

Staff Report 04

LESSEE:

2101-2603 Wilbur, LLC, a Missouri Limited Liability Company

APPLICANT/SUBLESSOR:

2101-2603 Wilbur, LLC, a Missouri Limited Liability Company

SUBLESSEE:

APS West Coast, Inc., a California Corporation, dba AMPORTS

PROPOSED ACTION:

Consider Termination of a General Lease – Industrial Use; Issuance of a General Lease – Industrial Use; and Endorsement of a Sublease.

AREA, LAND TYPE, AND LOCATION:

13.63± acres of filled and unfilled sovereign land in the San Joaquin River, adjacent to 2301 Wilbur Avenue, near Antioch, Contra Costa County; Assessor's Parcel Numbers 051-020-006 and 051-020-012.

AUTHORIZED USE:

Lease and Sublease: The use and maintenance of an existing non-operational industrial wharf, two five-pile dolphins, a maintenance pier, water intake pipeline, electrical substation, storm water outfall, instrumentation shed, three day beacons, and surge basin; the replacement in-kind of the existing breasting and mooring dolphins; and the construction, use, and maintenance of a new concrete deck, a roll-on roll-off (RORO) ramp, and steel and concrete breasting dolphins with associated connecting walkways.

TERM:

Lease term: 20 years, beginning October 21, 2021.

Sublease term: 20 years, beginning October 21, 2021, and ending concurrently with the lease on October 20, 2041.

CONSIDERATION:

\$140,075 for the first year, with an annual Consumer Price Index adjustment applied to each subsequent year; and Lessor and Lessee to establish a revised Base Rent through reappraisal before the first anniversary date with the revised Base Rent to be retroactive to the first year of the lease beginning October 21, 2021 as an adjustment to the Base Rent owed for that lease year; and the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease.

SPECIFIC LEASE PROVISIONS:

- Liability Insurance in an amount no less than \$10,000,000 per occurrence.
- Surety bond or other security in the amount of \$5,000,000.
- Base Rent shall be revised by appraisal on the first lease anniversary date of October 21, 2022.
- After December 31, 2034, only zero-emission vehicles may be loaded or unloaded on the Lease Premises.
- Lessee shall execute a reimbursement agreement with Lessor to pay for any and all reasonable costs and expenditures paid or incurred by the Commission, its staff, or both for review and approval of any plan or related materials required herein, including but not limited to any review or preparation of reports, documents, or other actions as required pursuant to the California Environmental Quality Act (CEQA), plan reviews, and/or amendments. Payment by Lessee shall be in a form and manner which is determined by Lessor's staff and is consistent with the requirements of State law.
- Lessee may submit a good-faith estimate prepared by a licensed engineering contractor for the costs of full removal of the Improvements as a basis to revise the Surety amount. If such cost estimate is received prior to the first lease anniversary date of October 21, 2022, and Lessor's staff concurs with the estimate, the Surety amount may be revised by the Executive Officer or her designee. Any requests to revise the Surety amount following the second Lease anniversary date shall require Lessor's review and approval to amend the Lease.

BACKGROUND:

On June 29, 1982, the Commission authorized a 20-year General Lease – Industrial Use, Lease No. PRC 1546.1, to Crown Zellerbach Corporation for various industrial improvements located on filled and unfilled tide and submerged lands that were

used in conjunction with an upland recycle paper mill operation ([Item 8, June 29, 1982](#)). Crown Zellerbach Corporation subsequently merged with Gaylord Container Corporation (Gaylord), and on January 22, 1987, the Commission approved the assignment of Lease PRC 1546.1 to Gaylord ([Item 9, January 2, 1987](#)). The Gaylord Container paper mill operations were formally shutdown in 2002. Through a series of mergers and transfers, the owner of the upland property became Forestar (USA) Real Estate Group, Inc. (Forestar).

On December 3, 2008, the Commission authorized a General Lease – Industrial Use to Forestar (USA) Real Estate Group ([Item C11, December 3, 2008](#)). On June 28, 2016, the Commission authorized the assignment of the Lease to the Applicant ([Item C26, June 28, 2016](#)). That lease will expire on August 8, 2022.

PROJECT DESCRIPTION:

The Applicant is now applying for the termination of the existing General Lease – Industrial Use, the issuance of a new General Lease – Industrial Use, and endorsement of a sublease. The proposed sublessee has entered into a lease agreement with the Applicant to develop the upland parcels as a facility to process new automobiles shipped from overseas which would then be transported to dealerships in the San Francisco Bay Area.

The proposed Sublessee, APS West Coast Inc., dba AMPORTS (AMPORTS), is an automotive service industry import/export business. The company has been in the industry for over 60 years, and has locations throughout the United States and Mexico. AMPORTS is developing an automotive logistics and processing facility on two upland parcels located at 2301 Wilbur Avenue, near Antioch. The site was the previous location of the Gaylord Paper Mill and is zoned for industrial use. The site is now proposed to be used for delivery and storage of vehicles and limited processing prior to distributions to dealerships. The improved site will include conversion and upgrade of the existing industrial wharf, which is currently non-operational, to support RORO operations, a one-story vehicle processing building with offices, as well as grading, fencing, paving, and striping for car storage and loading prior to distribution. The project also includes select demolition of existing raised slabs and out of service utilities, new utility connections, and onsite stormwater improvements. Some of these activities will take place on the upland and others on the Lease Premises. The upgraded facility will accommodate vessels arriving with new vehicles, off-loading vehicles, and minor processing and storage of vehicles prior to truck hauling to area dealerships.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

The existing wharf structure will be upgraded to accommodate vessels that will deliver new automobiles to the project site. The proposed wharf structure will be approximately 31,240 square feet. The proposed project would remove eight existing creosote piles located north of the pier. Additionally, approximately 26 to 30 existing creosote-treated fender piles ranging from 12 to 15 inches in diameter would be removed and replaced with high-density polyethylene (HDPE) fender piles approximately 13 inches in diameter. Some associated creosote-treated blocking between the piles at the approximate deck elevation would also be replaced with HDPE lumber.

Upgrades to the wharf structure will include the demolition of treated timber structures, concrete repair, the installation of new steel and concrete piles, a new concrete deck, new walkways, new breasting and mooring dolphins, and the construction of a stern ramp to roll-on/roll-off new automobiles. Dolphins are marine structures that extend above the waterline and are not connected to shore. They typically consist of piles and are connected above the water to provide a platform or fixing point and can assist in berthing and mooring of vessels.

The new use of the wharf requires the installation of the new concrete deck to support the car carrier vessels' stern unloading ramps. The new wharf is proposed to be constructed between two existing mooring dolphins. No structures will be located on the new deck, and the only equipment to be mounted on the new deck is a mooring bollard, guard rails, and a light standard.

These proposed improvements will primarily occur within the wharf's existing footprint, except for the new stern ramp that will be constructed from the wharf to the shoreline to support loading and unloading operations. There is an existing, isolated pier located to the east of the main wharf structure which will remain in place to allow operations and maintenance access from the easternmost mooring dolphins. There are also two existing pipeways/timber walkways and an existing concrete ramp that connect the existing wharf facilities to the shoreline, which will remain in place to allow wharf access from the landside. The proposed

improvements will require an expansion of the lease area within the San Joaquin River.

The number of vessel calls to the proposed facility may be approximately 25 calls per year, although Mitigation Measure AIR-3, incorporated into the proposed Lease, reduces the vessel calls to 8 per year unless the Lessee can incorporate additional emissions reductions into its project. Each vessel will offload approximately 1,200 to 1,500 automobiles. Two tugboats per ocean going vessel will be used to help guide the vessels to dock. Process time to offload and stage the automobiles is estimated to take four to six and a half hours. Depending on the arrival time of the vessel and tidal conditions, the vessel may dock overnight at the facility before departing the following day. After the vehicles have been offloaded, they will be staged and processed. Trucks will then transport the automobiles offsite to dealerships in the San Francisco Bay Area. The trucks will have capacity to hold nine to 10 automobiles. It is anticipated that 10 to 12 trucks will arrive at the project site per day to transport the automobiles.

By [Executive Order N-79-20](#), Governor Newsom set a state goal that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission vehicles by 2035. Staff recommends that the Lease incorporates and extends this goal by requiring that after December 31, 2034, only zero-emission vehicles may be loaded or unloaded on the Lease Premises.

Staff recommends termination of the current lease, approval of a new lease, and endorsement of the sublease. The proposed lease allows waterborne commerce, a Public-Trust use, and includes certain provisions protecting the public use of the proposed lease area by requiring the Applicant to obtain necessary permits for the project. The City of Antioch has also adopted a Mitigation, Monitoring, and Reporting Program (MMRP) to substantially reduce or eliminate potentially significant impacts resulting from the project. The provisions of the MMRP relevant to the Lease Premises are incorporated into the proposed lease.

The proposed lease is limited to a 20-year term and does not alienate the State's fee interest or grant the lessee exclusive rights to the lease premises. Upon termination of the lease lessee may be required to remove all improvements from State land and restore the lease premises to its natural state.

Furthermore, the proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred, directly or indirectly, as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved.

CLIMATE CHANGE:

Climate change impacts, including sea-level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The subject facility is located in Antioch on the San Joaquin River in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea-level rise.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea-Level Rise for San Francisco

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, State of California Sea-Level Rise Guidance: 2018 update

Note: Projections are with respect to a 1991 to 2009 baseline.

This effect could increase the San Joaquin River’s inundation levels within the lease area, and this risk of flood exposure is likely to increase with time. In addition, as stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea-level rise). In rivers and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. Conversely, climate-change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea-level rise will further influence riverine areas by changing erosion and sedimentation rates. Although the banks within the lease area are vegetated, flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

The combination of these projected conditions could increase the likelihood of damage and affect access to structures within the lease premises during the term of the lease. For example, the potential for more frequent and stronger storm

events may expose the lease area structures to higher flood risks and cause facilities to be damaged or dislodged, presenting hazards to public safety as well as dangers for navigation within the channel. Conversely, prolonged drought conditions could lower water levels, exposing previously submerged structures to the elements and potentially leading to increased wear and tear on the pier infrastructure. Lowered water levels could also reduce navigability of the channel, thereby increasing hazards related to the lease area structures.

The existing wharf deck is approximately 15.5 feet above Mean Lower Low Water (MLLW), which sets it 10.59 feet above Mean Higher High Water (MHHW). The new concrete deck elevation will be 12.0 feet above MLLW (7.09 feet above MHHW). Both the existing wharf and the new deck are connected back to land via ramps that slope to a consistent ground elevation of 10.6 feet above MLLW (5.69 feet above MHHW). Based on current data, the analysis prepared for the project showed that sea level rise would not impact the facility over the next 50 years through 2070. However, in-water infrastructure (piles) may need reinforcement and possibly replacement to withstand higher levels of flood exposure and more frequent storm events, based on projected sea-level rise and climate change scenarios. Regular maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland (not under lease) are located in an area that may be subject to effects of climate change, including sea-level rise.

ENVIRONMENTAL JUSTICE:

Staff reviewed environmental justice data that indicated moderate pollution burdens to the surrounding communities. These burdens may result in impacts to health such as asthma, low birth weight, and cardiovascular disease. In addition, the same data showed high burdens to drinking water. As part of an environmental justice outreach effort, staff contacted several environmental justice communities in Contra Costa County providing notification of the proposed lease. No comments on the proposed lease were received as a result of the outreach.

CONCLUSION:

For all the reasons above, staff believes the issuance of this lease and endorsement of a sublease is consistent with the common law Public Trust Doctrine; will not substantially interfere with Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application for termination of an existing lease, issuance of a new lease, and endorsement of a sublease is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission denies the application, the Applicant may be required to remove the existing industrial wharf and appurtenant facilities located on sovereign land and restore the premises to their original condition. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.
3. Termination of lease is not a project as defined by CEQA because it is an administrative action that will not result in direct or indirect physical changes in the environment.
4. Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).
5. A Mitigated Negative Declaration, State Clearinghouse No. 2021070030, was prepared by the City of Antioch and adopted on September 1, 2021, for this project. Commission staff has reviewed such document.

An MMRP was adopted by the City of Antioch.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

City of Antioch
California Department of Fish and Wildlife
Central Valley Regional Water Quality Control Board
National Marine Fisheries Service

U.S. Army Corps of Engineers

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program
- D. Sublease Endorsement

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2021070030, and a Mitigation, Monitoring, and Reporting Program were prepared by the City of Antioch and adopted on September 1, 2021, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgement, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation or substantially interfere with the Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize termination, effective October 20, 2021, of Lease No. PRC 1546, a General Lease – Industrial Use, issued to 2101-2603 Wilbur, LLC, a Missouri Limited Liability Company.
2. Authorize issuance of a General Lease – Industrial Use to the Applicant, beginning October 21, 2021, for a term of 20 years, for the use and maintenance of an existing non-operational industrial wharf, two five-pile dolphins, a maintenance pier, water intake pipeline, electrical substation, storm water outfall, instrumentation shed, three day beacons, and surge basin, the replacement in-kind of the existing breasting and mooring dolphins, and the construction, use, and maintenance of a new concrete deck, a RORO ramp, and steel and concrete breasting dolphins with associated connected walkways, as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$140,075, with an annual Consumer Price Index adjustment with the State reserving the right to fix a different rent periodically during the lease term, as provided for in the lease; liability insurance in an amount no less than \$10,000,000 per occurrence; and a surety bond in the amount of \$5,000,000.
3. Authorize the Executive Officer or designee to establish a revised Base Rent through reappraisal before the first anniversary date.
4. Authorize the Executive Officer or designee to modify the Surety Bond amount based on an estimate of the full improvement removal costs, once the estimate is received within the first year of the lease, as specified in the lease.
5. Authorize, by endorsement, a sublease from 2101-2603 Wilbur, LLC, a Missouri Limited Liability Company, to APS West Coast, Inc., a California Corporation, dba AMPORTS, of Lease 1546, which shall be subject to the terms of Lease 1546, for the use and maintenance of the industrial wharf and appurtenant improvements for 20 years, beginning October 21, 2021.

EXHIBIT A

LEASE 1546

LAND DESCRIPTION

PARCEL 1

A parcel of tide and submerged land, filled and unfilled, in the bed of the San Joaquin River approximately one mile west of the Antioch Lift Bridge and two miles east of the City of Antioch, Contra Costa County, California, more particularly described as follows:

BEGINNING at a point on the southerly bank of the San Joaquin River, said point being the westerly terminus of that certain boundary line agreement recorded in Liber 1193, page 189, Official Records, Contra Costa County, from which the corner common to Sections 16, 17, 20 and 21, T2N, R2E, MDM, bears S 45°20'53" E, 1,835.72 feet; thence along the following 27 courses:

- | | | |
|-----|---------------|--|
| 1. | S 58°10'44" W | 4.08 feet; |
| 2. | S 75°25'00" W | 78.48 feet; |
| 3. | S 42°57'46" W | 179.01 feet; |
| 4. | S 54°54'46" W | 295.74 feet; |
| 5. | S 60°35'34" W | 63.13 feet; |
| 6. | S 77°54'19" W | 42.95 feet; |
| 7. | N 84°41'08" W | 43.19 feet; |
| 8. | N 46°25'56" W | 56.59 feet; |
| 9. | N 77°09'51" W | 81.02 feet; |
| 10. | N 35°04'25" W | 57.43 feet; |
| 11. | N 72°53'50" W | 54.41 feet; |
| 12. | S 73°33'34" W | 63.60 feet; |
| 13. | S 51°48'51" W | 113.23 feet; |
| 14. | S 76°40'32" W | 156.20 feet; |
| 15. | N 69°26'38" W | 76.90 feet; |
| 16. | S 74°57'13" W | 28.68 feet; |
| 17. | N 01°06'16" E | 270.00 feet; |
| 18. | S 88°53'42" E | 33.27 feet; |
| 19. | N 17°05'24" W | 226.89 feet; |
| 20. | N 72°54'36" E | 10.00 feet; |
| 21. | S 17°05'24" E | 230.17 feet; |
| 22. | S 88°53'42" E | 182.63 feet; |
| 23. | N 41°05'19" E | 95.92 feet; |
| 24. | N 16°45'28" W | 200.00 feet; |
| 25. | N 73°14'32" E | 945.00 feet; |
| 26. | S 16°45'28" E | 185.88 feet; |
| 27. | S 01°05'08" W | 280.58 feet to the POINT OF BEGINNING. |

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of said river.

TOGETHER WITH three (3) circular parcels of submerged land each having a radius of 14 feet in the bed of the San Joaquin River approximately one mile west of the Antioch Lift Bridge and two miles east of the City of Antioch, Contra Costa County, California, more particularly described as follows:

PARCEL 2 (Day Beacon #3)

A point in the bed of San Joaquin River having CCS 27, Zone 3 coordinates of $N(y) = 555034.64$, $E(x) = 1631697.87$ from which the westerly terminus of said description bears $S\ 69^{\circ}46'59''\ E\ 1796.20$ feet.

PARCEL 3 (Day Beacon #5)

A point in the bed of San Joaquin River having CCS 27, Zone 3 coordinates of $N(y) = 555497.54$, $E(x) = 1632482.33$ from which the westerly terminus of said description bears $S\ 39^{\circ}44'42''\ E\ 1409.32$ feet.

PARCEL 4 (Day Beacon #7)

A point in the bed of San Joaquin River having CCS 27, Zone 3 coordinates of $N(y) = 555630.90$, $E(x) = 1633181.44$ from which the westerly terminus of said description bears $S\ 09^{\circ}25'22''\ E\ 1233.63$ feet.

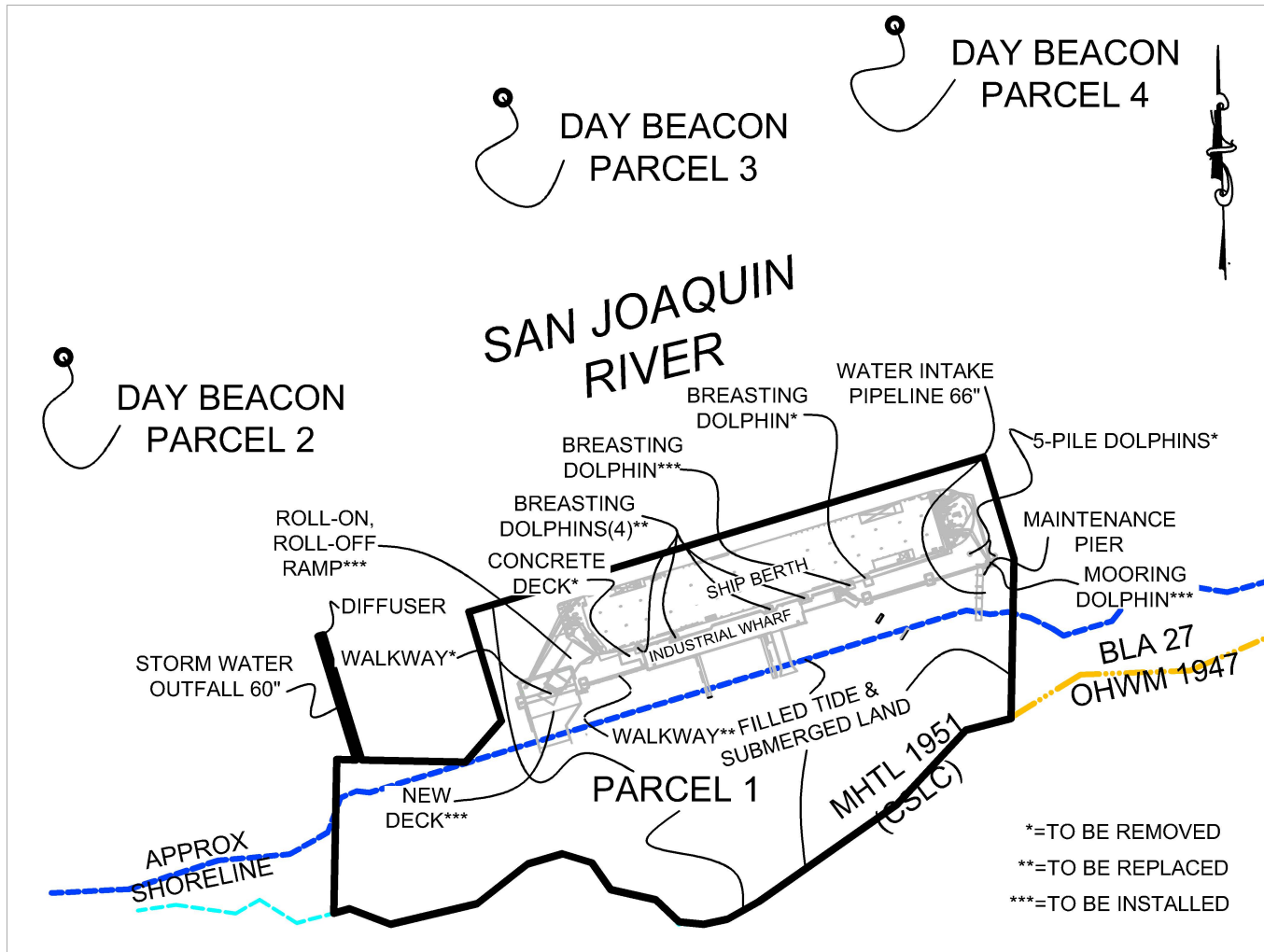
END OF DESCRIPTION

Prepared 9/13/2021 by the California State Lands Commission Boundary Unit



NO SCALE

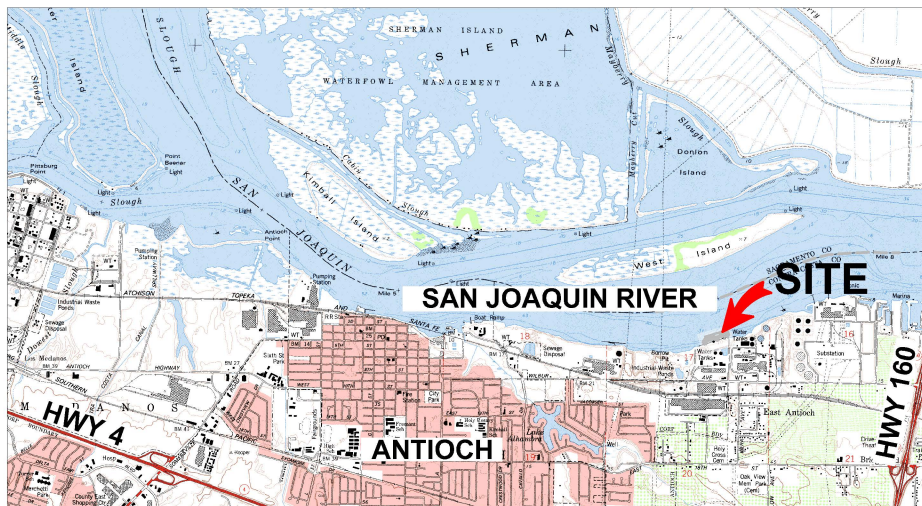
SITE



2301 Wilbur Avenue, Antioch

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

LEASE 1546
APN 051-020-006,012
2101-2603 WILBUR LLC.
GENERAL LEASE -
INDUSTRIAL USE
CONTRA COSTA COUNTY



MJF 9/09/2021

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
AMPORTS ANTIOCH VEHICLE PROCESSING FACILITY PROJECT
(A2869, State Clearinghouse No. 2021070030)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the AMPORTS Antioch Vehicle Processing Facility Project (Project). The CEQA lead agency for the Project is the City of Antioch.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines¹ section 15097, subdivision (a), states in part:

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency adopted an MND, State Clearinghouse No. 2021070030, adopted a Mitigation, Monitoring, and Reporting Program (MMRP) for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and provided in Attachment C-1, is incorporated by reference in this Exhibit C.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM)²
Air Quality	AIR-1, AIR-2, AIR-3
Biological Resources	BIO-1, BIO-2, BIO-3, BIO-4
Cultural /Tribal Resources	CUL-1, CUL-2, CUL-3
Geology and Soils	GEO-1, GEO-2
Hazards and Hazardous Materials	HAZ-1, HAZ-2
Hydrology and Water Quality	HYD-1, HYD-2
Transportation	TRANS-1

² See Attachment C-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

ATTACHMENT C-1

**Mitigation, Monitoring, and Reporting Program Adopted by the
City of Antioch**

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

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



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

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



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



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



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



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



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



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



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



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



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



EXHIBIT D - SUBLEASE ENDORSEMENT

**STATE OF CALIFORNIA –
STATE LANDS COMMISSION**

Pursuant to Commission Staff Report No. _____, dated October 21, 2021, the herein Sublease between 2101-2603 Wilbur, LLC, a Missouri Limited Liability Company, and APS West Coast, Inc., a California Corporation, dba AMPORTS, under a portion of State Lease 1546, is hereby approved.

By: _____

**ROBERT BRIAN BUGSCH, Chief
Land Management Division**