM  
**To:** [MercedExtComments@acerail.com](mailto:MercedExtComments@acerail.com)  
**Cc:** [Planning <planning@stancounty.com>](mailto:planning@stancounty.com)  
**Subject:** RE: Stanislaus County ERC Referral - SJRRC - ACE Ceres – Merced Extension Project – Notice of Preparation of an EIR and Virtual Meetings - Please respond by July 7, 2020

Good Afternoon,

Public Works has no comments.

Thank you.

Ramon Salinas  
Assistant Engineer  
Stanislaus County Public Works  
1010 10<sup>th</sup> Street, Suite 4204  
Modesto, CA 95354  
Phone: 209-525-7564  
Cell: 209-278-5734  
Fax: 209-525-6507  
Email: [salinasr@stancounty.com](mailto:salinasr@stancounty.com)

---

**From:** Planning

**Sent:** Friday, May 29, 2020 1:47 PM

**To:** Kelly Covello <[covellok@stancounty.com](mailto:covellok@stancounty.com)>; Sheryl Swartz <[swartzs@stancounty.com](mailto:swartzs@stancounty.com)>; Patrick Cavanah <[cavanahp@stancounty.com](mailto:cavanahp@stancounty.com)>; Angela Freitas <[ANGELA@stancounty.com](mailto:ANGELA@stancounty.com)>; Kristin Doud <[Doudk@stancounty.com](mailto:Doudk@stancounty.com)>; Miguel Galvez <[GALVEZM@stancounty.com](mailto:GALVEZM@stancounty.com)>; Milton O'Haire <[miltono@stancounty.com](mailto:miltono@stancounty.com)>; Dan Bernaciak <[danielb@stancounty.com](mailto:danielb@stancounty.com)>; Amit Sandhu <[amits@stancounty.com](mailto:amits@stancounty.com)>; Randy Crook <[RCROOK@stanoes.com](mailto:RCROOK@stanoes.com)>; Matthew Jenkins <[MJENKINS@stanoes.com](mailto:MJENKINS@stanoes.com)>; Michael Ziman <[zimanm@stancounty.com](mailto:zimanm@stancounty.com)>; Cesar Acevedo <[cacevedo@envres.org](mailto:cacevedo@envres.org)>; JAMI AGGERS <[JAGGERS@envres.org](mailto:JAGGERS@envres.org)>; Jennifer Marchy <[jmarchy@envres.org](mailto:jmarchy@envres.org)>; RACHEL RIESS <[rariess@envres.org](mailto:rariess@envres.org)>; JANIS MEIN <[JMEIN@envres.org](mailto:JMEIN@envres.org)>; KIT MCCLURG <[KMCCLURG@envres.org](mailto:KMCCLURG@envres.org)>; WALLACE LOW <[WLOW@envres.org](mailto:WLOW@envres.org)>; Ryan Barney <[rabarney@envres.org](mailto:rabarney@envres.org)>; WALEED YOSIF <[WYOSIF@envres.org](mailto:WYOSIF@envres.org)>; Walter Ward <[wward@envres.org](mailto:wward@envres.org)>; KARL QUINN <[KQUINN@envres.org](mailto:KQUINN@envres.org)>; Lane Avilla <[lavilla@envres.org](mailto:lavilla@envres.org)>; Alexandria Fontana <[afontana@envres.org](mailto:afontana@envres.org)>; MARY-KATE COOK <[MKCOOK@envres.org](mailto:MKCOOK@envres.org)>; Parminder Dhillon <[pdhillon@envres.org](mailto:pdhillon@envres.org)>; Mandip Dhillon <[mdhillon@envres.org](mailto:mdhillon@envres.org)>; Emily Grimes <[egrimes@envres.org](mailto:egrimes@envres.org)>; ALVIN LAL <[ALAL@envres.org](mailto:ALAL@envres.org)>; Gloria Romero <[gromero@envres.org](mailto:gromero@envres.org)>; Michael Parker <[mparker@stansheriff.com](mailto:mparker@stansheriff.com)>; [raduncan@ucanr.edu](mailto:raduncan@ucanr.edu); Frederic Clark <[CLARKF@stancounty.com](mailto:CLARKF@stancounty.com)>; Ramon Salinas <[SALINASR@stancounty.com](mailto:SALINASR@stancounty.com)>; Lynnette Henson <[hensonl@stancounty.com](mailto:hensonl@stancounty.com)>; David Leamon <[Leamond@stancounty.com](mailto:Leamond@stancounty.com)>; Andrew Malizia <[Maliziaa@stancounty.com](mailto:Maliziaa@stancounty.com)>; Sara Lytle-Pinhey <[pinheys@stancounty.com](mailto:pinheys@stancounty.com)>; Erica Inacio <[inacioe@stancounty.com](mailto:inacioe@stancounty.com)>

**Cc:** Jennifer Akin <[AKINJ@stancounty.com](mailto:AKINJ@stancounty.com)>; Angelica Duenas <[DUENASA@stancounty.com](mailto:DUENASA@stancounty.com)>; Arcelia Garcia <[garciaar@stancounty.com](mailto:garciaar@stancounty.com)>

**Subject:** Stanislaus County ERC Referral - SJRRC - ACE Ceres – Merced Extension Project – Notice of Preparation of an EIR and Virtual Meetings - Please respond by July 7, 2020

**Importance:** High

**ERC-20. San Joaquin Regional Rail Commission – ACE Ceres – Merced Extension Project – Notice of Preparation of an EIR and Virtual Meetings** is attached for your review and comments.

Please see the attached email below for additional information.

Thank you,

Arcelia Garcia  
Administrative Clerk III  
Stanislaus County Planning & Community Development

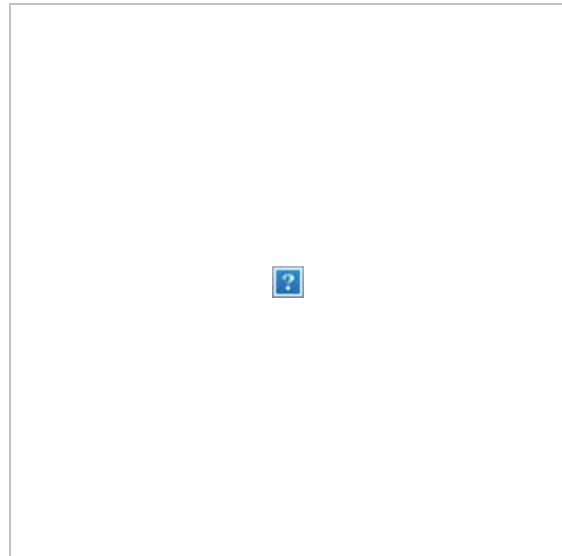
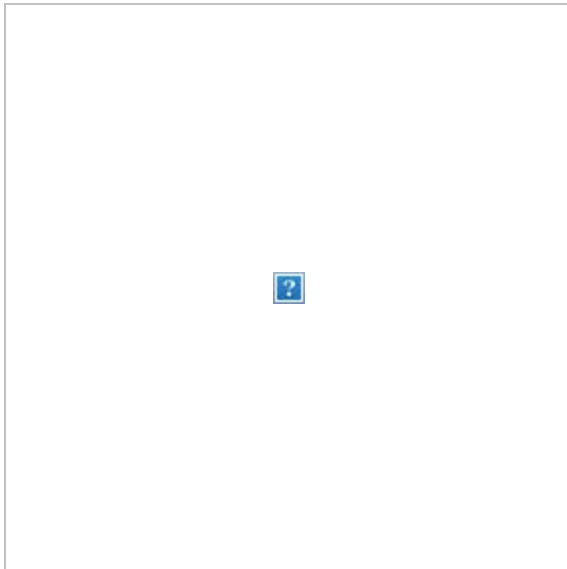
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**From:** ACE Rail <[marketing@acerail.com](mailto:marketing@acerail.com)>

**Sent:** Thursday, May 28, 2020 2:00 PM

**To:** Angela Freitas <[ANGELA@stancounty.com](mailto:ANGELA@stancounty.com)>

**Subject:** ACE Ceres–Merced Extension Project – Notice of Preparation of an EIR and Virtual Meetings



## ACE Ceres–Merced Extension Project Notice of Preparation of an EIR and Virtual Meetings

The San Joaquin Regional Rail Commission (SJRRRC) intends to prepare an environmental impact report (EIR), consistent with requirements under the California Environmental Quality Act (CEQA). The purpose of the EIR is to evaluate the



environmental issues associated with the proposed improvements included in the Altamont Commuter Express (ACE) Ceres–Merced Extension Project. The SJRRC will serve as the lead agency under CEQA for the EIR.

The Project, for which this NOP is being released, is Phase II of the Project that was analyzed in the *ACE Extension Lathrop to Ceres/Merced EIR*. The new EIR that is being prepared by the SJRRC will analyze the potential environmental impacts from expanding ACE service between Ceres and Merced at a project-level detail. This new project-level EIR is tiered from the programmatic analysis in the prior EIR and, thus, where appropriate, the new EIR will incorporate analysis from the prior analysis.

The Project would consist of the following proposed elements:

- A **Ceres to Merced Extension Alignment** consisting of upgrades and new tracks and bridges within the UPRR Fresno Subdivision between Ceres and Merced;
- New **Turlock, Livingston or Atwater, and Merced Stations** along the extension alignment; and
- A new permanent **Merced Layover & Maintenance Facility** to support extension operations.

The purpose of the Notice of Preparation (NOP) is to notify agencies, organizations, and individuals that SJRRC plans to prepare the EIR and to request input on the scope of the environmental analysis to be performed. The [NOP](#) provides a more detailed description of the Project and can be viewed online at <https://acerail.com/merced-extension-eir>.

### Virtual Scoping Meetings

In accordance with current social distancing guidance related to the Novel Coronavirus (COVID-19), all scoping meetings for the ACE Ceres–Merced Extension Project will take place online as webinars. Virtual scoping meetings will take place at the following dates and times:

- Virtual Scoping Meeting #1 (Webinar) - June 25, 2020 (3:00 P.M. - 4:30 P.M.)
- Virtual Scoping Meeting #2 (Webinar) - June 25, 2020 (6:30 P.M. - 8:00 P.M.)
- Virtual Scoping Meeting #3 (Webinar) - June 30, 2020 (6:30 P.M. - 8:00 P.M.)

The link to join each virtual open house will be made available on the Project webpage prior to the webinars. Visit the Project webpage at <https://acerail.com/merced-extension-eir> to sign up to receive email reminders for these webinars. Virtual scoping meetings will begin with a live presentation providing an overview of the Project and the CEQA process, followed by a question and answer session based on questions submitted online from attendees. All three virtual scoping meetings will be identical in format and content.

### Scoping Comments

SJRRC is seeking comments from agencies, stakeholders, and the public regarding the scope of the environmental topics that will be analyzed in the EIR. Written responses and comments on the scope of the ACE Ceres-Merced Extension Project will be accepted until 5:00 PM on Tuesday, July 7, 2020.

Please send comments to:

Mail: San Joaquin Regional Rail Commission  
Attn: ACE Ceres–Merced Extension Project  
949 East Channel Street

Stockton, CA 95202

Email:

Please include the "ACE Ceres-Merced Extension Project" in the subject heading.



**From:** [David Schonbrunn](#)  
**To:** [Merced Comments](#)  
**Cc:** [Stacey Mortensen](#)  
**Subject:** ACE Ceres-Merced Extension Project--revised  
**Date:** Tuesday, July 7, 2020 4:50:43 PM  
**Attachments:** [ACE Merced NOP comments.pdf](#)

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**[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]**

Attached please find our revised scoping comments. Please discard the earlier set. An email indicating receipt would be much appreciated.

Thank you,

--David

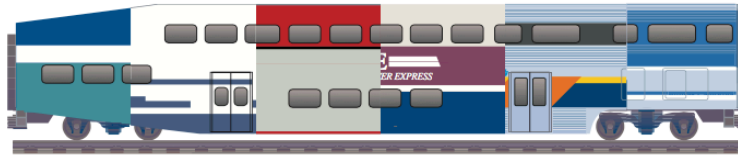
David Schonbrunn, President  
Train Riders Association of California (TRAC)  
P.O. Box 151439  
San Rafael, CA 94915-1439

415-370-7250 cell & office

[President@calrailnews.org](mailto:President@calrailnews.org)  
[www.calrailnews.org](http://www.calrailnews.org)

# **TRAC**

**Train Riders  
Association  
of California**



1025 Ninth Street Suite 223  
Sacramento CA 95814-3516

(916) 557-1667  
[www.calrailnews.org](http://www.calrailnews.org)  
[president@calrailnews.org](mailto:president@calrailnews.org)

## **Officers**

**David Schonbrunn**  
President  
Marin County

**Greg Thompson**  
Secretary  
Sacramento County

**Gordon Osmundson**  
Treasurer  
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**Susan MacAdams**  
Washington, D.C. Rep.

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**Derek Casady**  
San Diego County

**John Deeter**  
Sacramento County

**Fred Glienna**  
Los Angeles County

**William F. McGeehan III**  
Contra Contra County

July 7, 2020

Submitted to:  
MercedExt  
Comments  
[@acerrail.com](mailto:@acerrail.com)

Ms. Stacey Mortensen  
San Joaquin Regional Rail Commission  
949 East Channel Street  
Stockton, CA 95202

Re: ACE Ceres–Merced Extension Project

Dear Ms. Mortensen:

The Train Riders Association of California ("TRAC") is a statewide rail advocacy organization that has worked since 1984 to improve passenger rail service in California. We have a long history of advocacy before the SJRRC Board. We offer the following comments on the NOP for the ACE Ceres–Merced Extension Project in the interest of furthering the proposals we have advocated for.

1. The EIR should evaluate the feasibility of acquiring enough slots to make it possible for the San Joaquin to travel on ACE tracks from Merced to North Lathrop.

2. The EIR should evaluate the cumulative impacts of sharing the ACE tracks from Merced to North Lathrop with the San Joaquin.

3. Given that there are inadequate daily ACE trains to meet each HSR train under the current plans for a Merced-Bakersfield HSR line, the EIR should consider the Altamont Corridor Vision (as expressed in the May 3, 2019 presentation to SVRRWG) to be reasonably foreseeable. The EIR's cumulative impacts analysis should evaluate scenarios with 30 and 20 ACE and San Joaquin trains per day, consistent with a very popular service connecting the Valley to the Bay Area.

4. Identify the improvements necessary to accommodate those two scenarios, and the cost of securing adequate slots.

Thank you for considering these comments.

Sincerely yours,

David Schonbrunn  
President, TRAC

**From:** [ron daugherty](#)  
**To:** [Merced Comments](#)  
**Subject:** Comments  
**Date:** Tuesday, July 7, 2020 9:24:20 PM

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[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

I would like to know if air quality for proposed ridership from Atwater to Livingston vs ridership from Livingston to Atwater where I'm going with that is if a station was at Livingston, would it cause greater air quality issues for riders from Atwater to commute to Livingston or would it be less air quality issues for a smaller number of riders from Livingston to commute to Atwater?

All things equal wouldn't a larger population mean greater ridership?

Thank you for your consideration

Ron Daugherty  
City of Atwater  
Rkansas@sbcglobal.net