

**7) Response to Follow-up to Questions from Richard
Grassetti**

From: [gecons](#)
To: [Cole, Doug](#); [DL - City Council](#); [Office of the Mayor](#); [Cappio, Claudia](#); [Monetta, John](#); [BParker](#)
Cc: [lora jo foo](#); [ted](#)
Subject: response to September 28, 2015 City Memo Regarding follow-up Questions on Coal's Public Health and/or Safety Impacts
Date: Monday, October 05, 2015 1:28:50 PM
Attachments: [18 responses-quals.docx](#)

Dear Ms. Cappio,

I am attaching my response to Question 18 posed by you in your September 28, 2015 memo to Interested Parties regarding follow-up questions on Coal's Public Health and/or safety impacts. I have also attached my qualifications as a CEQA expert.

In short, CEQA is applicable, the coal use is substantial new information not evaluated in the 2002 EIR or 2012 Addendum, and a new Supplemental or Subsequent EIR is required. It is my professional opinion that the previous Addendum was inappropriate for the 2012 changes, and is also inappropriate for the more impactful coal project now being proposed.

Please feel free to contact me with any questions.

thank you-

Richard Grassetti

Richard Grassetti
Grassetti Environmental Consulting
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Response by Richard Grassetto, CEQA Consultant, to City Question #18

Qualifications:

Richard Grassetto is a CEQA consultant with over 32 years of experience. He has managed preparation of over 300 CEQA documents, and is considered an expert in the field. In addition to his consulting practice, he taught the Environmental Impact Assessment course at Cal State East Bay for 15 years, and regularly instructs CEQA and NEPA workshops for planning professionals and others. Mr. Grassetto is an Oakland resident, and his consulting practice is a certified Oakland small business. His complete qualifications are attached.

Response:

a) Preemption issue:

CEQA applies to local approvals of development projects, including the rail terminal.

b) Why does CEQA apply:

There are two reasons that CEQA applies.

- 1) The project has been substantially changed from that assessed in the original EIR and Addendum, and the public could not have previously known about the change; and,**
- 2) The City had the authority to enact new ordinances to protect its citizens from health and safety hazards associated with the project; those ordinances are discretionary and subject to CEQA.**

These are discussed below.

1) Substantial Changes to the project re-open the CEQA Process

CEQA (Guidelines Section 15378 (a) defines a project as

“the whole of an action (emphasis added), which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following :

(1) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(2) An activity involving issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.”

Any development project includes both construction and operations phases, either of which could adversely affect the environment. The Program-level 2002 OAB EIR and 2012 Addendum addressed general construction and operations of the terminal, but never disclosed any of the

materials that would pass through the facility. The Addendum simply stated that unit trains approximately 6000 feet in length would use the facility. Any hazardous materials transported to the facility were omitted from the project description. Therefore the reader would reasonably assume that no hazardous materials would be transported through the facility. If hazardous materials had been proposed for transport, then the EIR would have been deficient for not analyzing the impacts of such transport. Given the common use of unit trains for agricultural products, and the absence of any discussion of hazardous materials transport, a reader would reasonably assume that “the whole of the project” did not include any hazardous materials, including coal.

CEQA requires that, changes to a project occur that may result in new or substantially greater environmental impacts than previously disclosed, additional CEQA review must be conducted. Per Guidelines Section 15162 a),

“When an EIR....has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence...one or more of the following:

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

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

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

(A) The project will have one or more effects not discussed in the previous EIR or Negative declaration;

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

The use of the project terminal for coal is a major change from the project as described in the EIR Addendum, which did not disclose the transport or impacts of any hazardous materials associated with that terminal. This would be considered a major change because substantial evidence has been placed on the record before the City that the project would likely have a significant health impact associated with coal dust effects and climate change, as well as water quality, and water use, among other impacts. Health risks associated with this use were not evaluated in the 2002 EIR or 2012 Addendum.

The coal terminal use also constitutes substantial new information. This change in the project description and its associated impacts were not known and could not have been known at the time of project approval because they were not disclosed. Further, when directly questioned by City staff and elected officials about the possibility of coal use the applicant denied any such intended

use. This use also was denied in writing by the applicant in 2013. It was not until April 2015 that the applicant made public this substantial change to the project.

A review of City files indicates no mention of coal at the time the Addendum was prepared. Coal was added to the project at a later date. As documented in the CBE et. al. writ petition (filed October 2, 2015), the public could not have reasonably known about the substantive change in the project until or after April 5, 2015. Because the impacts of transport, storage, and shipment of coal were not considered in the Addendum, and because those impacts are potentially significant (as documented in the September 21, 2015 public hearing and associated submittals), the Addendum it is deficient and additional CEQA documentation must be prepared by the City.

(A) Appropriate CEQA Documentation

Furthermore, given the Section 15126 requirements for subsequent CEQA review, an addendum was not and is not the appropriate CEQA document for this project. The revisions to the project were and are substantial, and reflect substantial changes in both the project and its potential impacts. A subsequent or supplemental EIR is required.

(B) Opportunity for the City to Correct CEQA Deficiencies

When a project is changed such that potential new significant environmental impacts may occur, a lawsuit compelling performance of an agency's duty to conduct further environmental review may be filed within 180 days of the time the "plaintiff knows or should have known that the project underway differs substantially from the one described in the initial EIR." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Assn.* (1986) 42 Cal.3d 929). The addition of coal to the project became known publically on or about April 5, 2015. Citizens for a Better Environment, et. al. has filed a lawsuit challenging the adequacy of the CEQA documents for the project. When the City became aware of the change to the project, it had the affirmative duty to revise the CEQA documents for the project. Given the current litigation, the City should work with the plaintiffs to develop a scope of work for a new CEQA document (EIR supplement or Subsequent EIR addressing the coal-related issues, as well as any other new/substantially changed environmental issues).

2) New City regulations to address the project's health and safety impact would trigger new CEQA review.

As described above (Guidelines Section 15378), CEQA is triggered by discretionary entitlements, agreements, and/or funding decisions on the part of a lead or responsible agency. The City has made both land use entitlements/agreements and funding decisions regarding the project. It is not clear whether additional City discretionary funding or lease approval actions are required to permit the proposed coal terminal. If additional funding or lease agreements are required, those would constitute discretionary actions that would require re-opening the CEQA process for the project.

Further, under *Section 3.4.2 Regulation for Health and Safety*, in the City's July 2013 agreement with Prologis allowing the terminal,

"The City shall have the right to apply City Regulations adopted by City after the Adoption Date, if such application (a) is otherwise permissible pursuant to Laws (other than the Development Agreement Legislation), and (b) City determines, based on substantial evidence and after a public hearing, that a failure to do so would place existing or future

occupants or users of the Project, adjacent neighbors, or any portion thereof, or all of them, in a condition substantially dangerous to their health or safety.”

Any regulations adopted by the City to reduce the project’s health and safety impacts to sensitive neighboring communities would be discretionary actions that would require CEQA review.

c) Extent and scope of additional CEQA review:

As discussed above, because the health impacts associated with coal transport and handling are new, significant (and potentially unavoidable, on the basis of substantial evidence presented to the City), and may require additional mitigation, a Supplemental or Subsequent EIR would be required to address these issues. Another Addendum would not comply with the requirements of Section 15126, which state that an addendum shall be used only if none of the conditions described (above) under Section 15162 calling for the preparation of a subsequent EIR have occurred.

d) Is new CEQA review required for changes to commodities handled at the terminal:

As described above, a new CEQA review would be required only if substantial evidence of substantial changes in health risk were provided to the City in its review of the use, and those changes are not already considered or effectively mitigated by previously adopted assessments and mitigation measures, respectively. Such evidence has been provided to the City, therefore a new CEQA review is required.

Qualifications:

Richard Grassetti

PRINCIPAL

Expertise

- CEQA/NEPA Environmental Assessment
- Project Management
- Geologic and Hydrologic Analysis

Principal Professional Responsibilities

Mr. Grassetti is an environmental planner with over 32 years of experience in environmental impact analysis, project

management, and regulatory compliance. He is a recognized expert on California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) processes. He also has served as an expert witness on CEQA and planning issues. Mr. Grassetti regularly conducts peer review and QC/QA for all types of environmental impact analyses, and works frequently with public agencies, citizens groups, and applicants. He has managed the preparation of over 60 Federal and state environmental impact assessment documents, as well as numerous local agency planning and permitting documents. Mr. Grassetti also has prepared over 300 technical analyses for these documents. He has analyzed the environmental impacts of a wide range of projects including infrastructure improvements, ecological restoration projects, waste management projects, mixed-use developments, energy development, military base reuse projects, and recreational facilities. In addition to his consulting practice, Mr. Grassetti regularly conducts professional training workshops on NEPA and CEQA compliance, and is a lecturer at California State University, East Bay, where he teaches courses on environmental impact assessment.

Professional Services

- Management and preparation of all types of environmental impact assessment and documentation for public agencies, applicants, citizens groups, and attorneys
- Peer review of environmental documents for technical adequacy and regulatory compliance
- Expert witness services

- Assisting clients in Federal and state environmental impact assessment process compliance
- Preparation of technical analyses for impact assessments
- Preparation of project feasibility, opportunities, and constraints analyses, and mitigation monitoring and reporting plans

Education

University of Oregon, Eugene, Department of Geography, M.A., Geography (Emphasis on Fluvial Geomorphology and Water Resources Planning), 1981.

University of California, Berkeley, Department of Geography, B.A., Physical Geography, 1978.

Professional Experience

1992-Present	Principal, GECO Environmental Consulting, Berkeley, CA
1994-2013	Adjunct Professor, Department of Geography and Environmental Studies, California State University, East Bay, Hayward, CA
1988-1992	Environmental Group Co-Manager/ Senior Project Manager, LSA Associates, Inc. Richmond, CA
1987-1988	Independent Environmental Consultant, Berkeley, CA
1986-1987	Environmental/Urban Planner, City of Richmond, CA
1982-1986	Senior Technical Associate - Hydrology and Geology - Environmental Science Associates, Inc. San Francisco, CA
1979-1981	Graduate Teaching Fellow, Department of Geography, University of Oregon, Eugene, OR

Professional Affiliations and Certifications

Member and Past Chapter Director, Association of Environmental Professionals, San Francisco Bay Chapter

Member, International Association for Impact Assessment

**Publications
and Presentations**

Grassetti, R. *Understanding Environmental Impact Assessment – A Layperson's Guide to Environmental Impact Documents and Processes*. 2002 (Revised 2011)

Grassetti, R. *Round Up The Usual Suspects: Common Deficiencies in US and California Environmental Impact assessments*. Paper Presented at International Association for Impact Assessment Conference, Vancouver, Canada. May 2004.

Grassetti, R. *Developing a Citizens Handbook for Impact Assessment*. Paper Presented at International Association for Impact Assessment Conference, Marrakech, Morocco. June 2003

Grassetti, R. *CEQA and Sustainability*. Paper Presented at Association of Environmental Professionals Conference, Palm Springs, California. April 2002.

Grassetti, R. and M. Kent. *Certifying Green Development, an Incentive-Based Application of Environmental Impact Assessment*. Paper Presented at International Association for Impact Assessment Conference, Cartagena, Colombia. May 2001

Grassetti, Richard. *Report from the Headwaters: Promises and Failures of Strategic Environmental Assessment in Preserving California's Ancient Redwoods*. Paper Presented at International Association for Impact Assessment Conference, Glasgow, Scotland. June 1999.

Grassetti, R. A., N. Dennis, and R. Odland. *An Analytical Framework for Sustainable Development in EIA in the USA*. Paper Presented at International Association for Impact Assessment Conference, Christchurch, New Zealand. April 1998.

Grassetti, R. A. *Ethics, Public Policy, and the Environmental Professional*. Presentation at the Association of Environmental Professionals Annual Conference, San Diego. May 1992.

Grassetti, R. A. *Regulation and Development of Urban Area Wetlands in the United States: The San Francisco Bay Area Case Study*. Water Quality Bulletin, United Nations/World Health Organization Collaborating Centre on Surface and Ground Water Quality. April 1989.

Grassetti, R. A. *Cumulative Impacts Analysis, An Overview*. Journal of Pesticide Reform. Fall 1986.

1986, 1987. Guest Lecturer, Environmental Studies Program, University of California, Berkeley.

REPRESENTATIVE PROJECT EXPERIENCE

IMPACT ASSESSMENT REGULATORY COMPLIANCE SEMINARS

Mr. Grassetti has conducted numerous CEQA and NEPA compliance seminars for entities including:

- Alameda County Waste Management Authority
- San Francisco County Transportation Authority
- West Bay Sanitary District
- North Coast Resource Management, Inc.
- Element Power Company
- Tetra Tech Inc.
- Impact Sciences Inc.
- Northwest Environmental Training Center (over 10 workshops)
- California State University East Bay (14 years teaching Environmental Impact Assessment)

PREPARATION OF ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTS

Prospect Island Restoration Project. Mr. Grassetti is providing CEQA guidance and preparing technical sections for an EIR on a proposed 1400-acre fisheries enhancement project in the northern Sacramento/San Joaquin River Delta. Major issues include water quality, biological resources, and construction impacts. Client: Wetlands and Water Resources/Stillwater Sciences, for California Department of Water Resources.

Upper Putah Creek Restoration Project Program EIR. Mr. Grassetti is managing preparation of a Program Environmental Impact Report on restoration of approximately 21 linear miles of stream channel of Putah Creek, near Davis, CA. Major issues include biological resources, water quality, and land use compatibility. Client: Wetlands and Water Resources, for the Putah Creek Conservancy.

Salt River Ecosystem Restoration Project EIR. Mr. Grassetti managed preparation of an Environmental Impact Report for the restoration of a large area of former marsh and open channel near Ferndale in Humboldt County. The project includes creation of a new seven-mile-long river channel and a 400-acre wetland restoration. Major issues include biological resources, land use, hydrology/flooding, and construction impacts (noise, air quality, traffic.). Client: Humboldt County Resource Conservation District.

Aramburu Island Shoreline Protection and Ecological Enhancement Project Initial Study. Mr. Grassetti managed preparation of an Initial Study for a proposal by the Audubon Society to

stabilize the shoreline and improve bird and seal habitat on the 34-acre Aramburu Island site in Marin County. Major issues include biological resources, hydrology/flooding, and construction impacts. Client: Wetlands and Water Resources.

Forward Landfill Expansion Project EIRs. Mr. Grassetto managed preparation of three EIRs for expansion of the Forward Landfill in San Joaquin County. Major issues include air quality, health and safety, biological resources, and traffic. Client: San Joaquin County Community Development Department.

San Francisco PUC WSIP Projects. Mr. Grassetto assisted in the preparation of the San Francisco Public Utility Commission's Water Supply Improvement Project Program EIR, as well as two other CEQA documents for smaller projects under that program. Major issues include hydrology, water supply, and fisheries. Client: Water Resources Engineering/Orion Associates.

Parsons Slough Project CEQA Review: Mr. Grassetto managed preparation of an expanded Initial Study for a tidal sill (dam) project to reduce scour in Parsons Slough, an arm of the ecologically sensitive Elkhorn Slough. This IS may lead to either an EIR or Mitigated Negative Declaration. Major issues include fisheries, marine mammals, water quality, aesthetics, and construction issues (noise). Client: Vinnedge Consulting/Elkhorn Slough National Estuary Reserve.

Hamilton Wetlands/Todds Road CEQA Review. Mr. Grassetto managed preparation of the CEQA Initial Study for an alternative access road for truck traffic to the Hamilton Wetlands Restoration Project to reduce the project's potential noise impacts. Major issues included noise, biological resources, and cultural resources. Client: California State Coastal Conservancy.

San Francisco Bay Water Trail Program EIR. Mr. Grassetto assisted in the preparation of the EIR for a "water trail" for small non-motorized boats throughout San Francisco Bay. The project involves designation of 115 access sites as well as policies for stewardship and education. Major issues include disturbance of birds, marine mammals, water quality, historic resources, and wetlands. Client: California State Coastal Conservancy.

Dutch Slough Restoration Project/Oakley Community Park EIR. Mr. Grassetto managed preparation of the EIR for a 1400-acre wetland restoration and 80-acre community park on former diked lands in Oakley. Major issues include fisheries, water quality, historic architectural resources, and wetlands. Client: California State Coastal Conservancy.

Vineyard RV Park Expansion Initial Study. Mr. Grassetto managed preparation of the Initial Study for an expansion of a mobile home park in Solano County near Vacaville. Major issues included flooding, biological resources, and traffic. Client: Vineyard RV Park.

Pinole Creek Restoration Project Initial Study. Mr. Grassetto prepared the CEQA Initial Study for a 2.5-mile long creek restoration project in the City of Pinole. Major issues included biological resources, flooding, and water quality. Client: City of Pinole.

Knobcone Subdivision Initial Study. Mr. Grassetto managed preparation of an Initial Study for a 5-unit subdivision in Richmond. Major issues include geologic hazards and biological resources. Client: City of Richmond.

Baxter Creek Restoration Project CEQA Consulting. Mr. Grassetto assisted City of El Cerrito staff in the preparation of an Initial Study for the proposed Baxter Creek Restoration Project. Client: City of El Cerrito.

West of Fairview Subdivision Supplemental EIR. Mr. Grassetto managed preparation of a Supplemental EIR for a 700-unit residential development in Hollister. Major issues include traffic, biology, and utility services. Client: City of Hollister.

American Canyon Initial Studies. Mr. Grassetto managed preparation of two initial studies for commercial and warehouse projects in the City of American Canyon. Major issues include traffic, biological resources, and geology. Client: City of American Canyon.

Hampton Road Subdivision EIR. Mr. Grassetto managed preparation of a focused EIR for a 10-unit subdivision in the San Lorenzo area of Alameda County. Major issues include historic resources. Client: Philip Chen.

Pelandale-McHenry Specific Plan. Mr. Grassetto prepared the Specific Plan for an 80-acre residential/commercial development in Modesto. Major issues included land use, traffic, and provision of adequate infrastructure. Client: Meritage Homes

Monte Cresta Roadway Extension Initial Study. Mr. Grassetto prepared an Initial Study/Negative declaration for a roadway extension in San Juan Hills area of the City of Belmont. Major issues included slope stability and growth inducement. Client: City of Belmont

Bethel Island Water Supply Project. Mr. Grassetto prepared an Initial Study for a proposed new water supply system for the community of Bethel Island in Contra Costa County. Major issues included growth inducement, archaeological resources, and biological resources. Client: Bethel Island Municipal Improvement District.

San Francisco Bay Estuary Invasive Spartina Control Project EIR/EIS and Addendum. Mr. Grassetto managed preparation of the programmatic EIR/EIS on a plan to control invasive cordgrasses throughout the San Francisco Bay. Major issues included endangered species, visual resources, water quality, and human health and safety. Mr. Grassetto subsequently prepared an addendum for the addition of a new herbicide to the Spartina Control Program. Client: California State Coastal Conservancy.

U.S. Navy Bay Area Base Closure and Re-Use Environmental Studies. Mr. Grassetto assisted in the NEPA/CEQA review process for US Navy Base Closures and Re-Use for the San Francisco Bay Area. Work tasks include CEQA compliance overview, internal peer review, quality control reviews, and preparation of technical analyses. Specific projects are summarized below:

Mare Island Naval Shipyard EIR/EIS Studies. Mr. Grassetto prepared the hydrology section of the EIR/EIS on the shipyard closure and reuse program, conducted a peer review of the geology section, and conducted QA/QC review of the entire EIR/EIS. Client: Tetra Tech, Inc.

Oak Knoll Naval Medical Center EIR/EIS Studies. Mr. Grassetto conducted a CEQA/NEPA quality control and peer review of the EIS/EIR prepared for disposal and reuse of the Oak Knoll Naval Medical Center EIS/EIR in the City of Oakland. Client: Tetra Tech, Inc.

NAS Alameda EIR/EIS Studies. Mr. Grassetto prepared the hydrology section of EIR/EIS on reuse of the Naval Air Station, conducted a peer review of the geology section, and conducted QA/QC review of the entire EIR/EIS. Client: Tetra Tech, Inc.

Naval Station Treasure Island EIR/EIS Studies. Mr. Grassetto prepared the hydrology section of the EIR/EIS on reuse of Naval Station Treasure Island, conducted a peer review of the geology section, and conducted QA/QC review of the entire EIR/EIS. Client: Tetra Tech, Inc.

Hunters Point Naval Shipyard EIR/EIS. Mr. Grassetto assisted in the responses to comments and peer review of the EIR/EIS for the Hunters Point Naval Shipyard in San Francisco. Client: Uribe and Associates.

Naval Fuel Depot Point Molate. Mr. Grassetto conducted overall internal peer reviews of several drafts of the EIR/EIS for reuse of the former Naval Fuel Depot Point Molate in Richmond, CA. In addition, he prepared the Noise, Socioeconomics, and Cultural Resources sections of the EIS/EIR. Client: Uribe and Associates.

CEQA/NEPA PEER REVIEW AND EXPERT WITNESS CONSULTING PROJECTS

Jackson State Forest CEQA Review. Mr. Grassetto prepared a detailed analysis of the CEQA adequacy of the California Department of Forestry's EIR on a new management plan for the 40,000 acre Jackson State Forest. Major issues included forestry practices, water quality, and biological resources. Client: Dharma Cloud Foundation

Los Angeles Airport Arrival Enhancement Project Environmental Assessment NEPA Peer Review. Mr. Grassetto prepared a peer review and expert declarations regarding the adequacy of the NEPA Environmental Assessment for rerouting of flight paths for aircraft arriving at Los Angeles International Airport. Major issues included adequacy of assessment of noise effects on traditional cultural practices of the Morongo Band of Mission Indians. Client: Law Offices of Alexander & Karshmer.

St Mary's College High School Master Plan Peer Reviews. Mr. Grassetto conducted peer reviews of two Initial Studies for proposed expansions of a high school. Major issues included noise and traffic. Client: Peralta Park Neighborhood Association.

Lawson's Landing EIR Peer Review. Mr. Grassetto conducted detailed per reviews of numerous CEQA documents for the proposed master plan for the Lawson's Landing mobile home park and campground in Marin County. Client: Environmental Action Committee of West Marin.

Coaches Field Initial Study Peer Review. Mr. Grassetto Conducted a peer review of a proposed lighted ballfield project in the City of Piedmont. Mr. Grassetto's review resulted in the Initial Study being withdrawn and an EIR being prepared. Client: Private Party.

Metropolitan Oakland International Airport Development Plan Environmental Impact Report CEQA Review. Mr. Grassetto performed a critical review and assisted in the preparation of comments and ultimately successful litigation regarding the proposed expansion of Metropolitan Oakland International Airport. Major issues included noise, cumulative impacts, and alternatives selection/analyses. Client: Law Office of John Shordike.

San Francisco International Airport Environmental Liaison Office Consulting. Mr. grassetto conducted various internal peer review tasks associated with environmental studies being prepared for SFIA's proposed runway expansion. Client: LSA Associates, Inc.

El Cerrito Lumber Yard CEQA Peer Review. Mr. Grassetto conducted an internal peer review for an Initial Study on a controversial parcel in the City of El Cerrito. Client: City of El Cerrito.

Sausalito Marina CEQA Critique. Mr. Grassetto prepared a peer review and critique of an EIR for a proposed new marina in Sausalito. Client: Confidential

Sausalito Police and Fire Station CEQA Critique. Mr. Grassetto prepared a peer review and critique of an EIR for a proposed new public safety building in Sausalito. Client: Confidential

Napa Verison Tower CEQA Critique. Mr. Grassetto conducted a peer review and critique for a cellular telephone tower in the City of Napa. Client: Confidential.

Morongo Mining Projects Environmental Reviews. Mr. Grassetto provided CEQA, NEPA, and technical consulting to the Morongo Band of Mission Indians regarding two aggregate mines adjacent to their reservation in Riverside County, CA. Client: Law Office of Alexander & Karshmer.

Napa Skateboard Park Peer Review. Mr. Grassetto conducted a peer review and critique for a neighborhood association on a proposed skateboard park in the City of Napa. Client: Confidential.

Headwaters Forest Project EIR/EIS Review. Mr. Grassetto conducted an expert review of the CEQA and NEPA adequacy and technical validity of EIR/EIS on the Headwaters Forest Habitat Conservation Plan, Sustained Yield Plan, and land purchase. Clients: Environmental Law Foundation; Environmental Protection and Information Center, and Sierra Club.

Global Photon Fiber-Optic Cable EIR Peer Review. Mr. Grassetto assisted in a third-party peer review of an EIR on a proposed offshore fiber-optics cable. Client: Tetra Tech, Inc., and California State Lands Commission.

Coachella Valley Water Management Plan CEQA Peer Review. Mr. Grassetto assisted a consortium of Coachella Valley Indian Tribes in reviewing CEQA documents on the Coachella Valley Water Management Plan. Client: Consortium of Coachella Valley Tribes.

Salton Sea Enhanced Evaporation System Initial Study/Environmental Assessment Peer Review. Mr. Grassetti reviewed the draft IS/EA for a spray project to evaporate excess return flow water from the Salton Sea. Client: Morongo Band of Mission Indians.

Santa Rosa Home Depot CEQA Peer Review: Mr. Grassetti conducted a peer review and provided expert testimony regarding the adequacy of the Environmental Impact Report and associated technical studies for a proposed Home Depot shopping center in Santa Rosa. Client: Redwood Empire Merchants Association.

Mitsubishi Mine CEQA Litigation Review. Mr. Grassetti conducted a review of legal briefs regarding the adequacy of CEQA analyses for a proposed mine expansion in San Bernardino County. Client: Law Offices of Thomas Mauriello.

Mariposa County Planning Policy Reviews. Mr. Grassetti conducted a review of proposed alterations to the Mariposa County General Plan for CEQA compliance. Client: Dr. Barton Brown.

Gregory Canyon Landfill Environmental Processing Review. Mr. Grassetti was retained to review the environmental permitting and CEQA analyses for the proposed Gregory Canyon Landfill in northern San Diego County. Procedural issues include landfill siting requirements and CEQA process compliance. Technical issues include cultural resources, hydrology, endangered species, traffic, and health and safety. Client: Law Offices of Alexander & Karshmer and Pala Band of Mission Indians.

Otay Ranch Development CEQA Review. Mr. Grassetti prepared an expert review of the Environmental Impact Report for the 23,000-acre Otay Ranch project in San Diego County in connection with ongoing litigation. Major issues were CEQA compliance, compliance with the California planning process, biological impacts, cumulative impacts, and alternatives. Client: Law Offices of Charles Stevens Crandall.

Carroll Canyon Burn Facility CEQA Compliance Review. Mr. Grassetti prepared a CEQA process review for a proposed Negative Declaration on a planned contaminated-earth burning facility in the City of San Diego. Client: Law Offices of William Mackersie.

Monterey Bay Marine Lab CEQA Compliance Review: Mr. Grassetti assisted attorneys in review of a CEQA Negative Declaration, NEPA Environmental Assessment, and associated documents for the relocation of the Monterey Bay Marine Laboratory. Issues included the effectiveness of mitigation to cultural and biological resources, the appropriateness of the Negative Declaration versus an EIR, and other CEQA issues. Client: Law Offices of Alexander & Karshmer.

Monterey Ground Water Ordinances CEQA Compliance Review. Mr. Grassetti provided expert CEQA consulting services to attorneys regarding the appropriateness of Monterey County's CEQA processing of proposed ground water ordinances. Client: Salinas Valley Water Coalition.

Sonora Mining Corporation CEQA Review/Expert Witness Services. Mr. Grassetti conducted a review and critique of CEQA compliance for the proposed expansion of Sonora Mining Corporation's Jamestown Gold Mine in Tuolumne County, California. Client: Law Office of Alexander Henson.

Save Our Forests and Rangelands Expert Review and Witness Services. Mr. Grassetti provided expert review, consulting services, and expert witness testimony on CEQA issues for a successful

legal challenge to an EIR and Area Plan for 200,000 acres in the Central Mountain Sub-region of San Diego County. Client: Law Offices of Milberg, Weiss, Bershad, Specthrie, & Lerach.