

2022 211196



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Sep 27 2022

Dan C. Logan, Registrar - Recorder/County Clerk

Electronically signed by TODD TRAN



# PALMDALE

*a place to call home*

## NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND SCOPING MEETING

**DATE:** August 29, 2022

**TO:** State Clearinghouse, Public Agencies, Organizations, and Interested Parties

**PROJECT:** Site Plan Review 22-013 and Tentative Parcel Map 83915

The City of Palmdale, as lead agency under the California Environmental Quality Act (CEQA), will prepare an Environmental Impact Report (EIR) for Site Plan Review (SPR) 22-013 and Tentative Parcel Map 83915 (hereinafter "Project"). In accordance with Section 15082 of the CEQA Guidelines, the City of Palmdale has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the proposed project and its potential environmental effects. The City of Palmdale is requesting input from reviewing agencies and the public regarding the scope and content of the EIR.

This Notice of Preparation (NOP) is also available on the City's website at: <https://cityofpalmdale.org/176/Planning>

**Due to time limits mandated by State law, your response must be sent at the earliest possible date but no later than 30 days after the date of this notice.**

**Date of Notice: August 29, 2022**

**Notice of Preparation Review Period: August 30, 2022, to September 30, 2022**

**Scoping Meeting: September 15, 2022, at 5:00 p.m.**

**REVIEW EXTENDED TO  
OCTOBER 27, 2022**

The subject site comprises a vacant approximately 78-acre property located on the southwest corner of West Avenue M and the future alignment of Division Street [Assessor Parcel Number (APN) 3128-015-089] in the City of Palmdale, CA. The site has a BP (Business Park) General Plan land use designation and is within the M-4 (Planned Industrial) zone. Pursuant to Palmdale Municipal Code (PMC) Chapter 17.64, the M-4 zone is intended for high-quality industrial parks or manufacturing areas. The General Plan designation of the site is anticipated to change to Aerospace Industrial (AI) as part of the City's General Plan Update. This designation is intended for public and private aerospace industrial, support facilities, airfield, office, manufacturing, and related services, with transportation and commercial support. The specific uses allowed within the AI zone will be determined in conjunction with a comprehensive Zoning Ordinance Amendment, which will be processed after the General Plan Update.

The Project Applicant proposes to develop the approximately 78-acre property with two industrial buildings together totaling approximately 1,429,700 square feet. Building 1 is proposed to contain approximately 711,930 square feet of warehouse area and 5,000 square feet of office area for a total of 716,930 square feet of total building area. Building 1 would include a total of 112 loading dock doors facing north and south. Building 2 is proposed to contain approximately 707,770 square feet of warehouse area and 5,000 square feet of office area for a total building area of 712,770 square

feet. Building 2 would include 98 loading dock doors also facing north and south. The future building users/tenants are unknown at this time. Associated site improvements would include parking areas, drive aisles, landscaping, detention basins, lighting, and signage.

The proposed development requires City of Palmdale review and approval of a Site Plan Review application and a Tentative Parcel Map. Applications filed with the City of Palmdale include the following:

- Site Plan Review 22-013 is a proposed site plan for the development of two industrial buildings together totaling approximately 1,429,700 square feet on the subject property.
- Tentative Parcel Map 83915 is a proposed map to subdivide the property into two parcels.

### **Scope of the EIR**

In accordance with CEQA, the City of Palmdale requests that agencies review the description of the Project provided in this NOP and provide comments or guidance on the scope of environmental issues related to the statutory responsibilities of the Lead Agency. The EIR will be used by the City of Palmdale when considering the Project for approval and by other Responsible and Trustee Agencies to support their discretionary actions related to the Project, as applicable. The City of Palmdale is also seeking comments from other interested parties regarding issues they believe should be addressed in the EIR. A location map, USGS Topographical Map, the proposed Site Plan, and the Tentative Parcel Map for the proposed development of the subject site are attached hereto.

The City of Palmdale in its capacity as Lead Agency has determined that an EIR will be prepared for the proposed Project. The Lead Agency opted not to prepare an Initial Study and has determined that the environmental factors checked below would be potentially affected by the proposed project, thereby, requiring analysis in the proposed Project's EIR:

- |                                                             |                                                                   |                                                                        |
|-------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Recreation                                    |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Transportation                     |
| <input checked="" type="checkbox"/> Air Quality             | <input checked="" type="checkbox"/> Hydrology / Water Quality     | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input checked="" type="checkbox"/> Biological Resources    | <input type="checkbox"/> Land Use / Planning                      | <input checked="" type="checkbox"/> Utilities / Service Systems        |
| <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Mineral Resources                        | <input checked="" type="checkbox"/> Wildfire                           |
| <input checked="" type="checkbox"/> Energy                  | <input checked="" type="checkbox"/> Noise                         | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> Geology /Soils          | <input type="checkbox"/> Population / Housing                     |                                                                        |
|                                                             | <input checked="" type="checkbox"/> Public Services               |                                                                        |

The EIR will assess the effects of the proposed Project on the environment, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts, and discuss potentially feasible alternatives to the Project that may accomplish basic objectives while lessening or eliminating any potentially significant Project-related impacts.

### **Scoping Meeting**

Pursuant to California Public Resources Code Section 21083.9(a)(2) of the CEQA Statute and CEQA Guidelines Section 15082(c), the City of Palmdale will hold a virtual public scoping meeting, where agencies, organizations, and members of the public will receive a brief presentation on the Project, the scope of environmental review, and the overall EIR process. While the issues raised in this meeting will be summarized in the required EIR, anyone wishing to make formal comments on the Notice of Preparation must do so in writing.

The scoping meeting will be held via Zoom on:

Date and Time: September 15, 2022, at 5:00 p.m.  
Access: <https://us06web.zoom.us/j/82232730429?pwd=VGZ6UUdlSjZaN2FrTUJveldaRGl4dz09>  
Meeting ID: 822 3273 0429  
Passcode: 023835

The scoping meeting will include time for attendees to provide input on the scope and content of the EIR, including any input regarding potential mitigation measures or possible alternatives to the project.

**Opportunity for Public Review and Comment**

The issuance of this NOP begins a 30-day public scoping period. The scoping period begins on **August 30, 2022, and ends on September 30, 2022**. Comments may be sent to the City of Palmdale at any time during the 30-day public scoping period. Please focus your comments on issues related to the scope and content of the environmental analysis that will be included in the EIR. All scoping comments must be received by the City of Palmdale or postmarked by September 30, 2022. Due to the time limits mandated by State law, the City of Palmdale, recommends that your feedback is provided at the earliest possible date, but not provided later than 30 days after the date of this notice. Trustee Agencies and Responsible agencies are asked to identify their statutory authorities pertaining to the Project. If applicable, please include the name and contact information of a contact person for your agency. Direct all comments to:

City of Palmdale – Department of Economic and Community Development  
Attn: Megan Taggart, Planning Manager  
38250 Sierra Highway  
Palmdale, CA 93550

Comments may also be emailed to: [mtaggart@cityofpalmdale.org](mailto:mtaggart@cityofpalmdale.org)

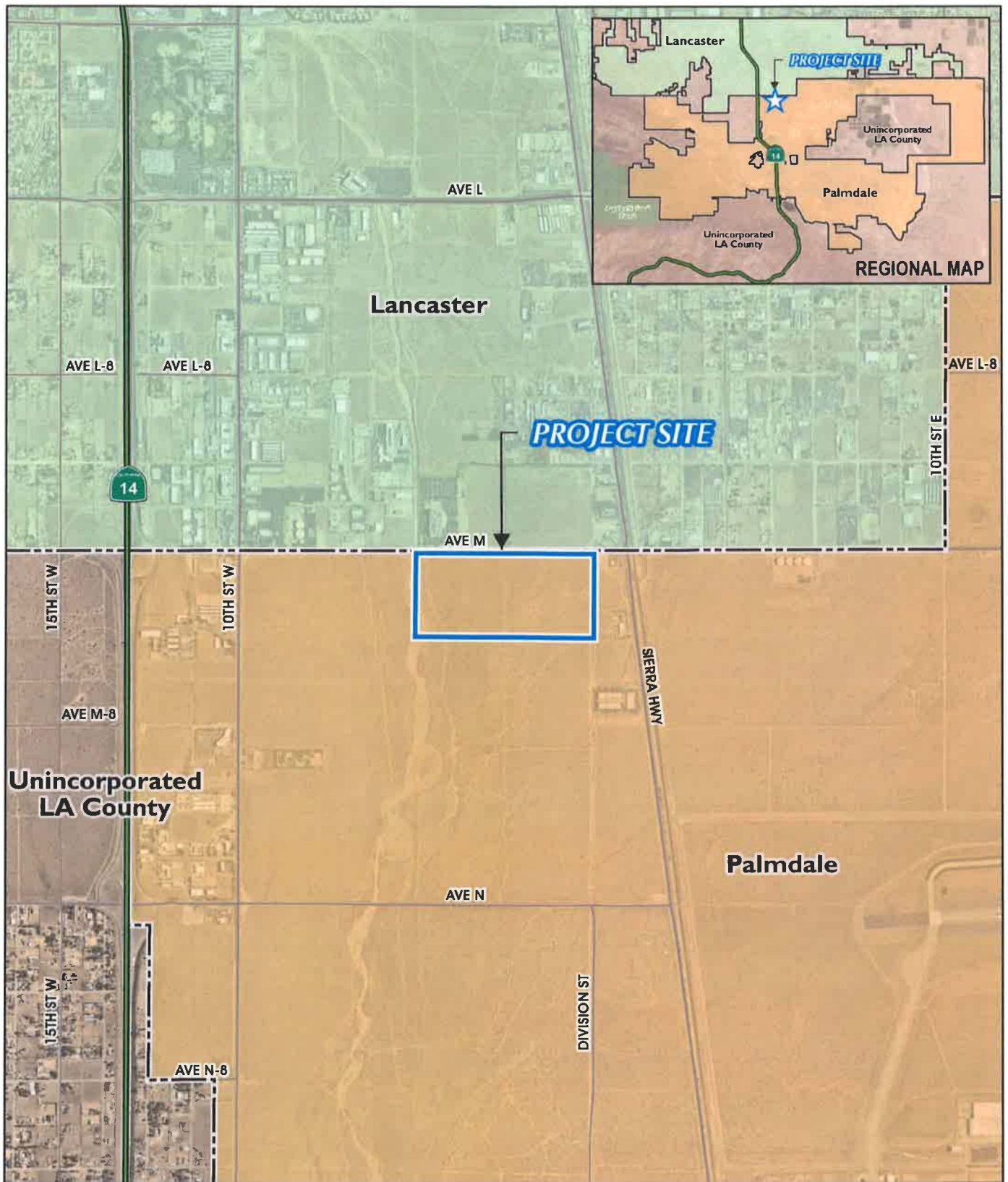
**Attachments:**

Figure 1 – Location Map

Figure 2 – USGS Topographic Map

Figure 3 – Proposed Site Plan

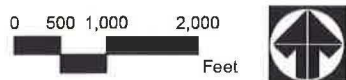
Figure 4 – Proposed Tentative Parcel Map 83915

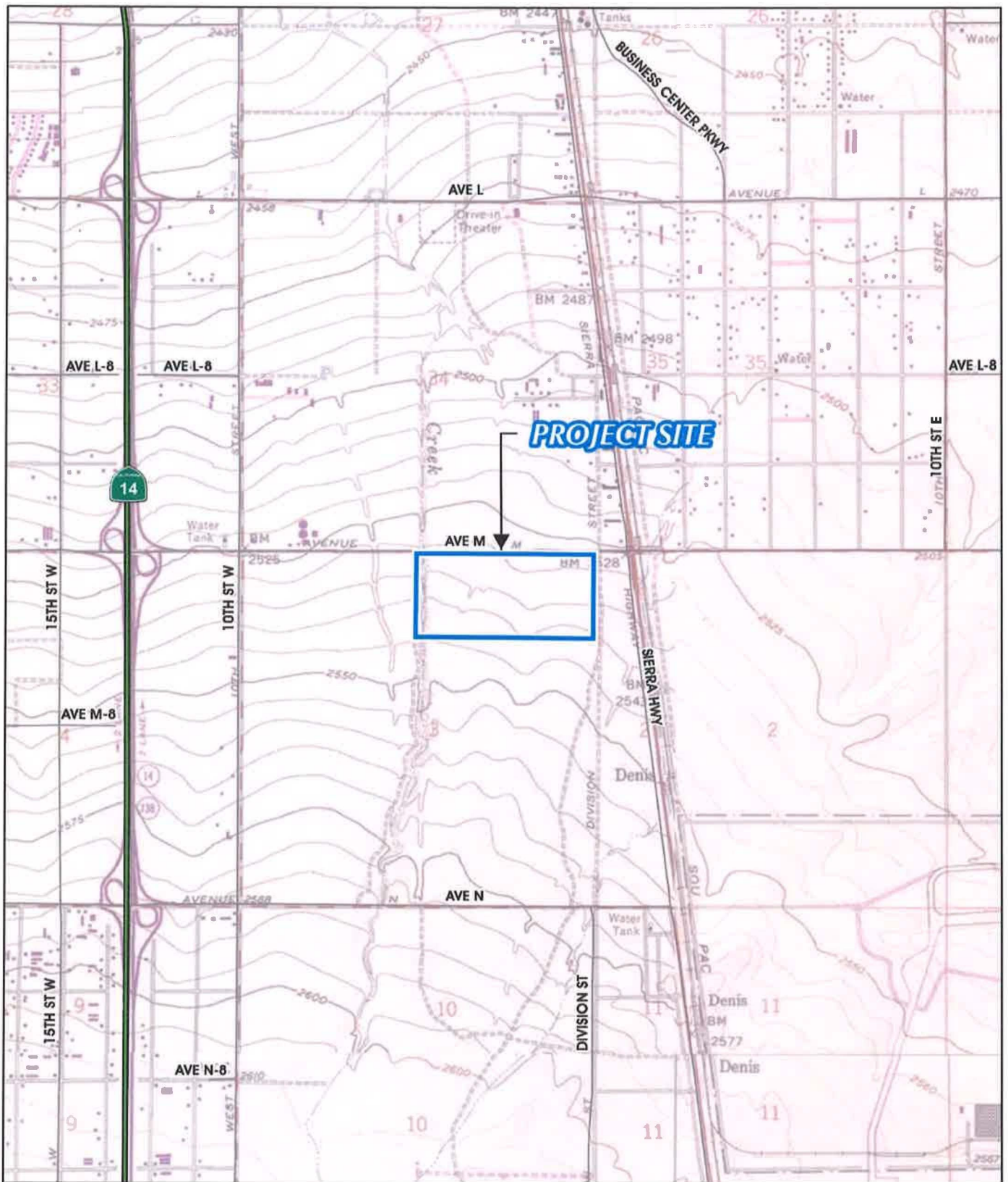


Source(s): ESRI, Nearmap Imagery (2022), LA County (2022)

**SPR 22-013, TPM 83915**

**FIGURE 1 - LOCATION MAP**





Source(s): ESRI, LA County (2022), USGS (2013)

**SPR 22-013, TPM 83915**

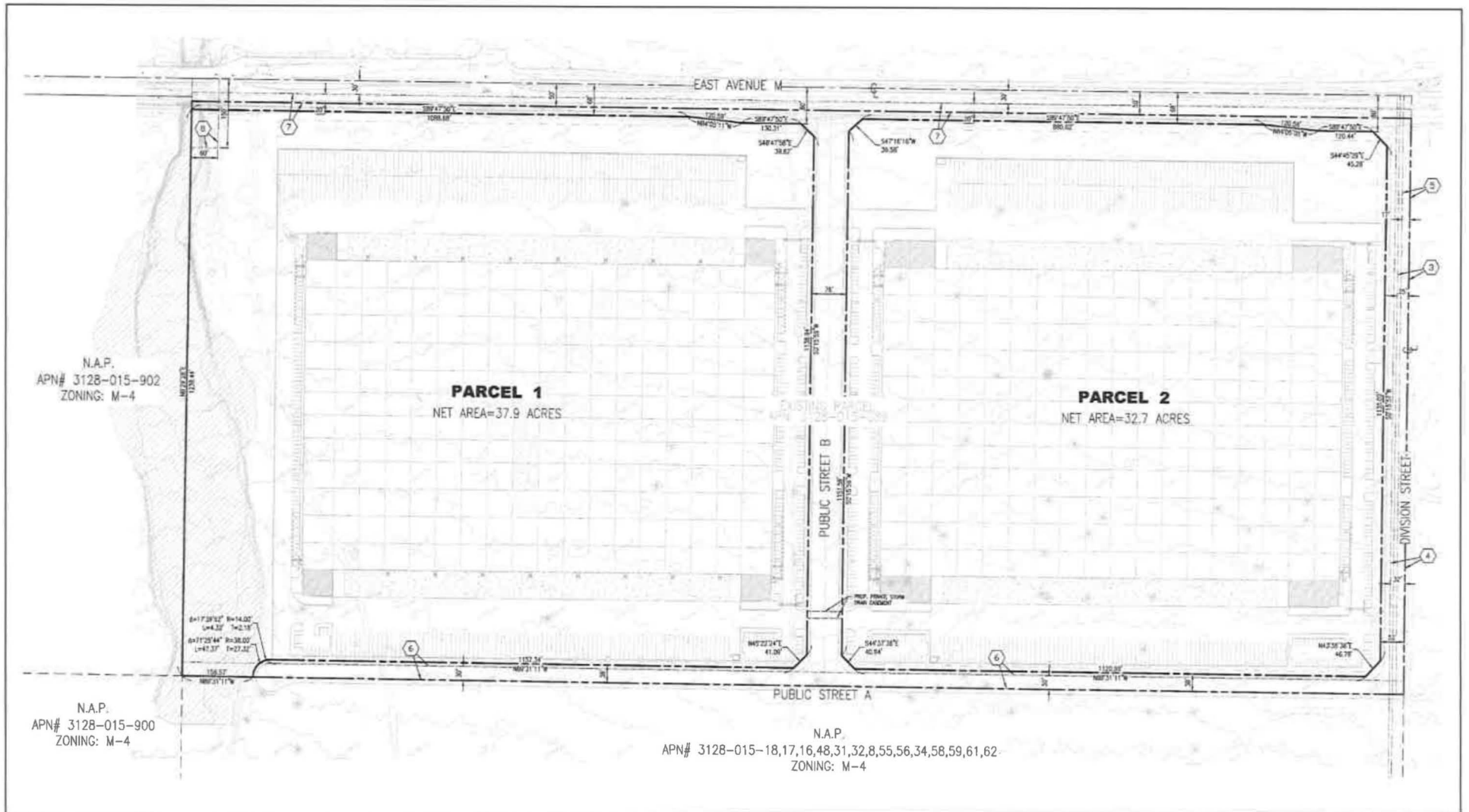
**FIGURE 2 - USGS TOPOGRAPHICAL MAP**

0 500 1,000 2,000

Feet







Source(s): WestLAND Group, Inc. (07-14-2022)

SPR 22-013, TPM 83915

FIGURE 4 - TENTATIVE PARCEL MAP NO. 83915



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7

100 S. MAIN STREET, MS 16

LOS ANGELES, CA 90012

PHONE (213) 269-1124

FAX (213) 897-1337

TTY 711

www.dot.ca.gov

*Making Conservation  
a California Way of Life*

September 22, 2022

Megan Taggart, Planning Manager  
Department of Economic and Community Development  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

RE: Site Plan Review 22-013 and Tentative  
Parcel Map 83915  
SCH # 2022080668  
Vic. LA-14/PM R64.67  
GTS # LA-2022-04043-NOP

Dear Megan Taggart:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced NOP. The Project Applicant proposes to develop the approximately 78-acre property with two industrial buildings together totaling approximately 1,429,700 square feet. Building 1 is proposed to contain approximately 711,930 square feet of warehouse area and 5,000 square feet of office area. Building 1 would include a total of 112 loading dock doors facing north and south. Building 2 is proposed to contain approximately 707,770 square feet of warehouse area and 5,000 square feet of office area. Building 2 would include 98 loading dock doors also facing north and south. The future building users/tenants are unknown at this time. Associated site improvements would include parking areas, drive aisles, landscaping, detention basins, lighting, and signage.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

<http://opr.ca.gov/ceqa/updates/guidelines/>

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Caltrans is aware of the challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, this development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing. Overall, the environmental report should ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

We encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). This reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

You can also refer to the 2010 *Quantifying Greenhouse Gas Mitigation Measures* report by the California Air Pollution Control Officers Association (CAPCOA), which is available online at:

<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

Also, Caltrans has published the VMT-focused Transportation Impact Study Guide (TISG), dated May 20, 2020 and the Caltrans Interim Land Development and Intergovernmental Review (LD-IGR) Safety Review Practitioners Guidance, prepared in On December 18, 2020. You can review these resources at the following links:

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>

<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-12-22-updated-interim-lidgr-safety-review-guidance-a11y.pdf>

Caltrans encourages lead agencies to prepare traffic safety impact analysis for this development in the California Environmental Quality Act (CEQA) review process using Caltrans guidelines above on the State facilities so that, through partnerships and collaboration, California can reach zero fatalities and serious injuries by 2050.

Due to the size of the project and the limited traffic information from the NOP, Caltrans is not able to perform a complete traffic safety investigation at this time. However, per your replied email on September 22, 2022, the City will prepare queuing analysis at the following off-ramps:

1. SR-14/West Avenue L
2. SR-14/West Avenue M
3. SR-14/West Avenue N

A queuing analysis would ensure the project's generated trips not causing off-ramp and turn pocket traffic to spill into the mainline, impeding through traffic, and causing probable speed differential-related collisions. The existing queue length should be calculated based on the actual signal timing to produce an accurate result. If queue length extends to the mainline, mitigation measures should be implemented.

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2022-04043AL-NOP.

Sincerely,



MIYA EDMONSON  
LDR/CEQA Branch Chief

email: State Clearinghouse



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Via Electronic Mail Only

September 8, 2022

Megan Taggart  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550  
[MTaggart@cityofpalmdale.org](mailto:MTaggart@cityofpalmdale.org)

**Subject: Notice of Preparation of a Draft Environmental Impact Report for Site Plan Review 22-013, SCH #2022080668, City of Palmdale, Los Angeles County**

Dear Ms. Taggart:

The California Department of Fish and Wildlife (CDFW) has reviewed a Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR) from the City of Palmdale for Site Plan Review 22-012 (Project). CDFW appreciates the opportunity to provide comments regarding aspects of the Project that could affect fish and wildlife resources and be subject to CDFW's regulatory authority under the Fish and Game Code.

**CDFW's Role**

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

*Conserving California's Wildlife Since 1870*

Megan Taggart  
 City of Palmdale  
 September 8, 2022  
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## Project Description and Summary

**Objective:** The Project proposes to develop a vacant 78-acre property with two industrial buildings that would have a total area of 1,429,700 square feet. Building 1 is proposed to contain approximately 711,930 square feet of warehouse area and 5,000 square feet of office area for a total of 716,930 square feet of total building area. Building 1 would include a total of 112 loading dock doors facing north and south. Building 2 is proposed to contain approximately 707,770 square feet of warehouse area and 5,000 square feet of office area for a total building area of 712,770 square. Associated site improvements would include parking areas, drive aisles, landscaping, detention basins, lighting, and signage.

**Location:** The Project site is located on the southwest corner of West Avenue M and the future alignment of Division Street. The Project site is associated with Assessor's Parcel Number 3128-015-089.

## Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151]. CDFW looks forward to commenting on the DEIR when it is available.

## Specific Comments

- 1) Cumulative Impacts. The Project as proposed would develop 78 acres of habitat. Plant and wildlife species that may be impacted by the Project, either directly or through habitat loss, include (but not limited) those discussed further in this letter. In addition, the Project may impact streams. The Project when considered collectively with prior, concurrent, and probable future projects<sup>1</sup> with similar impacts on biological resources may have a significant cumulative effect. The Project's potentially significant cumulative effect may substantially reduce the number or restrict the range of endangered, rare, or threatened species such as Mohave ground squirrel (*Xerospermophilus mohavensis*) or burrowing owl (*Athene cunicularia*). Accordingly, the DEIR should include a thorough discussion of the Project's potential cumulative impacts on biological resources. The Project may have a "significant effect on the environment" if the possible effects of the Project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects [Pub. Resources Code, § 21083(b)].

When using a threshold of significance, the City should briefly explain how compliance with the threshold means that the Project's impacts are less than significant. A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect [CEQA Guidelines, § 15064.7]. Compliance with the threshold does not

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<sup>1</sup> See Antelope Valley Commerce Center (SCH No. 202209009): <https://ceqanet.opr.ca.gov/2022090009> and Antelope Valley Business Park Specific Plan Environmental Impact Report.

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 City of Palmdale  
 September 8, 2022  
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relieve the City's obligation to consider substantial evidence indicating that the Project's environmental effects may still be significant [CEQA Guidelines, § 15064(b)(2)].

If the Project might contribute to a significant cumulative impact on biological resources, but the contribution will be rendered less than cumulatively considerable through mitigation measures, the DEIR should briefly indicate and explain how the contribution has been rendered by the City to be less than cumulatively considerable [CEQA Guidelines, § 15064(h)(2)]. The City "shall identify facts and analysis supporting the City's conclusion that the contribution will be rendered less than cumulatively considerable" [CEQA Guidelines section, § 15130(a)(3)].

- 2) Impacts on Western Joshua Tree (*Yucca brevifolia*). Based on Google Imagery and CDFW's own reconnaissance of the Project site from West Avenue M, there are western Joshua trees on the Project site. In order for the Project to be completed as proposed, western Joshua trees would need to be removed and western Joshua tree seedbank would be impacted through ground disturbing activities. In addition to impacts on western Joshua tree and seedbank within the 78-acre Project site, the Project could impact western Joshua trees to the west, east, and south of the Project site. Any of the following occurring completely or partially off site and near western Joshua trees could impact western Joshua trees, root zone, and seedbank: earth-moving and ground-disturbing activities; staging areas; vegetation and debris piles; operation of heavy machinery; vehicles; temporary and/or permanent changes to on-site hydrology, installation of roads and drive aisles, and installation of temporary and/or permanent fencing.
  - a) Protection Status. The western Joshua tree is a species designated as candidate for listing as threatened pursuant to CESA (Fish & G. Code, § 2050 *et seq.*). Take of western Joshua tree is defined as any activity that results in the removal of a western Joshua tree, or any part thereof, or impacts the seedbank surrounding one or more western Joshua trees (CDFW 2022a). The western Joshua tree is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Impacts on western Joshua tree requires a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065).
  - b) Analysis and Disclosure. In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the Project site and areas around the Project site for western Joshua trees. The qualified biologist should survey all areas within 300 feet of the Project site for western Joshua trees to the west, east, and south. At a minimum, the DEIR should provide information as to where western Joshua trees occur within the survey area, number of trees, tree height, age class (e.g., seedling, juvenile, mature), and any observations of flowers and/or fruits. The DEIR should also provide information on the natural communities supporting western Joshua trees in the survey area (also see General Comment #3a). The DEIR should provide complete disclosure of the Project's impact on western Joshua tree, seedbank, and natural communities supporting western Joshua tree. Both direct and indirect impacts should be discussed and disclosed. The DEIR should discuss if the Project would result in changes to on-site drainage patterns. Surface flow from the Project site directed off site where there may be western Joshua trees could result in soil erosion and disturbance to the root zone.

Megan Taggart  
 City of Palmdale  
 September 8, 2022  
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- c) Avoidance. CDFW recommends the City require the Project Applicant to fully avoid impacts on western Joshua tree and seedbank to the maximum extent feasible. CDFW recommends the DEIR be conditioned with a mitigation measure to avoid all impacts on western Joshua tree and seedbank through implementation of a 300-foot buffer. No work or access should occur within the buffer until the Project is complete. In addition, CDFW recommends the City require the Project Applicant to design the Project so that drainage from the Project site is not directed to adjacent areas where there may be western Joshua trees. The DEIR should discuss how the Project has been designed to fully avoid impacts on western Joshua tree and seedbank.
  - d) Compensatory Mitigation. If the Project is unable to fully avoid impacts on western Joshua tree and seedbank, CDFW recommends the City require the Project Applicant to provide mitigation to compensate for those impacts. Appropriate mitigation for the Project's impact on western Joshua tree would include obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 et seq.).
  - e) CESA. CDFW considers adverse impacts to a species protected by CESA to be significant without mitigation under CEQA. As to CESA, take of any endangered, threatened, candidate species, or CESA-listed plant species that results from a project is prohibited, except as authorized by State law (Fish & G. Code §§ 2080, 2085; Cal. Code Regs., tit. 14, §786.9). Consequently, if the Project and any Project-related activity during the life of the Project will result in take of a species designated as endangered or threatened, or a candidate for listing under CESA, CDFW recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP unless the project's CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP.
- 3) Foraging Habitat for Swainson's Hawk. Swainson's hawk is a CESA-listed species. Nesting pairs in the Antelope Valley primarily forage in the alfalfa fields and other agricultural areas in the region, as well as other desert scrub habitats that support a suitable prey base of small rodents (ICF 2019). Swainson's hawk is threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat); urban development; environmental contaminants (e.g., pesticides); and climate change (ICF 2019; CDFW 2016).

In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the Project site for nesting habitat and five miles around the Project site where nesting habitat occurs. The qualified biologist should also assess Swainson's hawk foraging habitat in the Project site and areas off site that could be

Megan Taggart  
City of Palmdale  
September 8, 2022  
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impacted by the Project. The DEIR should provide full disclosure of the Project impacts on Swainson's hawk and habitat, including surveys and assessments for the species, and not deferred until a later time (i.e., preconstruction surveys).

If the Project would result in loss of nesting and/or foraging habitat, CDFW recommends the DEIR include measures to mitigate for those impacts. Any proposed compensatory mitigation should ensure no net loss of foraging habitat for Swainson's hawk. Appropriate mitigation may also include consulting with CDFW and obtaining appropriate take authorization under CESA prior to implementing the Project (pursuant to Fish & Game Code, § 2080 et seq.).

- 4) Desert tortoise (*Gopherus agassizii*). Desert tortoise is an Endangered Species Act (ESA) and CESA-listed species. The Project site is within the range of desert tortoise. In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to prepare a habitat assessment and conduct 10-meter-wide belt transects covering the Project site and adjacent areas in order to determine the presence of desert tortoise. The habitat assessment and transects should be performed adhering to methods described in U.S. Fish and Wildlife Service's (USFWS) October 8, 2019, [Preparing for Any Action That May Occur Within the Range of the Mojave Desert Tortoise](#) (USFWS 2019).

The DEIR should provide full disclosure of the Project impacts on desert tortoise and habitat, including surveys and assessments for the species, and not deferred until a later time (i.e., preconstruction surveys).

If the Project would impact desert tortoise and habitat, the DEIR should provide measures to avoid and/or mitigate potential impacts to desert tortoise as well as habitat. For unavoidable impacts, appropriate mitigation may include consultation with CDFW and/or USFWS and obtaining appropriate take authorization under CESA and ESA prior to implementing the Project.

- 5) Mohave Ground Squirrel. Mohave ground squirrel is a CESA-listed species. Mohave ground squirrels have been documented historically to occur within the Antelope Valley region. The Project site could support requisite habitat elements for Mohave ground squirrel. This includes burrows under vegetation found in desert scrub, alkali desert scrub, Joshua tree woodland, and annual grasslands. The limits of Mohave ground squirrel's geographic range are not known precisely; surveys may be required in areas up to five miles from currently documented boundaries (CDFW 2003). In addition, Mohave ground squirrel may have occurred, or could possibly still occur, outside the geographic range currently recognized by CDFW (CDFW 2019).

Accordingly, in preparation of the Project's environmental document, CDFW recommends the City require the Project Applicant to retain a qualified biologist to conduct a visual survey for Mohave ground squirrel and habitat quality according to [established survey guidelines](#) (CDFW 2003). If visual surveys do not reveal presence of Mohave ground squirrel on the Project site but potential habitat is present, standard small mammal trapping grids should be established in potential Mohave ground squirrel habitat.

Megan Taggart  
 City of Palmdale  
 September 8, 2022  
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The DEIR should provide full disclosure of the presence of Mohave ground squirrels on the Project site. Conclusions made as to habitat quality and suitability should be substantiated by scientific and factual data, which may include maps, diagrams, and similar relevant information sufficient to permit full assessment of significant impacts by reviewing agencies. Potential direct and indirect impacts on Mohave ground squirrel should be discussed in the Project's environmental document. If the Project would impact Mohave ground squirrel and habitat, the DEIR should provide measures to avoid and/or mitigate potential impacts to Mohave ground squirrel and habitat supporting the species. For unavoidable impacts, appropriate mitigation may include consultation with CDFW and obtaining appropriate take authorization under CESA.

- 6) Impacts on Burrowing Owl. Burrowing owls preferred habitat is generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soils. Grassland, shrub, steppe, and desert are naturally occurring habitat types used by the species. The Project site has a vegetation composition that is consistent with the habitat requirements of burrowing owl. In addition, burrowing owl has been observed in the parcel immediately to the west of the Project site (Assessor's Parcel Number 3128-015-902). Accordingly, The Project site could provide overwintering and/or breeding habitat for burrowing owl.
  - a) Protection Status. Burrowing owl is a California Species of Special Concern (SSC). CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of SSC could require a mandatory finding of significance (CEQA Guidelines, § 15065).
  - b) Analysis. In preparation of the DEIR, CDFW recommends the City require the Project Applicant to retain a qualified biologist to survey the Project site for burrowing owls adhering to survey methods described in CDFW's March 7, 2012, [Staff Report on Burrowing Owl Mitigation](#) (CDFW 2012). Burrowing owl surveys are the second step of the evaluation process, and the best available scientific literature recommends that they be conducted whenever burrowing owl habitat is encountered on or adjacent to (within 150 meters) a project site.
 

A burrowing owl survey should be conducted no more than one year from the date of the Project's environmental document<sup>2</sup>. The survey area should include the Project site and 150 meters from the Project site where habitat is present. All survey efforts should be conducted by a qualified biologist. Survey protocol for breeding season owl surveys states to conduct four survey visits: 1) at least one site visit between February 15 and April 15, and 2) a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after June 15.
  - c) Disclosure. The DEIR should provide full disclosure of the presence of burrowing owls and Project impacts on burrowing owls and habitat, including surveys and assessments, and not deferred until a later time (i.e., preconstruction surveys).

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<sup>2</sup> CDFW generally considers biological field assessments for wildlife to be valid for a one-year period.

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- d) Mitigation. If burrowing owl is present, the DEIR should provide measures to avoid, minimize, and mitigate for potential impacts on burrowing owl. CDFW recommends mitigation methods described in the [Staff Report on Burrowing Owl Mitigation](#) (CDFG 2012). Inadequate avoidance and mitigation measures will result in the Project having substantial adverse direct and cumulative effect, either directly or through habitat modifications, on a SSC.
- 7) Streams and Associated Natural Communities. Amargosa Creek flows through the Project site. The Project could impact Amargosa Creek and natural communities along the stream. Project-related ground-disturbing activities immediately adjacent to Amargosa Creek could cause streambank erosion and excess sediment input into Amargosa Creek. The stream may also be permanently impacted if the Project would require Amargosa Creek to be channelized or diverted underground. Vegetation within and adjacent to Amargosa Creek could be removed or degraded through habitat modification (e.g., loss of water source, encroachment by the Project, edge effects leading to introduction of non-native plants).
- a) Stream Delineation and Impact Assessment. The DEIR should provide a stream delineation, which should also identify culverts, ditches, and storm channels that may transport water, sediment, pollutants, and discharge into any rivers, streams, and lakes<sup>3</sup>. The delineation should be conducted pursuant to the USFWS wetland definition adopted by CDFW (Cowardin et al. 1979). Be advised that some wetland and riparian habitats subject to CDFW's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers' Section 404 permit and Regional Water Quality Control Board Section 401 Certification. Amargosa Creek has multiple braided channels. The Project's delineation of Amargosa Creek should show and discuss potential networks of subordinate features that may occur within the bounds of a single, larger channel containing Amargosa Creek. These subordinate features may be highly varied, transient, and active or relict stream processes and forms.
- In addition, the DEIR should include a map showing the Project site plan, location of potential debris basins, Amargosa Creek, and Amargosa Creek during a 100-year storm event. Finally, the DEIR should disclose the total impacts (linear feet and/or acreage) including impacts resulting from any fuel modification on Amargosa Creek and associated natural communities.
- b) Avoidance and Setbacks. CDFW recommends the Project avoid impacts to Amargosa Creek and associated natural communities by avoiding or minimizing Project-related development adjacent to Amargosa Creek. Vegetation adjacent to streams protects the physical and ecological integrity of these water features and maintains natural sedimentation processes. CDFW recommends the City require the Project Applicant to modify the Project so that impacts on streams are avoided and/or minimized (also see General Comment #5b). The Project should be designed with effective setbacks adjoining Amargosa Creek and associated natural communities. The chosen setback distance and how the Project has been designed to avoid and/or minimize impacts should be disclosed in the DEIR for public review.

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<sup>3</sup> "Any river, stream, or lake" includes those that are dry for periods of time (ephemeral/episodic) as well as those that flow year-round (perennial). This includes ephemeral streams and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a water body.

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- c) Mitigation. If avoidance is not feasible, the DEIR should include measures to fully compensate for impacts on Amargosa Creek and loss of associated natural communities. Higher mitigation should be provided to compensate for impacts on streams supporting rare, sensitive, or special status fish, wildlife, and natural communities. In addition, the DEIR should be conditioned to require the Project/Project Applicant to submit a Lake and Streambed Alteration (LSA) Notification to CDFW pursuant to Fish and Game Code Section 1600 et seq. As a Responsible Agency under CEQA, CDFW has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank (including vegetation associated with the stream or lake) of a river or stream or use material from a streambed. For any such activities, the project applicant (or “entity”) must notify CDFW<sup>4</sup>. Please visit CDFW’s [Lake and Streambed Alteration Program](#) webpage for more information (CDFW 2022b).
- 8) Nesting Birds. The Project proposes to develop over and adjacent to desert scrub that could provide nesting habitat for birds and raptors. Accordingly, the Project may impact nesting birds and raptors. Project activities occurring during the bird and raptor nesting season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.
- a) Protection Status. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly destroy the nest or eggs of any raptor. Impacts on nesting birds and raptors may require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065).
- b) Avoidance. CDFW recommends that measures be taken to avoid impacts on nesting birds and raptors. CDFW recommends the DEIR include a measure whereby the Project avoids ground-disturbing activities (e.g., mobilizing, staging, drilling, and excavating) and vegetation removal during the avian breeding season which generally runs from February 15 through September 15 (as early as January 1 for some raptors) to avoid take of birds, raptors, or their eggs.
- c) Minimizing Potential Impacts. If impacts on nesting birds and raptors cannot be avoided, CDFW recommends the DEIR include measures to minimize impacts on nesting birds and raptors. Prior to starting ground-disturbing activities and vegetation removal, CDFW recommends a qualified biologist conduct breeding bird and raptor surveys to identify any nests occurring on the Project site and 500 feet from the disturbance area to the extent allowable and accessible. The qualified biologist should establish no-disturbance buffers to minimize impacts on those nests. CDFW recommends a minimum 300-foot

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<sup>4</sup> CDFW’s issuance of a LSA Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the environmental document of the local jurisdiction (lead agency) for the project. To minimize additional requirements by CDFW pursuant to section 1600 et seq. and/or under CEQA, the environmental document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

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no-disturbance buffer around active bird nests. For raptors, the no-disturbance buffer should be expanded to 500 feet. The no-disturbance buffer should be 0.5 mile for special status species. Project personnel, including all contractors working on site, should be instructed on nesting birds, sensitivity of the area, and adherence to the no-disturbance buffers. Reductions in the buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors determined by a qualified biologist.

- 9) Loss of Bird and Raptor Nesting Habitat. The Project proposes to develop over and adjacent to desert scrub that could provide nesting habitat for birds and raptors.
  - a) Analysis and Disclosure. CDFW recommends the DEIR discuss the Project's impact on nesting habitat for birds and raptors. Edge effects and impacts on nesting habitat due to fuel modification should also be discussed. The DEIR should disclose the acreage of nesting habitat that could be impacted and lost as a result of the proposed Project.
  - b) Minimizing Potential Impacts and Compensatory Mitigation. CDFW recommends the Project avoid and minimize the Project's impact on nesting habitat. If avoidance and minimization is not feasible, CDFW recommends the DEIR provide compensatory mitigation for the loss of nesting habitat.

## General Comments

- 1) Disclosure. The DEIR should provide an adequate, complete, and detailed disclosure about the effect which a proposed project is likely to have on the environment (Pub. Resources Code, § 20161; CEQA Guidelines, § 15151). Adequate disclosure is necessary so CDFW may provide comments on the adequacy of proposed avoidance, minimization, or mitigation measures, as well as to assess the significance of the specific impact relative to plant and wildlife species impacted (e.g., current range, distribution, population trends, and connectivity).
- 2) Mitigation Measures. Public agencies have a duty under CEQA to prevent significant, avoidable damage to the environment by requiring changes in a project through the use of feasible alternatives or mitigation measures [CEQA Guidelines, §§ 15002(a)(3), 15021]. Pursuant to CEQA Guidelines section 15126.4, an environmental document "shall describe feasible measures which could mitigate for impacts below a significant level under CEQA."
  - a) Level of Detail. Mitigation measures must be feasible, effective, implemented, and fully enforceable and imposed by the lead agency through permit conditions, agreements, or other legally binding instruments (Pub. Resources Code, § 21081.6(b); CEQA Guidelines, § 15126.4). A public agency "shall provide the measures that are fully enforceable through permit conditions, agreements, or other measures" (Pub. Resources Code, § 21081.6). CDFW recommends the City provide mitigation measures that are specific and detailed (i.e., responsible party, timing, location, specific actions, and success criteria) in order for a mitigation measure to be fully enforceable and implemented successfully via a mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

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- b) Disclosure of Impacts. If a proposed mitigation measure would cause one or more significant effects, in addition to impacts caused by the proposed Project, the DEIR should include a discussion of the effects of proposed mitigation measures [CEQA Guidelines, § 15126.4(a)(1)]. In that regard, the DEIR should provide an adequate, complete, and detailed disclosure about the Project's proposed mitigation measure(s). Adequate disclosure is necessary so CDFW may assess the potential impacts of proposed mitigation measures.
- 3) Biological Baseline Assessment. An adequate biological resources assessment should provide a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area and where the Project may result in ground disturbance. The assessment and analysis should place emphasis on identifying endangered, threatened, rare, and sensitive species; regionally and locally unique species; and sensitive habitats. An impact analysis will aid in determining the Project's potential direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW also considers impacts to a California Species of Special Concern a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. The DEIR should include the following information:
- a) Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region [CEQA Guidelines, § 15125(c)]. The DEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities. CDFW considers Sensitive Natural Communities as threatened habitats having both regional and local significance. Natural communities, alliances, and associations with a State-wide rarity ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by visiting the [Vegetation Classification and Mapping Program - Natural Communities](#) webpage (CDFW 2022c);
- b) A thorough, recent, floristic-based assessment of special status plants and natural communities following CDFW's [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) (CDFW 2018). Botanical field surveys should be comprehensive over the entire Project area, including areas that will be directly or indirectly impacted by the Project. Adjoining properties should also be surveyed where direct or indirect Project effects could occur, such as those from fuel modification, herbicide application, invasive species, and altered hydrology. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually, this is during flowering or fruiting. Botanical field survey visits should be spaced throughout the growing season to accurately determine what plants exist in the project area. This usually involves multiple visits to the Project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present;
- c) Floristic alliance- and/or association-based mapping and vegetation impact assessments conducted in the Project area and within adjacent areas. The [Manual of California Vegetation](#) (MCV), second edition, should also be used to inform this mapping and assessment. Adjoining habitat areas should be included in this assessment where the Project's construction and activities could lead to direct or indirect impacts off site;

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- d) A complete and recent assessment of the biological resources associated with each habitat type in the Project area and within adjacent areas. CDFW's [California Natural Diversity Database](#) should be accessed to obtain current information on any previously reported sensitive species and habitat (CDFW 2022d). An assessment should include a minimum nine-quadrangle search of the CNDDDB to determine a list of species potentially present in the Project area. A nine-quadrangle search should be provided in the Project's CEQA document for adequate disclosure of the Project's potential impact on biological resources. Please see [CNDDDB Data Use Guidelines – Why do I need to do this?](#) for additional information (CDFW 2011). A lack of records in the CNDDDB does not mean that rare, threatened, or endangered plants and wildlife do not occur. Field verification for the presence or absence of sensitive species is necessary to provide a complete biological assessment for adequate CEQA review [CEQA Guidelines, § 15003(i)];
  - e) A complete, recent, assessment of endangered, rare, or threatened species and other sensitive species within the Project area and adjacent areas, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050, and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed such as wintering, roosting, nesting, and foraging habitat. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, may be required if suitable habitat is present. See CDFW's [Survey and Monitoring Protocols and Guidelines](#) for established survey protocol (CDFW 2022e). Acceptable species-specific survey procedures may be developed in consultation with CDFW and USFWS; and
  - f) A recent wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if Project implementation build out could occur over a protracted time frame or in phases.
- 4) Direct and Indirect Impacts on Biological Resources. The DEIR should provide a thorough discussion of direct and indirect impacts expected to adversely affect biological resources with specific measures to offset such impacts. The DEIR should address the following:
- a) A discussion regarding Project-related indirect impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands [e.g., preserve lands associated with a Natural Community Conservation Plan (Fish & G. Code, § 2800 et. seq.)]. Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in areas adjacent to the Project, should be fully analyzed and discussed in the DEIR;
  - b) A discussion of both the short-term and long-term effects of the Project on species population distribution and concentration, as well as alterations of the ecosystem supporting those species impacted [CEQA Guidelines, § 15126.2(a)];

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- c) A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species, and identification of any mitigation measures;
  - d) A discussion of post-Project fate of drainage patterns, surface flows, and soil erosion and/or sedimentation in streams and water bodies. The discussion should also address the potential water extraction activities and the potential resulting impacts on habitat (if any) supported by the groundwater. Measures to mitigate such impacts should be included; and
  - e) An analysis of impacts from proposed changes to land use designations and zoning, and existing land use designation and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DEIR.
- 5) Project Description and Alternatives. To enable adequate review and comment on the proposed Project from the standpoint of the protection of fish, wildlife, and plants, CDFW recommends the following information be included in the DEIR:
- a) A complete discussion of the purpose and need for, and description of the proposed Project;
  - b) Pursuant to CEQA Guidelines section 15126.6(a), an environmental document “shall describe a reasonable range of potentially feasible alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project.” CEQA Guidelines section 15126.6(f)(2) states if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion; and
  - c) A range of feasible alternatives to the Project location to avoid or otherwise minimize direct and indirect impacts on sensitive biological resources and wildlife movement areas. CDFW recommends the City select Project designs and alternatives that would avoid or otherwise minimize direct and indirect impacts on biological resources. CDFW also recommends the consider establishing appropriate setbacks from sensitive and special status biological resources. Setbacks should not be impacted by ground disturbance or hydrological changes from any future Project-related construction, activities, maintenance, and development. As a general rule, CDFW recommends reducing or clustering a development footprint to retain unobstructed spaces for vegetation and wildlife and provide connections for wildlife between properties and minimize obstacles to open space.

Project alternatives should be thoroughly evaluated, even if an alternative would impede, to some degree, the attainment of the Project objectives or would be more costly (CEQA Guidelines, § 15126.6). The DEIR “shall” include sufficient information about each alternative to allow meaningful evaluation, public participation, analysis, and comparison with the proposed Project (CEQA Guidelines, § 15126.6).

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- d) Where the Project may impact aquatic and riparian resources, CDFW recommends the City select Project designs and alternatives that would fully avoid impacts to such resources. CDFW also recommends an alternative that would not impede, alter, or otherwise modify existing surface flow, watercourse and meander, and water-dependent ecosystems and natural communities. Project designs should consider elevated crossings to avoid channelizing or narrowing of watercourses. Any modifications to a river, creek, or stream may cause or magnify upstream bank erosion, channel incision, and drop in water level and cause the watercourse to alter its course of flow.
- 6) Data. CEQA requires that information developed in environmental impact reports be incorporated into a database which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special status species and sensitive natural communities detected by completing and submitting [CNDDB Field Survey Forms](#) (CDFW 2022f). To submit information on special status native plant populations and sensitive natural communities, the [Combined Rapid Assessment and Relevé Form](#) should be completed and submitted to CDFW's Vegetation Classification and Mapping Program (CDFW 2022g). The City should ensure data collected for the preparation of the DEIR be properly submitted, with all data fields applicable filled out.
- 7) Compensatory Mitigation. The DEIR should include compensatory mitigation measures for the Project's significant direct and indirect impacts to sensitive, rare, and special status plants, animals, and habitats. Mitigation measures should emphasize avoidance and minimization of Project-related impacts. For unavoidable impacts, on-site habitat restoration or enhancement should be discussed in detail. If on-site mitigation is not feasible or would not be biologically viable and therefore inadequate to mitigate the loss of biological functions and values, off-site mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement and financial assurance and dedicated to a qualified entity for long-term management and monitoring. Under Government Code, section 65967, the Lead Agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves.
- 8) Long-term Management of Mitigation Lands. For proposed preservation and/or restoration, the DEIR should include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. The objective should be to offset Project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate endowment should be set aside to provide for long-term management of mitigation lands.
- 9) Wildlife Friendly Fencing. Fencing could obstruct wildlife movement and result in wildlife injury or mortality due to impalement and entanglement (e.g., chain link fencing). If the Project would include temporary and/or permanent fencing, prior to preparation of the DEIR, CDFW recommends the City require the Project Applicant to provide wildlife friendly fencing designs. Fencing designs should be disclosed and evaluated in the DEIR for potential impacts on biological resources and wildlife movement. The DEIR should discuss how

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fencing proposed for the Project would minimize impacts on biological resources, specifically wildlife movement. CDFW supports the use of wildlife-friendly fencing. Wildlife-friendly fencing should be used and strategically placed in areas of high biological resource value in order to protect biological resources, habitat, and wildlife movement. CDFW recommends [A Landowner's Guide to Wildlife Friendly Fences](#) for information wildlife-friendly fences (MFWP 2012).

- 10) Use of Native Plants and Trees. If the Project would include landscaping, CDFW recommends the City require the Project Applicant to provide a native plant palette for the Project. The Project's landscaping plan should be disclosed and evaluated in the DEIR for potential impacts on biological resources such as natural communities adjacent to the Project site (e.g., introducing non-native, invasive species). CDFW supports the use of native plants. CDFW strongly recommends avoiding non-native, invasive species for landscaping and restoration, particularly any species listed as 'Moderate' or 'High' by the [California Invasive Plant Council](#) (Cal-IPC 2022). CDFW supports the use of native species found in naturally occurring plant communities within or adjacent to the Project site. In addition, CDFW supports planting species of trees and understory vegetation (e.g., ground cover, subshrubs, and shrubs) that create habitat and provide a food source for birds. Finally, CDFW supports planting species of vegetation with high insect and pollinator value.
- 11) Translocation/Salvage of Plants and Animal Species. Translocation and transplantation is the process of removing plants and wildlife from one location and permanently moving it to a new location. CDFW generally does not support the use of translocation or transplantation as the primary mitigation strategy for unavoidable impacts to endangered, rare, or threatened plants and animals. Studies have shown that these efforts are experimental and the outcome unreliable. CDFW has found that permanent preservation and management of habitat capable of supporting these species is often a more effective long-term strategy for conserving plants and animals and their habitats.
- 12) Wetland Resources. CDFW, as described in Fish and Game Code section 703(a), is guided by the Fish and Game Commission's (Commission) policies. The [Wetlands Resources](#) policy the Commission "...seek[s] to provide for the protection, preservation, restoration, enhancement, and expansion of wetland habitat in California" (CFGF 2020). Further, it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion that would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be 'no net loss' of either wetland habitat values or acreage. The Commission strongly prefers mitigation which would achieve expansion of wetland acreage and enhancement of wetland habitat values."
  - a) The Wetlands Resources policy provides a framework for maintaining wetland resources and establishes mitigation guidance. CDFW encourages avoidance of wetland resources as a primary mitigation measure and discourages the development or type conversion of wetlands to uplands. CDFW encourages activities that would avoid the reduction of wetland acreage, function, or habitat values. Once avoidance and minimization measures have been exhausted, a project should include mitigation measures to assure a "no net loss" of either wetland habitat values, or acreage, for unavoidable impacts to wetland resources. Conversions include, but are not limited to, conversion to subsurface

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drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether ephemeral, intermittent, or perennial, should be retained and provided with substantial setbacks, which preserve the riparian and aquatic values and functions benefiting local and transient wildlife populations. CDFW recommends mitigation measures to compensate for unavoidable impacts be included in the DEIR and these measures should compensate for the loss of function and value.

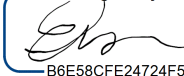
- b) The Fish and Game Commission's Water policy guides CDFW on the quantity and quality of the waters of this State that should be apportioned and maintained respectively so as to produce and sustain maximum numbers of fish and wildlife; to provide maximum protection and enhancement of fish and wildlife and their habitat; encourage and support programs to maintain or restore a high quality of the waters of this State; prevent the degradation thereof caused by pollution and contamination; and, endeavor to keep as much water as possible open and accessible to the public for the use and enjoyment of fish and wildlife. CDFW recommends avoidance of water practices and structures that use excessive amounts of water, and minimization of impacts that negatively affect water quality, to the extent feasible (Fish & G. Code, § 5650).

## Conclusion

We appreciate the opportunity to comment on the NOP for Site Plan Review 22-012 to assist the City of Palmdale in preparing the Project's DEIR and identifying and mitigating Project impacts on biological resources. If you have any questions or comments regarding this letter, please contact Ruby Kwan-Davis, Senior Environmental Scientist (Specialist), at [Ruby.Kwan-Davis@wildlife.ca.gov](mailto:Ruby.Kwan-Davis@wildlife.ca.gov) or (562) 619-2230.

Sincerely,

DocuSigned by:



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Erinn Wilson-Olgin  
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Megan Taggart  
City of Palmdale  
September 8, 2022  
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## PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500  
LOS ANGELES, CA 90013



September 24, 2022

CORS 2022090005

Megan Taggart  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

*Sent by email to: Mtaggart@cityofpalmdale.org*

**Re: Site Plan Review 22-013 and Tentative Parcel Map 83915  
SCH 2022080668 — *Notice of Preparation***

Dear Megan Taggart:

The California Public Utilities Commission (Commission/CPUC) has jurisdiction over rail crossings (crossings) in California. CPUC ensures that crossings are safely designed, constructed, and maintained. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Notice of Preparation (NOP)* for the proposed Antelope Valley Commerce Center Project (Project). City of Palmdale (City) is the lead agency.

The Project Applicant proposes to develop a vacant approximately 78-acre property located on the southwest corner of West Avenue M and Division Street (Assessor Parcel Number (APN) 3128-015-089 in the City of Palmdale, CA with two industrial buildings totaling approximately 1,432,000 square feet.

The project is located near the highway rail crossing (CPUC No. 001B-409.10, DOT No. 750642) east of the intersection of Sierra Hwy and Avenue M (Columbia Way). On February 8, 2018, CPUC staff met with representatives from Cities of Palmdale and Lancaster, Caltrans, Metrolink, and UPRR for a diagnostic meeting to discuss safety improvements to the crossing. The City of Lancaster is the lead agency for this crossing improvement project and is actively in preliminary engineering design for these improvements.

Any development adjacent to the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind. New developments may increase pedestrian or vehicular traffic volumes not only on streets and at intersections, but also at nearby rail crossings. Traffic impact studies should analyze rail crossing safety and potential mitigation measures.

In addition, construction or modification of public crossings requires authorization from the Commission. RCEB representatives are available to discuss any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at:  
<http://www.cpuc.ca.gov/crossings>.

If you have any questions, please contact Chris Palas at (213) 999-3403, or [cpp@cpuc.ca.gov](mailto:cpp@cpuc.ca.gov).

Megan Taggart  
SCH 2022080668  
September 24, 2022

Sincerely,

Chris Palas  
Utilities Engineer  
Rail Crossings Engineering Branch  
Rail Safety Division

CC: State Clearinghouse, [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)  
Kenneth Tom, UPRR, [ktom@up.com](mailto:ktom@up.com)  
Donald Filippi, Metrolink, [FillippiD@scrra.net](mailto:FillippiD@scrra.net)



## NATIVE AMERICAN HERITAGE COMMISSION

RECEIVED

SEP 14 2022

PLANNING DIVISION

September 8, 2022

Megan Taggart, Planning Manager  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

**Re: 2022080668, Site Plan Review 22-013 and Tentative Parcel Map 83915 Project, Los Angeles County**

Dear Ms. Taggart:

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

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

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

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

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

EXECUTIVE SECRETARY  
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Miwok/Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
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West Sacramento,  
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## AB 52

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
    - Planning and construction to avoid the resources and protect the cultural and natural context.
    - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - Protecting the cultural character and integrity of the resource.
    - Protecting the traditional use of the resource.
    - Protecting the confidentiality of the resource.
  - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

## SB 18

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

Some of SB 18's provisions include:

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

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

## NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

**3. Contact the NAHC for:**

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

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

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

If you have any questions or need additional information, please contact me at my email address:

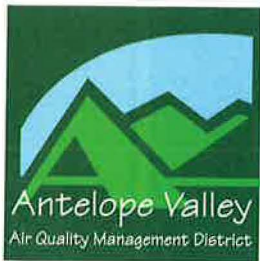
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,

*Andrew Green*

Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse



Antelope Valley Air Quality Management District  
43301 Division St., Suite 206  
Lancaster, CA 93535-4649

661.723.8070

In reply, please refer to AV0922/170

September 12, 2022

Megan Taggart  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

Project: Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting

Dear Ms. Taggart,

The Antelope Valley Air Quality Management District (District) has received the request to review planning documents for Notice of Preparation of a Draft Environmental Impact Report and Scoping Meeting for Project: Site Plan Review 22-013. The applicant proposes to develop the vacant approximately 78-acre property with two industrial buildings together totaling approximately 1,429,700 square feet. The project site is located on the southwest corner of West Avenue M and the future alignment of Division Street (APN: 3128-015-089).

Prior to initiating any grading or grubbing construction activity, the District requires submission of the required Construction Excavation Fee as well as compliance with all pre-requisites outlined in District Rule 403, *Fugitive Dust*, including submission and approval of a Dust Control Plan, installation of signage and the completion of a successful onsite compliance inspection by an AVAQMD field inspector.

During the construction phase, all disturbed areas should be stabilized so that no visible fugitive dust leaves the property line and does not impact traffic or neighboring residents. If an area of one-half acre or more of Disturbed Surface Area remains unused for seven or more days, the area must comply with the conditions for a Stabilized Surface outlined in Rule 403. Upon completion of the project, all disturbed surface areas must meet the definition of a stabilized surface, as defined in Rule 403 and verified by District staff.

The District requires applicable permit application(s) and fees be submitted for any equipment or process that may not be exempt under District Rule 219 and have the potential to emit or control air contaminants as a condition of approval, including, but not limited to, emergency generators rated at over 50 bhp.

All construction equipment utilized on this project must comply with Air Resources Board In-Use Off-Road Diesel Vehicle Regulation.

Thank you for the opportunity to review this planning document. If you have any questions regarding the information presented in this letter please contact me at (661) 723-8070 ext. 23 or [blods@avaqmd.ca.gov](mailto:blods@avaqmd.ca.gov).

Sincerely,

*Barbara Lods*

Barbara Lods  
Operations Manager

BJL/SS  
Sent via Email



SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
900 Wilshire Blvd., Ste. 1700  
Los Angeles, CA 90017  
T: (213) 236-1800  
www.scag.ca.gov

September 29, 2022

Megan Taggart, Planning Manager  
City of Palmdale, Department of Economic and Community Development  
38250 Sierra Highway  
Palmdale, California 93550  
Phone: (661) 267-5213  
E-mail: [mtaggart@cityofpalmdale.org](mailto:mtaggart@cityofpalmdale.org)

**RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Site Plan Review 22-013 and Tentative Parcel Map 83915 [SCAG NO. IGR10710]**

Dear Megan Taggart,

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Site Plan Review (SPR) 22-013 and Tentative Parcel Map 83915 ("proposed project") to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG's adopted regional plans, to be determined by the lead agencies.<sup>1</sup>

Pursuant to Senate Bill (SB) 375, SCAG is the designated Regional Transportation Planning Agency under state law and is responsible for preparation of the Regional Transportation Plan (RTP) including the Sustainable Communities Strategy (SCS). SCAG's feedback is intended to assist local jurisdictions and project proponents to implement projects that have the potential to contribute to attainment of Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) goals and align with RTP/SCS policies. Finally, SCAG is the authorized regional agency for Intergovernmental Review (IGR) of programs proposed for Federal financial assistance and direct Federal development activities, pursuant to Presidential Executive Order 12372.

SCAG staff has reviewed the Notice of Preparation of a Draft Environmental Impact Report for the SPR 22-013 and Tentative Parcel Map 83915 in Los Angeles County. The proposed project includes the development of two industrial buildings totaling 1,419,700 square feet (SF) of warehousing use, 10,000 SF of office use, and 210 loading docks on a 78-acre site.

**When available, please email environmental documentation to [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov) providing, at a minimum, the full public comment period for review.**

If you have any questions regarding the attached comments, please contact the Intergovernmental Review (IGR) Program, attn.: Annaleigh Ekman, Associate Regional Planner, at (213) 630-1427 or [IGR@scag.ca.gov](mailto:IGR@scag.ca.gov). Thank you.

Sincerely,

Frank Wen, Ph.D.  
Manager, Planning Strategy Department

<sup>1</sup> Lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with the 2020 RTP/SCS (Connect SoCal) for the purpose of determining consistency for CEQA.

**COMMENTS ON THE NOTICE OF PREPARATION OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE  
SITE PLAN REVIEW 22-013 AND TENTATIVE PARCEL MAP 83915 [SCAG NO. IGR10710]**

**CONSISTENCY WITH CONNECT SOCIAL**

SCAG provides informational resources to facilitate the consistency of the proposed project with the adopted 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS or Connect SoCal). For the purpose of determining consistency with CEQA, lead agencies such as local jurisdictions have the sole discretion in determining a local project's consistency with Connect SoCal.

**CONNECT SOCIAL GOALS**

The SCAG Regional Council fully adopted [Connect SoCal](#) in September 2020. Connect SoCal, also known as the 2020 – 2045 RTP/SCS, builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. The goals included in Connect SoCal may be pertinent to the proposed project. These goals are meant to provide guidance for considering the proposed project. Among the relevant goals of Connect SoCal are the following:

| SCAG CONNECT SOCIAL GOALS |                                                                                                                      |
|---------------------------|----------------------------------------------------------------------------------------------------------------------|
| Goal #1:                  | <i>Encourage regional economic prosperity and global competitiveness</i>                                             |
| Goal #2:                  | <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i>                           |
| Goal #3:                  | <i>Enhance the preservation, security, and resilience of the regional transportation system</i>                      |
| Goal #4:                  | <i>Increase person and goods movement and travel choices within the transportation system</i>                        |
| Goal #5:                  | <i>Reduce greenhouse gas emissions and improve air quality</i>                                                       |
| Goal #6:                  | <i>Support healthy and equitable communities</i>                                                                     |
| Goal #7:                  | <i>Adapt to a changing climate and support an integrated regional development pattern and transportation network</i> |
| Goal #8:                  | <i>Leverage new transportation technologies and data-driven solutions that result in more efficient travel</i>       |
| Goal #9:                  | <i>Encourage development of diverse housing types in areas that are supported by multiple transportation options</i> |
| Goal #10:                 | <i>Promote conservation of natural and agricultural lands and restoration of habitats</i>                            |

For ease of review, we encourage the use of a side-by-side comparison of SCAG goals with discussions of the consistency, non-consistency or non-applicability of the goals and supportive analysis in a table format. Suggested format is as follows:

| SCAG CONNECT SOCIAL GOALS |                                                                                            |                                                                                                                                                                 |
|---------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal                      |                                                                                            | Analysis                                                                                                                                                        |
| Goal #1:                  | <i>Encourage regional economic prosperity and global competitiveness</i>                   | <i>Consistent: Statement as to why;<br/>Not-Consistent: Statement as to why;<br/>Or<br/>Not Applicable: Statement as to why;<br/>DEIR page number reference</i> |
| Goal #2:                  | <i>Improve mobility, accessibility, reliability and travel safety for people and goods</i> | <i>Consistent: Statement as to why;<br/>Not-Consistent: Statement as to why;<br/>Or<br/>Not Applicable: Statement as to why;<br/>DEIR page number reference</i> |
| etc.                      |                                                                                            | etc.                                                                                                                                                            |

### Connect SoCal Strategies

To achieve the goals of Connect SoCal, a wide range of land use and transportation strategies are included in the accompanying twenty (20) technical reports. Of particular note are multiple strategies included in Chapter 3 of Connect SoCal intended to support implementation of the regional Sustainable Communities Strategy (SCS) framed within the context of focusing growth near destinations and mobility options; promoting diverse housing choices; leveraging technology innovations; supporting implementation of sustainability policies; and promoting a Green Region. To view Connect SoCal and the accompanying technical reports, please visit the [Connect SoCal webpage](#). Connect SoCal builds upon the progress from previous RTP/SCS cycles and continues to focus on integrated, coordinated, and balanced planning for land use and transportation that helps the SCAG region strive towards a more sustainable region, while meeting statutory requirements pertinent to RTP/SCSs. These strategies within the regional context are provided as guidance for lead agencies such as local jurisdictions when the proposed project is under consideration.

The 2020 Connect SoCal also identifies a goods movement system in the SCAG region and develops strategies to address expected growth trends and demands in goods movement. For further information on the goods movement strategies, please see the [2020 Connect SoCal Goods Movement Technical Report](#). For further information on industrial development and warehousing in Southern California, please see [Industrial Warehousing in the SCAG Region](#).

Connect SoCal identified Key Connections that lie at the intersection of land use, transportation and innovation meant to advance policy discussions and strategies to leverage new technologies and create better partnerships to increase progress on the regional goals. Accelerated Electrification is one of the Key Connections and was established to create a holistic and coordinated approach to de-carbonizing or electrifying passenger vehicles, transit, and goods movement vehicles. The Accelerated Electrification Key Connection sets a vision to reduce both the local and global emissions associated with multiple modes of transportation by deploying clean mobility solutions and the infrastructure needed to support them. SCAG staff encourages the lead agency to incorporate clean mobility solutions and supporting infrastructure into the project, as appropriate.

### DEMOGRAPHICS AND GROWTH FORECASTS

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG's 197 jurisdictions provided feedback on the forecast

of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

|            | Adopted SCAG Region Wide Forecasts |            |            |            | Adopted City of Palmdale Forecasts |           |           |           |
|------------|------------------------------------|------------|------------|------------|------------------------------------|-----------|-----------|-----------|
|            | Year 2020                          | Year 2030  | Year 2035  | Year 2045  | Year 2020                          | Year 2030 | Year 2035 | Year 2045 |
| Population | 19,517,731                         | 20,821,171 | 21,443,006 | 22,503,899 | 162,262                            | 179,535   | 188,171   | 207,047   |
| Households | 6,333,458                          | 6,902,821  | 7,170,110  | 7,633,451  | 45,820                             | 53,046    | 56,660    | 61,798    |
| Employment | 8,695,427                          | 9,303,627  | 9,566,384  | 10,048,822 | 38,610                             | 41,655    | 43,178    | 45,938    |

#### **MITIGATION MEASURES**

SCAG staff recommends that you review the [Final Program Environmental Impact Report](#) (Final PEIR) for Connect SoCal for guidance, as appropriate. SCAG’s Regional Council certified the PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on May 7, 2020 and also adopted a PEIR Addendum and amended the MMRP on September 3, 2020 (please see the [PEIR webpage](#) and scroll to the bottom of the page for the PEIR Addendum). The PEIR includes a list of project-level performance standards-based mitigation measures that may be considered for adoption and implementation by lead, responsible, or trustee agencies in the region, as applicable and feasible. Project-level mitigation measures are within responsibility, authority, and/or jurisdiction of project-implementing agency or other public agency serving as lead agency under CEQA in subsequent project- and site- specific design, CEQA review, and decision-making processes, to meet the performance standards for each of the CEQA resource categories.



**LOS ANGELES COUNTY  
SANITATION DISTRICTS**  
*Converting Waste Into Resources*

**Robert C. Ferrante**

Chief Engineer and General Manager

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
(562) 699-7411 • [www.lacsd.org](http://www.lacsd.org)

September 23, 2022

Ref. DOC 6681707

Ms. Megan Taggart, Planning Manager  
City of Palmdale  
Department of Economic and Community Development  
38250 Sierra Highway  
Palmdale, CA 93550

Dear Ms. Taggart:

**NOP Response to Site Plan Review 22-013**

The Los Angeles County Sanitation Districts (Districts) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report for the subject project on September 1, 2022. We offer the following comments regarding sewerage service:

1. The project area is outside the jurisdictional boundaries of the Districts and will require annexation into District No. 14 before sewerage service can be provided to the proposed development. For a copy of the Districts' Annexation Information and Processing Fee sheets, go to [www.lacsd.org](http://www.lacsd.org), under Services, then Wastewater Program and Permits, and select Annexation Program. For more specific information regarding the annexation procedure and fees, please contact Ms. Donna Curry at (562) 908-4288, extension 2708.
2. Due to the project's location, the flow originating from the proposed project would have to be transported to the Districts' trunk sewer by local sewer(s) that are not maintained by the Districts. If no local sewer lines currently exist, it is the responsibility of the developer to convey any wastewater generated by the project to the nearest local sewer and/or Districts' trunk sewer. The nearest Districts' trunk sewer is the Amargosa Creek Trunk Sewer, located in Division Street at West Avenue M. The Districts' 15-inch diameter trunk sewer has a capacity of 3.8 million gallons per day (mgd) and conveyed a peak flow of 0.3 mgd when last measured in 2018.
3. The expected average wastewater flow from the project, described in the NOP as a total of 1,419,700 square feet of warehouse use and 10,000 square feet of office use, is 37,493 gallons per day. For a copy of the District's average wastewater generation factors, go to [www.lacsd.org](http://www.lacsd.org), under Services, then Wastewater Program and Permits and select Will Serve Program, and click on the [Table 1, Loadings for Each Class of Land Use](#) link.
4. The wastewater generated by the proposed project will be treated at the Lancaster Water Reclamation Plant, which has a capacity of 18 mgd and currently processes an average recycled flow of 13.9 mgd.
5. The Districts are empowered by the California Health and Safety Code to charge a fee to connect facilities (directly or indirectly) to the Districts' Sewerage System or to increase the strength or quantity of wastewater discharged from connected facilities. This connection fee is used by the Districts for its capital facilities. Payment of a connection fee may be required before this project is permitted to discharge to the Districts' Sewerage System. For more information and a copy of the Connection Fee Information Sheet, go to [www.lacsd.org](http://www.lacsd.org), under Services, then Wastewater (Sewage) and select Rates & Fees. In determining

the impact to the Sewerage System and applicable connection fees, the Districts will determine the user category (e.g. Condominium, Single Family Home, etc.) that best represents the actual or anticipated use of the parcel(s) or facilities on the parcel(s) in the development. For more specific information regarding the connection fee application procedure and fees, the developer should contact the Districts' Wastewater Fee Public Counter at (562) 908 4288, extension 2727.

6. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CAA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but it is to advise the developer that the Districts intend to provide this service up to the levels that are legally permitted and to inform the developer of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2743, or [mandyhuffman@lacsdc.org](mailto:mandyhuffman@lacsdc.org).

Very truly yours,

*Mandy Huffman*

Mandy Huffman  
Environmental Planner  
Facilities Planning Department

MNH:mnh

cc: D. Curry  
A. Howard  
A. Schmidt



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www.lozeaudrury.com  
richard@lozeaudrury.com

*Via Email*

August 30, 2022

Luis Garibay, Community Development  
Director of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550  
[lgaribay@cityofpalmdale.org](mailto:lgaribay@cityofpalmdale.org)

Shanae Smith, City Clerk  
City of Palmdale  
500 W Temple Street, Suite B-50  
Los Angeles, CA 90012  
[cityclerkdepartment@cityofpalmdale.org](mailto:cityclerkdepartment@cityofpalmdale.org)

Megan Taggart, City Planner  
38250 Sierra Highway  
Palmdale, CA 93550  
[mtaggart@cityofpalmdale.org](mailto:mtaggart@cityofpalmdale.org)

**Re: CEQA and Land Use Notice Request for Site Plan Review 22-013 and Tentative Parcel Map 83915**

Dear Mr. Garibay, Ms. Smith and Ms. Taggart,

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Site Plan Review 22-013 and Tentative Parcel Map 83915 project, including all actions related or referring to the proposed construction of two industrial buildings totaling approximately 1,432,000 square feet, located at Division Street and West Avenue M (Parcel Number: 3128-015-089) ("Project").

We hereby request that the City of Palmdale send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City of Palmdale and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City of Palmdale, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
  - Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.

August 30, 2022

CEQA and Land Use Notice Request for Site Plan Review 22-013 and Tentative Parcel Map 83915

Page 2 of 2

- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury  
Molly Greene  
Colby Gonzales  
Lozeau Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)  
[molly@lozeaudrury.com](mailto:molly@lozeaudrury.com)  
[colby@lozeaudrury.com](mailto:colby@lozeaudrury.com)

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,

Colby Gonzalez  
Lozeau | Drury LLP





09/30/2022

**VIA EMAIL ONLY**

Megan Taggart, Planning Manager  
Department of Economic and Community Development  
City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550  
[mtaggart@cityofpalmdale.org](mailto:mtaggart@cityofpalmdale.org)

**RE: NOP Comments for Site Plan Review 22-013 and Tentative Parcel Map 83915 Project**

Dear Ms. Taggart,

On behalf of Coalition for Responsible Equitable Economic Development ("CREED LA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the Site Plan Review 22-013 and Tentative Parcel Map 83915 project (the "Project").

The Project applicant proposes two industrial buildings totaling approximately 1,429,700 square feet and associated site improvements on property located on the southwest corner of West Avenue M and the future alignment of Division Street. The Initial Study ("IS") identifies the Project's potentially significant impacts under CEQA to include all impacts except Agriculture and Forestry, Land Use/Planning, Mineral Resource, Population/ Housing, and Recreation.

CREED LA respectfully requests, under CEQA complete analysis of these impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives to the Project.

**General Comments**

We have some concerns related to warehouse development that we would like to ensure are addressed as part of the EIR process.

1. Industrial warehouse projects typically include 24 hours a day, 7 days a week operation in day and night shifts. The DEIR should include a Project Alternative that restricts operations to fewer hours.

2. Although the tenant or planned operations are usually unknown at this stage of development, the DEIR should reflect a good faith effort at full disclosure by including as much information on the nature of operations as can be reasonably obtained. In addition, the DEIR should clearly articulate and quantify all proposed future uses of the Project. This is important because different types of high cube warehouses have different levels of environmental impacts.

3. It is important to establish whether the proposed warehouse will include cold storage. If cold storage is included, then the DEIR should analyze the impacts of transportation refrigeration units (TRUs) on the environment during Project operation.

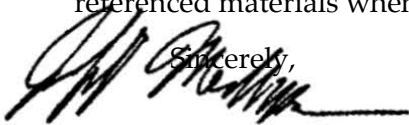
4. Goods movement industry is one of the major contributors of air pollutants across Southern California. Warehouse operations including trips by heavy duty trucks and cargo handling equipment (like forklifts, tractors) and even backup generators contribute to local pollution and global climate change. There is also overwhelming evidence that warehouse operations have a significant negative impact on public health due to the particulate pollution.

If, as expected, the Project's air quality impacts are significant (based on Project size), the DEIR must fully mitigate the impacts to ensure that the Project is in compliance with AQMP in both construction and operational phases. Every effort should also be made to ensure that public health impacts are studied, quantified, and fully mitigated.

5. We request that the City make every effort to mitigate all impacts to the fullest extent feasible. This includes adopting mitigation measures from other jurisdictions such as the Fontana Warehouse Ordinance. The ordinance includes measures such as requiring a buffer zone with large drought-resistant trees, plug-in system for trucks with TRUs, zero emission motorized operational equipment, 10% EV parking, and solar panels for non-refrigerated uses. Mitigation measures can also include requirements to install cool roofs to reduce operational energy demand, and solar canopies on the parking lot to generate energy.

Thank you for the opportunity to submit NOP comments. Again, CREED LA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on the DEIR. Please provide all sources and referenced materials when the DEIR is made available.

Sincerely,

Jeff Modrzejewski  
*Executive Director*