

From: [Mary Elizabeth](#)
To: [Rodriguez, Melanie](#)
Cc: [Mother Lode Chapter, Delta-Sierra Group ExCom](#)
Subject: POS Agenda Item C-2 Calpine Contract
Date: Monday, December 15, 2025 11:55:50 AM
Attachments: [image.png](#)

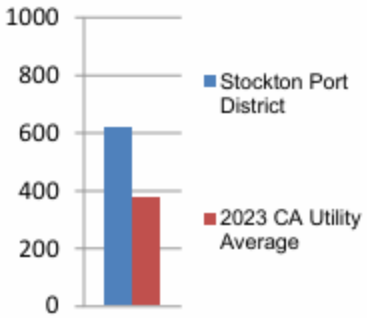
CAUTION: This email originated from outside the Port. Please exercise caution.

Greetings,

As it is unlikely that I will be able to attend today's meeting I wanted to ask a question as you consider the Calpine Contract for energy. <https://www.portofstockton.com/wp-content/uploads/2025/12/ConsentItemC-2.pdf> . Has the Port of Stockton considered using AVA Community Energy, <https://avaenergy.org/>?

Below is the latest power content label that was

located:<https://www.energy.ca.gov/filebrowser/download/7363>

2023 POWER CONTENT LABEL				
Stockton Port District				
portofstockton.com				
Greenhouse Gas Emissions Intensity (lbs CO ₂ e/MWh)		Energy Resources	Stockton Port District	2023 CA Power Mix
Stockton Port District	2023 CA Utility Average	Eligible Renewable¹	34.9%	36.9%
615	373	Biomass & Biowaste	0.0%	2.1%
		Geothermal	0.0%	4.8%
		Eligible Hydroelectric	0.1%	1.8%
		Solar	11.3%	17.0%
		Wind	23.5%	11.2%
		Coal	0.0%	1.8%
		Large Hydroelectric	0.0%	11.7%
		Natural Gas	0.0%	36.6%
		Nuclear	0.0%	9.3%
		Other	0.0%	0.1%
		Unspecified Power²	65.1%	3.7%
		TOTAL	100.0%	100.0%
Percentage of Retail Sales Covered by Retired Unbundled RECs ³ :			4%	
¹ The eligible renewable percentage above does not reflect RPS compliance, which is determined using a different methodology. ² Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source. ³ Renewable energy credits (RECs) are tracking instruments issued for renewable generation. Unbundled renewable energy credits (RECs) represent renewable generation that was not delivered to serve retail sales. Unbundled RECs are not reflected in the power mix or GHG emissions intensities above.				
For specific information about this electricity portfolio, contact:			Port of Stockton (209) 946-0246	
For general information about the Power Content Label, visit:			https://www.energy.ca.gov/programs-and-topics/programs/power-source-disclosure-program	

There is a lot of unspecified power for the Port of Stockton under Calpine's supply. The City of

Stockton, Tracy, and Lathrop have entered into community choice contracts for power with AVA Community Energy. Perhaps this is something that the Port might like to consider in the future. Also, please provide the community with the open market entities used by Calpine. We are concerned with air quality impacts associated with biomass combustion here and elsewhere as well as greenhouse emissions which affect our global climate. DTE our greatest stationary source of air pollution in Stockton and located on Port of Stockton land, burns biomass which is eligible for renewable credits under existing regulations.

Thank you.

Mary Elizabeth, M.S., R.E.H.S.



BRISCOE
PROWS KAO IVESTER & BAZEL LLP

John Briscoe
415.402.2701
jbriscoe@briscoefirm.com

December 15, 2025

VIA U.S. MAIL AND EMAIL

Steven A. Herum, Esq.
Herum Crabtree, LLP
5757 Pacific Ave #222
Stockton, CA 95207
sherum@herumcrabtree.com

Re: Port of Stockton proposed acquisition from M&L Commodities (on the Port Commission calendar for this afternoon)

Dear Steve,

Your client, and my and Mike Hakeem's client, M&L for short, have met several times to discuss what is now calendared for today-- your client's approval of a Resolution of Necessity to take two seemingly small easements on our client's property. From what I understand (and I wasn't at those meetings) the two parties seemed close to an accommodation regarding the easements.

M&L wishes the Port success in its project, and the Port I'm sure wishes M&L success in its plans for the future. The two parties aren't in a so-called zero-sum game. The success of one is good for the other.

I want to address not the geometry of the Port's desired easements, but the purposes. First, though, it is useful to consider the geometry. On the Port's two-sheet plat, attached, you can see--probably using a magnifying glass--how the easements slice through M&L's existing track. M&L's existing track is needed for its current purposes, and will be much needed for M&L's future plans for its property, which your staff well knows.

To the purposes, here is how the Port's proposed Grant Deed from M&L, which I've italicized in part, describes them:

M&L Refrigerated Terminal, Inc., a California corporation ("Grantor") hereby grants to the Stockton Port District, a California Port District with municipal powers organized pursuant to Harbors and Navigations Code section 6200 et seq. ("Grantee") a Slope Easement for purposes of constructing improvements related to the Port of Stockton Rail Bridge & Rail Improvements Project. *Rights associated with said easement include: excavating,*

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sloping, cutting, filling, the construction of retaining walls, including grading, or otherwise changing the natural contours of the land in order to support and accommodate the adjacent public street, roadway or sidewalk, and for all other purposes for which District is authorized by law to use said easement situated in the City of Stockton, County of San Joaquin, State of California, described as follows: [Legal description follows.]

Those purposes, with respect, seem lifted from other easement deeds, or the CalTrans Right-of-Way Manual. (What sidewalk, for example, is near the sought easements?) What is more important, they are so broad they raise the prospect of substantial severance damages.

The purposes don't need to be so broad, we think. From their meetings with the Port, Mr. Girdner and Mr. Hackney tell me their understand the Port's needs to be much narrower. Certainly memories can differ, but those two Mikes told Mike Hakeem and me the Port staff assured them: They would not seek to prevent M&L from using its existing track, or its proposed new track; it would need to maintain the slope only periodically; it would do all it can not to affect M&L's ability to use its existing track. The staff further agreed to give M&L reasonable notice whenever it needed to perform maintenance within the easement area, and that during grading and construction they will try to expedite the work to limit the disturbance to M&L.

If we understand the Port's needs correctly, then it seems the Port could refine the statement of the purposes to read something like:

. . . Rights associated with said easement include: excavating, sloping, cutting, filling, the construction of retaining walls, including grading, or otherwise changing the natural contours of the land in order to support and accommodate the adjacent public street, roadway or sidewalk, and for all other purposes for which District is authorized by law to use said easement; provided however that Grantee will not seek to prevent M&L from using its existing track or proposed new track; Grantee will maintain the slope only periodically, during which times it will do its utmost not to affect M&L's ability to use its existing track; will give M&L reasonable notice, not less than 48 hours, whenever it wishes to perform maintenance within the easement area; and that during any work with the easement area will expedite the work to limit the disturbance to M&L's operations.

Letter to Steven A. Herum
December 15, 2025
Page 3

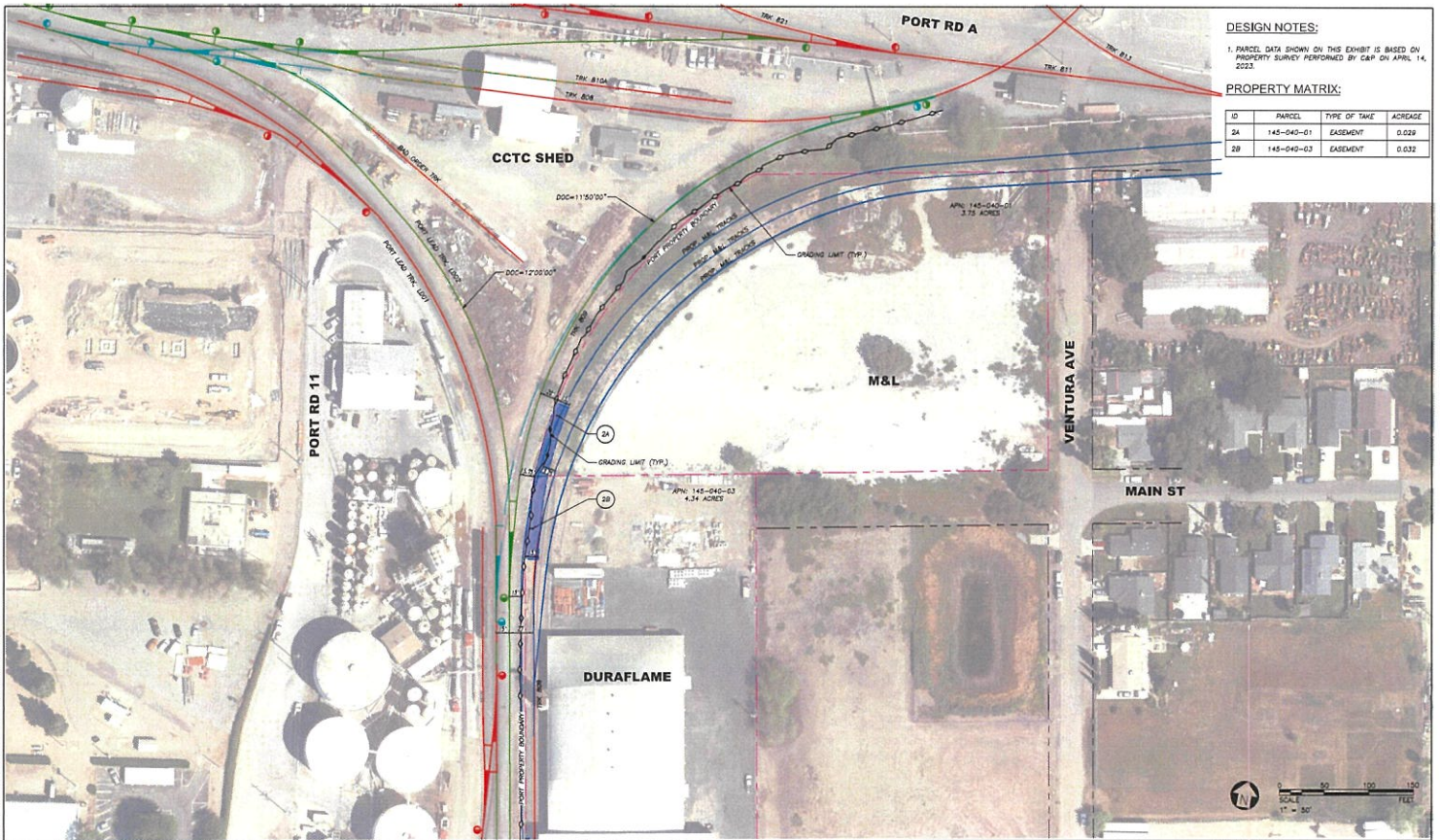
Surely this language could use the benefit of your thinking and pen. But if it captures the essence of your client's purposes, I ask that we try to modify the easement language. Much litigation could be avoided if we can accomplish this. We ask that adoption of the Resolution of Necessity be continued to allow us time to work out this language, and that this letter be distributed to the members of the Port Commission, and made part of the record.

With my best personal regards,

John Briscoe

JB:jl

cc: Mike Girdner
Mike Hackney
Mike Hakeem



DESIGN NOTES:

1. PARCEL DATA SHOWN ON THIS EXHIBIT IS BASED ON PROPERTY SURVEY PERFORMED BY CAP ON APRIL 14, 2023.

PROPERTY MATRIX:

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29	145-040-03	EASEMENT	0.032

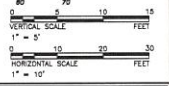
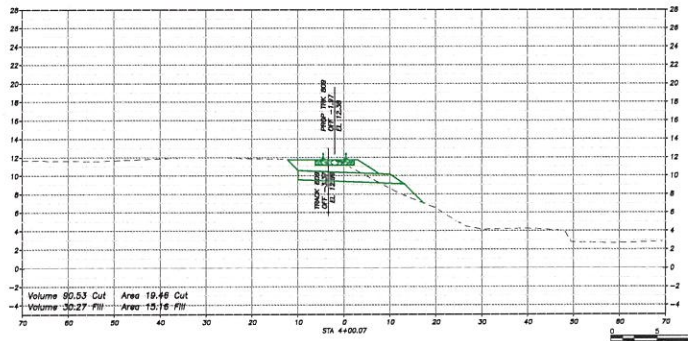
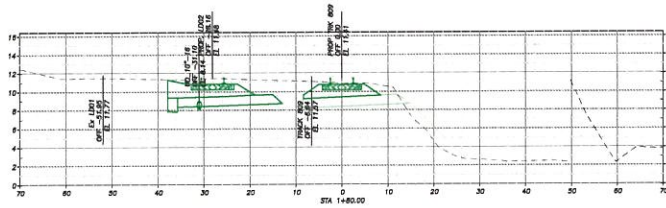
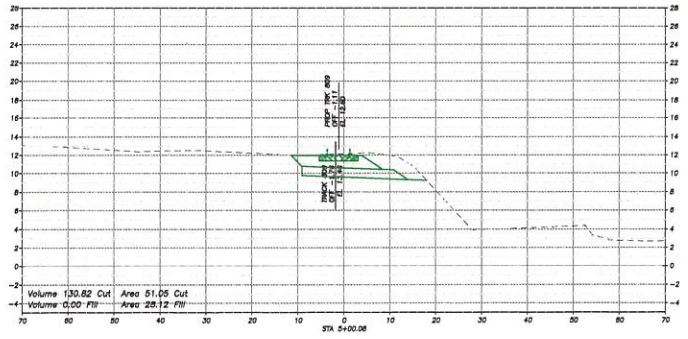
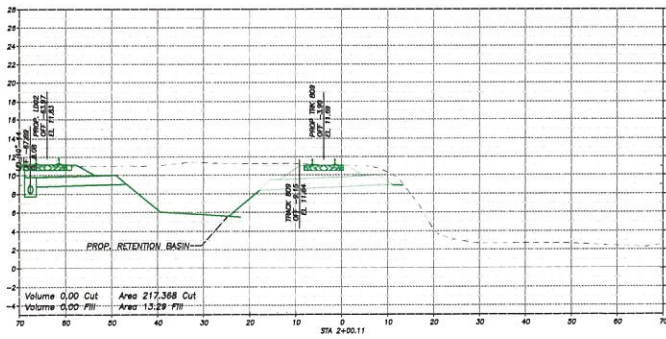
Capitol City Engineering, Inc. 145-040-01, 145-040-02, 145-040-03, 145-040-04, 145-040-05, 145-040-06, 145-040-07, 145-040-08, 145-040-09, 145-040-10, 145-040-11, 145-040-12, 145-040-13, 145-040-14, 145-040-15, 145-040-16, 145-040-17, 145-040-18, 145-040-19, 145-040-20, 145-040-21, 145-040-22, 145-040-23, 145-040-24, 145-040-25, 145-040-26, 145-040-27, 145-040-28, 145-040-29, 145-040-30, 145-040-31, 145-040-32, 145-040-33, 145-040-34, 145-040-35, 145-040-36, 145-040-37, 145-040-38, 145-040-39, 145-040-40, 145-040-41, 145-040-42, 145-040-43, 145-040-44, 145-040-45, 145-040-46, 145-040-47, 145-040-48, 145-040-49, 145-040-50, 145-040-51, 145-040-52, 145-040-53, 145-040-54, 145-040-55, 145-040-56, 145-040-57, 145-040-58, 145-040-59, 145-040-60, 145-040-61, 145-040-62, 145-040-63, 145-040-64, 145-040-65, 145-040-66, 145-040-67, 145-040-68, 145-040-69, 145-040-70, 145-040-71, 145-040-72, 145-040-73, 145-040-74, 145-040-75, 145-040-76, 145-040-77, 145-040-78, 145-040-79, 145-040-80, 145-040-81, 145-040-82, 145-040-83, 145-040-84, 145-040-85, 145-040-86, 145-040-87, 145-040-88, 145-040-89, 145-040-90, 145-040-91, 145-040-92, 145-040-93, 145-040-94, 145-040-95, 145-040-96, 145-040-97, 145-040-98, 145-040-99, 145-040-100

303 4th Street, Ste. 201 Oakland, CA 94612 T: 510.464.4444 www.jmacivil.com		2379 Gateway Oaks, Ste. 200 Sacramento, CA 95833 T: 916.707.0700 www.hdr.com		90% DESIGN 03/07/2025		REVISIONS: <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION																												PORT OF STOCKTON RAIL AND BRIDGE IMPROVEMENTS 2201 W. WASHINGTON STREET STOCKTON, CA 95203		SHEET TITLE: PROPERTY COORDINATION EXHIBIT M&L AND DURAFLAME PROJECT NO.: 10778 SCALE: AS NOTED DATE: 03/07/2025 DESIGNED BY: JAS SHEET NO.: EX-002	
NO.	DATE	DESCRIPTION																																							

IF THIS DRAWING IS LESS THAN 22" X 34" IT IS A REDUCED SIZE DRAWING

DESIGN NOTES:

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B	11/14/2024	50% DRAWINGS
A	05/12/2025	50% DRAWINGS
DATE	03/10/2025	DESIGNED BY



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STOCKTON, CA 95230

SHEET TITLE:	SHEET NO.
TRACK 809 CROSS SECTIONS	CT-839
PROJECT NO. 2773 SCALE AS NOTED DATE: 03/10/2025 DESIGNED BY: JG	DATE:

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Port of Stockton Board of Port Commissioners
315 Fyffe Avenue, Stockton CA 95203
Via mrodriguez@stocktonport.com

12.15.2025

Re: Golden Mussels and Truck Pollution

Dear Port of Stockton Commissioners and Staff

The Delta-Sierra Group within the Mother Lode Chapter, of the Sierra Club (DSG) has over 600 members throughout San Joaquin County many of which reside in the City of Stockton which is directly affected by Port of Stockton operations.

I submitted some comments at your last meeting 11.17.2025¹ and received this informative response which I wanted to provide to others:

Thank you for your email. We are excited to continue working on the strategic plan and are currently developing our external public engagement strategies. We look forward to collaborating with you and other community members as we move forward!

We also appreciate you sharing the recent information and understand the concerns regarding the Golden Mussel detections. The Port has been approached about joining the County GM Task Force, and we believe we can bring valuable resources to the group. We've been in touch with Marine Taxonomic Services, a top marine invasive species consulting firm with experience globally, but more locally in Lake Tahoe. I'm hopeful that they will be a great asset as we move forward. Additionally, we're working closely with the City and other stakeholders to coordinate diver inspections of the Port's underwater infrastructure, including the two fire inlets and the aerator inlet. I expect this will be completed within the next month, and we will report our findings to the POC group and beyond.

As you may know, ballast water management in California is overseen by the California State Lands Commission (SLC) through the Marine Invasive Species Program, in coordination with the U.S. Coast Guard. Together, they set statewide standards and conduct compliance inspections. The SLC manages the Ballast Water Management Report (BWMR) system and collects associated fees directly from vessel operators. These submissions are monitored by both the SLC and U.S. Coast Guard.

To support these efforts, the Port of Stockton:

- Reinforces the requirement for BWMR submission at least 24 hours prior to arrival
- Coordinates with SLC and U.S. Coast Guard inspectors during vessel calls
- Stays engaged with partner agencies as guidance evolves

We're also exploring ways to strengthen our internal communication to further raise awareness of state and federal ballast water requirements.

The Nevada Cement DEIR should be released for review in the next couple of months.

Regarding the tipping fees for environmental projects, I'm aware of tipping fees being applied to dredging projects for disposal of material but not of any specific fees tied to environmental improvements. I regularly coordinate with other port environmental departments so I will inquire and get back to you with more information.

Thank you again for sharing the details on the stormwater improvements in Boggs Tract. The Port owns the land that the county is using for the stormwater pond, and we believe it's the best use of the property at this time to help reduce flooding in the neighborhood until a proper conveyance system can be installed. Beyond providing the land, the Port is not directly involved in the stormwater improvements.

We greatly value the Delta-Sierra Group's commitment to these important issues and welcome ongoing dialogue with you and our regulatory partners as we work together to protect the Delta ecosystem.

¹ <https://www.portofstockton.com/wp-content/uploads/2025/11/PublicComments20251117.pdf>

We appreciate the update on the Port's involvement with golden mussel impacts, and we support efforts made by the Port of Stockton to strengthen communication efforts to educate shippers and staff about state and federal ballast water requirements. We look forward to hopefully good news for the community if the fires intakes and aeration devices are unimpeded with golden mussels.

The term I used was tipping fees because when I heard about the program that was the term that was used, to mean some fee to pay for mitigation. The Port of Long Beach uses the term "clean truck fund rate" and information can be found on the Port of Long Beach clean trucks webpage.² Regarding truck traffic at the Port of Stockton, we understood back in 2024 that the Port was planning on commissioning their transportation planning consultant firm to perform a study to characterize the truck visits to the Port related to CARBs advanced clean fleet drayage regulations.

CARB repealed the drayage requirements at their September 2025 meeting and we are wondering if that truck study is complete as the data from that truck study should be included when considering the cumulative impacts of trucking related developments that the Port will be considering. Diesel exhaust is toxic and the existing CARBs Clean Truck Check program is designed to decrease emissions by checking exhaust emissions, as a measure of accountability. Recently, I observed a CARB commercial reminding the trucking industry about the requirements of the regulation.³ Port monitoring of truck compliance as an applicable freight facility will help get polluting trucks out of our neighborhoods.

According to CARB's Clean Truck webpage⁴ applicable freight facilities requirements include either:

- Ensure that only compliant vehicles enter and operate on their property, by verifying each vehicle at the time of entry by requesting a valid compliance certificate or by confirming through data provided by CARB, or
- Maintain applicable records of all vehicles that enter the applicable freight facility property that are not compliant with Clean Truck Check.
- These requirements do not apply when vehicles entering their properties are delivering goods or providing services to the facility as the consumer of the goods or services.

Thank you for your continued commitment to improve public outreach and communication and air quality for residents and workers. Thank you for your consideration of the Delta-Sierra Group's comments. You may contact us at melizabeth.sierra@gmail.com.

Sincerely,

Mary Elizabeth M.S., R.E.H.S.
Delta-Sierra Group Conservation Chair
Sierra Club

Margo Praus
Delta-Sierra Group Chair
Sierra Club

² <https://polb.com/environment/clean-trucks/#clean-truck-fund-rate-faqs>

³ <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/hdim2021/hdi-mfroatta-1.pdf>

⁴ <https://ww2.arb.ca.gov/clean-truck-check-requirements-requirements-operations-seaports-and-railyards>