INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR CAL CITY CANNABIS PARK CITY OF CALIFORNIA CITY, CA

Lead Agency:
CITY OF CALIFORNIA CITY PLANNING DEPARTMENT
21000 Hacienda Boulevard, California City, CA 93505-2293
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Applicant:
Sunepoint Capital LLC/Aman Chowdhry
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Prepared by:
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Draft: February 2022

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Section 1.0 Introduction

1.1 Purpose of this Initial Study

This Initial Study analyzes the environmental impacts associated with the development of a lease facility for cannabis cultivation and manufacturing on approximately 40 acres in the City of California City.

The City of California City is the designated *Lead Agency* and as such, will be responsible for the project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment[1]. The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City of California City with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of California City, in its capacity as the Lead Agency. The City of California City determined, as part of this Initial Study's preparation, that this Mitigated Negative Declaration is the appropriate environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines[2]. This Initial Study and the *Notice of Intent to Adopt a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study[3].

1 California, State of. California Public Resources Code. Division 13, Chapter 2.5. Definitions. as Amended 2001. §21067.
2 California, State of. Public Resources Code Division 13. The California Environmental Quality Act. Chapter 2.5, Section 21067, and Section 21069. 2000.
3 California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.6, Section 2109 (b),* 2000.

Questions and/or comments should be submitted to the following contact person:

Ginger E. Coleman, Contract Planner
c/o Altec Land Planning
19531 Highway 18
Apple Valley, CA 92307
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1.2 Initial Study's Organization

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 - Introduction:* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 - Project Description:* provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 - Environmental Analysis:* includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- *Section 4 - Conclusions:* summarizes the findings of the analysis. This section also includes the Mitigation Monitoring and Reporting Program (MMRP).
- *Section 5 - References:* identifies the sources used in the preparation of this Initial Study.

INITIAL STUDY
ENVIRONMENTAL CHECKLIST FORM

Section 2.0 Project Description

2.1 Project Overview

Project title:	Cal City Cannabis Park
Lead agency name and address:	City of California City, 21000 Hacienda Boulevard, California City, California 93505-2293
Contact person and phone number:	Marie Stowers, (760) 338-1377
Project sponsor's name & address:	Sunepoint Capital LLC/Aman Chowdhry, 11884 Welby Place, Moreno Valley, CA 92557
General plan designation:	Light Industrial and Research, in Planning Subarea 1, and within the "redevelopment project area boundaries (California City, 2009 – 2028).
Zoning:	M-1 (Light Industrial)
Overlays:	None

2.2 Project Location

APN 302-062-03, California City, California. The project area is located north of Lindbergh Boulevard and east of Gantt Road, T32S, R37E, the S1/2 of the N1/2 of the NW1/4 of Section 17, M.D.B.M.

2.3 Environmental Setting and Surrounding Land Uses

Gantt Road (dirt road) forms the western boundary of the site. Jamison Road (dirt road) forms the eastern boundary of the project site. The project site is south of an unnamed dirt road. Disturbed creosote bush (Larrea tridentata) scrub habitat occurred around all sides of the study area. The north, east, and south parcels are zoned M-1, Light Industrial and Research. Parcels west of Gantt Road are zoned O/RA (Controlled Development, Public Parks & Recreation or Public Schools).

Other than the airport no development exists near the project site. The project site is in Planning Sub-area 1 which is in the central core of the City (General Plan 2009 - 2028). Planning Sub-area 1 description notes that in addition to other uses it is intended to be an area that "provides opportunities for additional residential, neighborhood commercial, community commercial, regional commercial, and light industrial land uses due to the existing development, roadways, airport, utilities, and public services and facilities (General Plan 2009 - 2028)."

2.4 Project Description

This Initial Study has been prepared in order to analyze the proposed construction of a commercial cannabis cultivation and manufacturing facility in the City of California City. The proposed facility, hereafter referred to as "the Project," will be developed in accordance with adopted City Ordinances pertaining to the location and regulation of cannabis cultivation and manufacturing facility. Article IX, Section 9-2, of the City's Municipal Code authorizes the proposed use in the Light Industrial Zoning District. On August 28, 2018, the City of California City adopted Ordinance No. 18-765 pertaining to the regulation of cannabis cultivation and

manufacturing facility, which is codified in Title 9, Chapter 2, Articles 21 and 29, and Title 5, Chapter 6, of the California City Municipal Code. The proposed Project is in the M-1 (Light Industrial Zoning District); which authorizes commercial cannabis cultivation facilities as a permitted and authorized use, and only subject to a site plan review and building permit. These facilities are subject to all State Law and regulations including the California Code of Regulations, Title 21, Division 42, Bureau of Cannabis Control.

The City of California City allows both cannabis cultivation and manufacturing facilities, as a permitted use on property zoned M-1 (Light Industrial Zoning District). Cannabis Businesses shall be permitted, in accordance with the criteria and procedures set forth Title 5, Chapter 6 of the California City Municipal Code and upon application and approval of a regulatory permit pertaining to operation of the facility including the duty to obtain any, and all, required state licenses. The proposed Project is in M-1 (Light Industrial Zoning District). All cannabis related activities are only permitted in the interior of enclosed structures, facilities, and buildings.

The Cal City Cannabis Park (APN 302-062-03) will be constructed as a lease facility for cannabis cultivation and manufacturing on approximately 40 acres. The overall facility will consist of:

- Phase 1
    - Existing Temporary Construction Trailer (removed during Phase 3) – Building A: 400 sq. ft.
    - Existing Manufacturing Building (Building B): 1,200 sq. ft.
    - New Guard Shack: 48.60 sq. ft
- Phase 2
    - New Manufacturing Building – Building C: 28,800 sq. ft.
- Phase 3
    - New Indoor Cultivation Buildings – Buildings C – T (17): 846,450 sq. ft.

Project Improvements

- Phase 1
    - New Parking Lot: 4,087 sq. ft.
    - New Walkway: 877.5 sq. ft.
    - Landscaping: 15,000 sq. ft.
- Phase 2
    - New Parking Lot: 11,084 sq. ft.
    - New Walkway: 1,159 sq. ft.
    - Landscaping: 16,500 sq. ft.
- Phase 3
    - New Parking Lot: 347,395 sq. ft.
    - New Walkway: 23,250 sq. ft.
    - Landscaping: 73,208 sq. ft.

The Site Plan indicates a total of approximately 602 parking spaces will be provided, including 36 handicapped and 45 electric vehicle spaces, along with 5 EV charging stations and 31 bicycle spaces. All parking will comply with City requirements.

Each cultivation building will be leased to cannabis growers who will potentially have different growing methods. Therefore, this Initial Study will address expected operations and where the assessment does not cover the actual operation adequately additional evaluation may be required. Nine (9) cultivation buildings will be located from east to west along the north boundary and nine (9) along the south boundary with the driveway, parking, and drive aisles in between. Buildings will be single story and highly insulated to minimize/eliminate noise and light impacts to the surrounding areas. Carbon filters will be part of the ventilation system of each building and used to control odors. Sally ports and fencing will be installed at each of the 18 buildings. Each building will be individually fenced, and the perimeter of the project site with a block wall.

Phase 1 of the existing Manufacturing facility includes a 3,155 square foot retention basin located at the northeast corner of this Phase 1. As part of Phase 3, the existing retention basin will be incorporated into the driveway and a larger new 60,363 square foot retention basin fort stormwater purposes.

A driveway the length of the project site (2,654 feet) will be constructed part of Phase 3, providing access from both Jamison Street and Gantt Road. Jamison Road (length approximately 1,500 to 2,000 feet) will be improved to allow for construction traffic and as a temporary access until Gantt Road improvements are completed. Road improvements will be accomplished within 24 months from Gantt Road to California City Boulevard.

No electrical connections are anticipated. Each building will be powered by a MicroGrid (solar/battery/Tier 4 gas generator). A natural gas line will be extended approximately 1,300 feet from Lindbergh Boulevard up Jamison Street to fully power the facility.

Approximately 144 acre-feet of water, per year, will be supplied through an 8-inch water main connection near the project site. Water used for operations will be 95% recycled back into watering plants.

Solid plant waste will be collected and disposed of as organic waste once a week by a licensed waste collection company.

Septic systems, packaged wastewater treatment plants or other alternatives will be installed for each building. A wastewater pumping station will be constructed on site and connected to the California City Wastewater Treatment Plant, when required. Approximately 6,500 gallons of wastewater a day is anticipated to be disposed of through the public sewer system. If there is wastewater that is considered unable to be disposed of through the public sewer system, it will be removed off-site by a licensed transporter and delivered to an appropriately licensed facility.

Small cargo vans will be transporting product to and from the site approximately 1 time per week per building. It is anticipated there will be 12 employees per building. A total of 216 employees are projected when the facility is fully leased.

2.5 Discretionary Actions

Issuance of grading and building permits and completion of structures to current building code is required by the City prior to establishment of any development on-site. In addition, confirmation by the Eastern Kern Air Pollution Control District, Lahontan Regional Water Quality Control Board, Caltrans, and California Department of Fish and Wildlife.

2.6 Tribal Consultation

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The Initial Study will be provided to the Tribes and/or their representatives provided by the California Native American Heritage Commission.

> NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 2108321080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

2.7 Potential Joshua Tree Petition and Evaluation process

On October 15, 2019, the Center for Biological Diversity (CBD) petitioned the California Fish and Game Commission (CFGC) to protect the western Joshua trees (*Yucca brevifolia*) under the California Endangered Species Act (CESA) because the trees are potentially threatened by climate change, fires, and habitat destruction from urban sprawl and other development in the western Mojave Desert. On April 13, 2020, the CFGC reviewed the completed Petition Evaluation, and the Department has determined the Petition provides sufficient scientific information to indicate that the petitioned action may be warranted for the western Joshua Tree. Therefore, the Department recommends the CFGC accept the Petition for further consideration under CESA. At that time other local agencies were giving their input to this CESA review process. On 09/22/2020 the CFDC approved the Petition and currently the process is being reviewed by CDFW staff for implementation. No definitive information from CDFW is currently available based upon email correspondence in the last 30 days.

Section 3.0 Environmental Analysis

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology / Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use/ Planning	☐ Mineral Resources
☐ Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency and/or Consultant)

On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions of the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets if the effect is “potentially significant impact” or “potentially significant unless mitigated”. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that the proposed project WILL NOT have a significant effect on the environment, because no new potentially significant effects have been identified beyond those previously analyzed adequately in an earlier EIR, pursuant to applicable standards, and no additional mitigation measures beyond those imposed as part of that previous EIR are necessary to be imposed upon the proposed project to reduce mitigable impacts to an insignificant level. Therefore, no additional environmental documentation is necessary.

Ginger E Coleman

Signature: prepared by Ginger E. Coleman, MPA — February 23, 2021 Date

Signature: prepared by RJ Coleman, AICP, CA, CWB, PE, QSD/P — February 23, 2021 Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is provided for all answers except "No Impact" answers that are adequately supported by the information sources the lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is noted if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency describes the mitigation measures, and briefly explains how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses", may be cross-referenced.)

5) Earlier analyses may be referenced where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.

   c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) The lead agency incorporates into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, includes a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

3.1 Aesthetics

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
I.	**AESTHETICS** - Except as provided in Public Resources Code Section 21099, would the project				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

AESTHETICS

According to the California City General Plan, the City is located within the Mojave Desert, which is characterized by gentle rolling ground surfaces, with low to moderate topographical relief across the desert floor. The Site has no ephemeral washes, and the immediate vicinity surrounding the Project, consists of moderately sloping alluvial plains with little topographical relief. A series of steep rock buttes to the west and several arroyos, including Cache Creek, which lies approximately 3-miles south of the Project site. The City is encompassed by the San Gabriel Mountains to the south, Tehachapi Mountains to the west, and the Rand Mountains to the north which create various scenic vistas throughout California City (California City General Plan, 2009).

The proposed project is not located within a Scenic Corridor, as designated by the California Scenic Highway Mapping System. However, Highways 14 and 58 are listed as Eligible State Scenic Highways, yet not officially designed as such and are located several miles from the Project site to be substantially impacted. Properties to the north, south and west are zoned for similar industrial uses; the California City Airport is located east of the project. The project will comply with City requirements, as well as those requirements necessitated by proximity to the Airport.

Surrounding Uses

AREA	EXISTING LAND USE
Site	Existing temporary construction trailer, 1,200 sf manufacturing facility and vacant
North	Vacant
South	Vacant
East	California City Airport
West	Vacant

Joshua trees are another notable aesthetic feature of the Mojave Desert. Joshua trees, which can grow up to 12 meters (40 feet) tall, are distributed on gentle slopes and on valley floors of upper bajadas and sandy areas of the perimeter of the Mojave Desert. The Joshua tree (locally protected) is an archetypal plant of the Mojave

Desert that can live several hundred years; it provides valuable habitat for a variety of native wildlife species.

> **NOTE: (1)** On 10/15/2019, the Center for Biological Diversity (CBD) petitioned the California Fish and Game Commission (CFGC) to protect the western Joshua trees (Yucca brevifolia) under the California Endangered Species Act (CESA) because the trees are potentially threatened by climate change, fires, and habitat destruction from urban sprawl and other development in the Mojave Desert. [See Exhibit I]
>
> **NOTE: (2)** On 04/13/2020 the CFGC reviewed the completed Petition Evaluation, and the Department has determined the Petition provides sufficient scientific information to indicate that the petitioned action may be warranted for the western Joshua tree. Therefore, the Department recommends the CFGC accept the Petition for further consideration under CESA. At this time other local agencies are giving their input to this CESA review process and future CFGC meetings are being schedule [See Exhibit I].

Explanations:

a. **No Impact** - The proposed project is not located within a scenic corridor and will have no impact on scenic vistas.

b. **No Impact** - The proposed project is located in a non-urbanized area west of the California City Airport within an industrial zone and includes only single-story buildings. The project will comply with all City and Airport requirements and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

c. **Less Than Significant Impact** - The project is located west of the California City Airport within an industrial zone and includes only single-story buildings. It will comply with all City and Airport requirements and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

d. **Less Than Significant Impact** - The property will be entirely surrounded by a block wall for security and to decrease lighting to surrounding areas. Exterior lighting will implement the Design/Image Policies, Dark Sky principles detailed in the California City General Plan, 2009 to 2028, pg. 2-18, and comply with all City lighting requirements.

3.2 Agricultural and Forestry Resources

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
II.	**AGRICULTURE AND FORESTRY RESOURCES** - *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	Conflict with existing zoning for, or cause rezoning of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e)	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

AGRICULTURE
The FMMP is a non-regulatory program that produces Important Farmland maps and statistical data. The FMMP groups land into one of five categories (Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land), with agricultural land being rated according to soil quality and irrigation status (36). The site is not listed as Prime Farmland, Unique Farmland or Farmland or Statewide Importance as 2018.

FORESTY RESOURCES
The Project is located within an existing urbanizing desert environment that is currently zoned for industrial uses. The Project site, and the surrounding vicinity, does not contain any forest land, timberland, or Timberland Production Zones (TPZ) that have occurred or will occur on the Project site or in the surrounding area because forest vegetation is not characteristic of the Eastern Kern County desert environment. No impacts are anticipated. There is no significant forestland or timberland in the project area.

Explanations:

a.-e. **No Impact** - The site is not listed as Prime Farmland, Unique Farmland or Farmland of Statewide Importance (23). Additionally, no forest land or farmland is located in the vicinity that may be affected by the development of this project.

3.3 Air Quality

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
III.	**AIR QUALITY -** Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?	☐	☐	☒	☐

AIR QUALITY

The project area is located in eastern Kern County, in the geographic subregion of the southwestern Mojave Desert and is under the jurisdiction of the Eastern Kern Air Pollution Control District (EKAPCD). There are over 3,700-square miles in the eastern portion that Kern County APCD controls, located on the western edge of the Mojave Desert. The high summer temperatures and radiation from the sun can encourage photochemical ozone formation when local sources or transported volatile organic compounds (VOC's) and oxides of Nitrogen (NOx) precursors are present. Kern County is within the jurisdiction of both the San Joaquin Valley Air Pollution Control District (SJVAPCD) in the San Joaquin Valley Air Basin (SJVAB) and the Eastern Kern Air Pollution Control District (EKAPCD) in the Mojave Desert Air Basin (MOAB).

In California, air quality is regulated by the California Air Resources Board (CARB). CARB divides the state into Districts and Air Basins that share similar meteorological and topographical features. California City is within the Eastern Kern Air Pollution Control District (EKAPCD).

Explanations:

a. **Less Than Significant Impact** - Projects are evaluated for consistency with the local air quality management plans, which link local planning and individual Projects to the regional plans developed to meet the ambient air quality standards. The assessment takes into consideration whether the Project forms part of the expected conditions identified in local plans (General Plan Land Use and Zoning) and whether the Project adheres to the City's air quality goals, policies, and local development assumptions factored into the regional California Air Resources Board (CARB). As previously discussed, the undeveloped Project property has a General Plan Land Use Designation – and zoning classification of – Light Industrial; which has been established to permit the development of a wide spectrum of industrial and manufacturing uses. In its current condition, the undeveloped Project site is surrounded by vacant land and the California City Airport, and is not located within proximity (e.g., 200-feet) of existing residential uses or other densely populated areas of either the City or County. The Project will not require a General Plan Amendment, zone change, or other revision that would provide directly or indirectly for increased population growth above the level projected in the adopted California Air Resources Board. The Project will not interfere with the ability of the region to comply with federal and state ambient air quality standards. Projects that are consistent with local General Plans are considered consistent with the air quality related regional plans including the current CARB, the PM-10, and other applicable regional plans. The proposed Project is a permitted use in the existing zone and shall comply with the corresponding development standards. Development is consistent with the growth Projections in the City of California City General Plan and is to be consistent with CARB.

The Project would not result in or cause violations to the National Ambient Air Quality Standards or California Ambient Air Quality Standards. The Project's proposed land use designation for the subject site does not materially affect the uses allowed or their development intensities as reflected in the adopted City General Plan. The Project is therefore considered to be consistent with the AQMP and impacts related to air quality plans are expected to be less than significant following implementation of standard conditions within the plan and including but not limited to:

Consequently, the Project would not substantially contribute to a significant individual or cumulative impact on existing or Projected exceedances of the state or federal ambient air quality standards or result in a cumulatively considerable net increase in the emissions of any criteria pollutant for which the Project region is designated nonattainment. Less than significant impacts are anticipated.

b. **Less Than Significant Impact w/Mitigation Incorporated** - The project is not projected to violate any air quality standard or result in a considerable net increase to an existing or projected air quality violation. This project will not increase industrial acreage or exceed industrial build out projections outlined in the General Plan land use designation. Therefore, since the project meets the requirements of the existing General Plan and industrial zoning designation, approval of this proposal is not anticipated to violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation. Although not anticipated to violate any air quality standard or contribute substantially to an existing or projected air quality violation, the following mitigation has been added to ensure fugitive dust best management practices are followed during grading and construction activities.

Mitigation Measures:

AIR 1. Comply with all requirements of the City of California City and Eastern Kern Air Pollution Control District, including the preparation of a Fugitive Dust Control Plan.

AIR 2. Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

AIR 3. All perimeter fencing during construction shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project specific biological mitigation prohibiting wind fencing.

AIR 4. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular use or wind erosion. Take actions to prevent project-related track-out onto paved surfaces and clean any project-related track-out within 24 hours. All other earthen surfaces within the project shall be stabilized by natural, irrigated vegetation, chemical, compaction, or other means sufficient to prohibit visible fugitive dust from wind erosion.

AIR 5. Pursuant to the California City Municipal Code the project shall install and maintain in good repair filtration equipment to reduce and eliminate odors resulting from the processing and cultivation of cannabis, and comply with City monitoring and enforcement, as necessary.

c. **Less Than Significant Impact** - All air and odor from the buildings will be filtered through a filtration system designed to mitigate odor from cannabis cultivation operations using HEPA Carbon Filters and UV light. PEIR page 4.3-34, determined this would be less than significant due to compliance with applicable local cannabis cultivation, nuisance, odor related policies and regulations. The operation will develop and implement an Odor Management Plan. Appropriate odor control equipment will be permitted and installed to minimize offensive odors from emanating outside of the growing facility. This plan would detail the air ventilation, filtration system, and best management practices (BMPs) to be used to prevent odors from emanating outside the growing facility. This plan would be circulated with California City and EKAPCD prior to setting up the growth facility to ensure the Plan is acceptable and protective.

d. **No Impact**- This project is located within a Light Industrial area and no sensitive receptors are present. There would be no impact.

3.4 Biological Resources

	Issues	***Potentially Significant Impact***	***Less than Significant w/Mitigation Incorporated***	***Less than Significant***	***No Impact***
IV.	**BIOLOGICAL RESOURCES -** Would the project:				
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐
b)	Has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?	☐	☐	☐	☒
c)	Has a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

BIOLOGICAL RESOURCES

The proposed project is the development of multiple Cannabis Cultivation and Manufacturing Facilities on the entire proposed developed site. The site has a relatively new existing fenced manufacturing facility along the north property line and has perimeter dirt roads to the west and north and scattered roads in all directions. The remainder of the entire Site is unfenced and has been disturbed by historical and recent sheep grazing. Native vegetation exists on the remainder of the Site.

Site surveys for this project site were specifically conducted earlier in 2022 during the Winter timeframe and specifically too cold for reptiles, had no readily available water or food resources and little shelter resources based upon the low density and height of existing vegetation. No observations of Desert tortoise, Burrowing owl, Mohave ground squirrel, American badger, Desert kit fox, and Nesting Birds were observed.

NOTE: Due to the unspecified timeframe of actual development of the Site, typically additional site surveys for various species will be required. If any of these species are encountered on the Site during project activities, those activities will cease and the Project Certified Arborist and Certified Wildlife Biologist (Randolph J. Coleman, CWB #43090, #WE-8024A [760-242-9917]) shall be contacted for guidance.

Desert Tortoise (*Gopherus agassizii*)
Federal Status – threatened; State Status – threatened.
Distribution – Widely distributed in the Mojave Desert from below sea level to 7,220 feet above sea level.
Habitat – Most common in desert scrub, desert wash and Joshua tree habitats, but also found in other desert habitats. Tortoises are herbivores, preferring forbs over grasses and green vegetation over dry. Desert tortoises excavate burrows and nests in friable, sandy, well-drained soil under bushes, rock formations, or open areas to protect from cold in the northern ranges and from the heat in the southern ranges.

No Tortoises or active/potentially active burrows were encountered during the field survey and no other signs (e.g. shells, bones, scutes, limbs, burrows, pallets, scats, eggshell fragments, tracks, courtship rings, drinking sites.) were found, which would indicate habitat or utilization of the Site. Mitigation has been included to ensure that should desert tortoise be encountered on the site during project activities, those activities will cease, and the Project Wildlife Biologist contacted for guidance.

Burrowing Owl (*Athene cunicularia*)
Federal Status – none; State Status – Species of Special Concern
Distribution – yearlong resident in open, dry grassland and desert habitats, and in grass, forb and open shrub stages of pinyon-juniper and ponderosa pine habitats.
Habitat – feed on small insects, small mammals, reptiles, birds, and carrion. Use rodent or other burrows for roosting and nesting. When burrows are scarce, may nest in pipes, culverts, nest boxes, and other protected "burrows."

No Burrowing Owls, other Raptors or active/potentially active burrows or nests were encountered during the field survey, and no other signs (e.g. shells, bones, or burrows, tracks,) were found, which would indicate no habitat or utilization of the site. In addition, no pipes, culverts, nest boxes or other protected "burrows" were located on site, and no rodent or small animal burrows were located. A thorough pedestrian review was completed on the Site and within a 500-foot Buffer area, in addition to transects of the site, and no evidence of present or past use of Burrowing Owls were found. Mitigation has been included to require additional site surveys for burrowing owls and other birds prior to earth-moving activities within specified timeframes.

Mohave Ground Squirrel (*Xerospermophilus mohavensis*)
Federal Status – None; State Status – Threatened.
Distribution – restricted to the Mojave Desert in San Bernardino, Los Angeles, Kern, and Inyo counties.
Habitat – open desert scrub, alkali desert scrub, and Joshua tree. Uses burrows at the base of shrubs for cover. Feeds in annual grasslands. Prefers sandy to gravelly soils.

No Mohave ground squirrels (MGS) were encountered during the field survey and no appropriately sized burrows were located on the site. In order to ensure there are no impacts to MGS, mitigation shall follow current California City and Local Agency requirements.

American Badger (*Taxidea taxus*)
Federal Status – None; State Status – Species of Special Concern
Distribution – Uncommon, permanent resident found throughout most of the State, except in the northern North Coast area.
Habitat – Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.

No American badgers, dens, or other evidence of Badgers were found on site or within the zone of influence. In order to ensure there are no impacts to Badgers, mitigation has been included.

Desert Kit Fox (*Vulpes macrotis*)
Federal Status – None; State Status – Protected
Distribution – open desert, creosote bush flats and sand dunes. Majority of sightings in areas with less than twenty percent (<20%) vegetation cover.
Habitat – feed on rodents, rabbits, birds, reptiles, and insects. Use several dens throughout their home range, each with several entrances. Select birthing den in September and October, pups born in February or March, pups grown and leave to establish their own dens by October.

Title 14 of the California Code of Regulations, Section 460, identifies desert kit fox as a protected fur-bearing mammal. No desert kit fox or their dens were located on or within 100 meters of the project site. In order to ensure there are no impacts to desert kit fox, mitigation has been included.

Nesting Birds
The Migratory Bird Treaty Act of 1918, as amended, protects migratory non-game native bird species. The California Fish and Game Code sections 3503, 3503.5 and 3513 protect all nesting birds, birds-of-prey, migratory non-game birds, their nests, and eggs. Mitigation has been required to ensure that no nesting birds are inhabiting the site.

Explanations:

a. **Less Than Significant Impact w/Mitigation Incorporated** – Site surveys were specifically conducted by Altec Land Planning. However it is noted the Winter timeframe survey found no evidence of species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. The site presently contain native plant species and impacts from historical and recent sheep grazing. No sensitive habitats (e.g. wetlands, critical habitats for sensitive species, etc.) have been documented in the immediate area and none were observed during the subject field investigations.

Some species are known to potentially be located within the general area (Mojave ground squirrel, Desert kit fox and American badger), but the project site has only minimal support of suitable habitat for water and food resources. The Site does have appropriate habitat for various Nesting Birds; therefore, the project site should be surveyed immediately prior to any construction or grading activities on-site to determine the presence or non-presence of any sensitive species as well as implement specific measures for the Burrowing owl, specifically in the general area. Therefore, the following mitigation measures have been included in order to ensure any impacts are less than significant.

Mitigation Measures:

BIO 1. A preconstruction survey shall be conducted by the Project Certified Wildlife Biologist or a qualified biologist for the presence of American badger and Desert kit fox dens within 14 days prior to commencement of construction activities. The survey shall be conducted in areas of suitable habitat for American badger and Desert kit fox, which includes desert scrub and Joshua tree habitats. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities:

- **Desert kit fox or American badger potential den: 50 feet**
- **Desert kit fox or American badger active den: 100 feet**
- **Desert kit fox or American badger natal den: 500 feet**

If avoidance of the potential dens is not feasible, the following measures are recommended to avoid potential adverse effects to the American badger and desert kit fox:

- **If a qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent American badgers or desert kit foxes from re-using them during construction.**
- **If the qualified biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers or desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances and monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers and desert kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction.**
- **During fencing and grading activities daily monitoring reports shall be prepared by the monitoring biologists. The biologist shall prepare a summary monitoring report documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness**

Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special -status species, including injuries and fatalities. These monitoring reports shall be submitted to CALIFORNIA CITY and relevant resource agencies as applicable on a monthly basis along with copies of all survey reports.

BIO 2. A Certified Wildlife Biologist shall conduct a preconstruction survey of the impact areas to confirm presence/absence of burrowing owl individuals no more than 30 days prior to construction. The survey methodology will be consistent with the methods outlined in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If no active breeding or wintering owls are identified, no further mitigation is required.

If burrowing owls are detected onsite, the following mitigation measures shall be implemented in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012):

- **A Certified Wildlife Biologist shall be onsite during initial ground -disturbing activities in potential burrowing owl habitat.**
- **No ground-disturbing activities shall be permitted within a buffer no less than 200 meters (656 feet) from an active burrow, depending on the level of disturbance, unless otherwise authorized by CDFW. Occupied burrows will not be disturbed during the nesting season (February 1 to August 31), unless a qualified biologist verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.**
- **During the nonbreeding (winter) season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the burrow, depending on the level of disturbance, and the site is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be excluded from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (2012).**

- **Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed based on the recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). The plan shall include, at a minimum:**
- **Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species**
- **Type of scope to be used and appropriate timing of scoping**
- **Occupancy factors to look for and what shall guide determination of vacancy and excavation timing**
- **Methods for burrow excavation**
- **Removal of other potential owl burrow surrogates or refugia onsite**
- **Methods for photographic documentation of the excavation and closure of the burrow,**
- **Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take**
- **Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals**
- **Compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site through implementation of a Mitigation Land Management Plan based on the Staff Report on Burrowing Owl Mitigation (CDFW 2012) guidance. The plan shall include the following components, at a minimum:**
- **Temporarily disturbed habitat on the project site shall be restored, if feasible, to pre-project conditions, including de-compacting soil and revegetation;**
- **Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis which includes conservation of similar vegetation communities comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals;**
- **Mitigation land acreage shall not exceed the size of the project site;**
- **Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.**
- **Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.**
- **Mitigation lands shall be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.**

BIO 3. If project activities must occur during the avian nesting season (February to September), a survey for active nests must be conducted by a qualified biologist, one to two weeks prior to the activities. If active nests are identified and present onsite, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field by a qualified biologist with flagging and stakes or construct ion fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. If construction must occur within this buffer, it shall be conducted at the discretion of a qualified biological monitor to assure that indirect impacts to nesting birds are avoided.

BIO 4. If sensitive wildlife species such as the Desert Tortoise or the Mohave Ground Squirrel, Desert Kit Fox, or nesting birds are detected on the project site during future surveys or

assessments or construction, all work on-site shall stop immediately, and mitigation measures shall be required to reduce impact to a level of less than significant. Any proposed mitigation measures shall be determined by a Certified Wildlife Biologist and be approved by California City and the California Department of Fish and Wildlife as applicable in accordance with typical current best practices.

Additionally, because the biological survey is valid for one year for the above-mentioned species, except for the Burrowing Owls and Nesting Birds, the following mitigation measure has been included.

Mitigation Measure:

BIO 5. Should grading or construction commence after February 1st, 2021, a new biological survey shall be filed with the California City as a Biological Clearance Letter to determine the presence or absence of endangered species on the site. Said survey shall be filed with California City or designee prior to issuance of a grading permit. The survey shall be valid for a period of one year or as specifically delineated above.

b. **No Impact** - The project site is not located within any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

c. **No Impact** - The project site does not include any state or federally protected wetlands as protected under CEQA, Section 1600 of the California Fish and Game Code, or as defined by Section 404 of the Clean Water Act.

d. **Less Than Significant Impact** - The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites since the site does not include disturbances to any sensitive areas. Additionally, the only identified wildlife corridors of potential special concern is Cache Creek, which lies approximately 3-miles south of the Project site.

e. **No Impact** – There were no native or other protected plants located on the site during the winter timeframe. Therefore, there is no conflict with any local policies or ordinances protecting biological resources, such as the current Candidate Endangered Species Status of the Joshua Tree or other local California City tree preservation policy or ordinance

f. **No Impact** -The plan will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan since there is no adopted Habitat Conservation Plan or Natural Community Conservation Plan in the project area or local region.

3.5 Cultural Resources

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
V.	**CULTURAL RESOURCES** - Would the project				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

CULTURAL RESOURCES

The proposed project is to allow for the expansion of an existing cannabis manufacturing facility to include cannabis growing facilities in multiple buildings. The site has minimal disturbance excluding the east side of the site with the existing manufacturing facilities and perimeter roads at the Site. Historical sheep grazing has occurred at this and adjacent sites. There is no topographical distinguishing features on the Site and the nearest minor natural drainage channels are approximately 0.5 miles to the north and to the south of this Site that do not have any specific ephemeral riparian characteristics. There are no significant water resources, tool making resources, food resources or shelter resources at this Site. Further, the proposed project does include development over the entire 40-acre site.

It is not anticipated that cultural resources would be located on this project site. However, mitigation is proposed in the event that evidence of cultural resources is discovered during construction activities.

Explanations:

a.-c. **Less Than Significant Impact with Mitigation Incorporated** – It is reasonable that no cultural resources are located on the site due the characteristics of the Site discussed and for the reasons noted above. Regardless, Mitigation Measures are recommended in the event evidence of cultural resources are discovered.

A Tribal consultation list and sacred lands file search shall be requested of the Native American Heritage Commission. Once a list is received the interested area Tribes will be notified of the project per the AB52 process, which may result request(s) for tribal consultation, or amendment of the mitigation measures. Any such amendments will be made prior to the City taking action on this item.

Mitigation Measures:

CUL 1. In the event that Tribal cultural resources are discovered during the project earth moving or construction activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist and appropriate local Tribe or Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. The City cedes to the Tribe(s) of Band(s) for ultimate determination and all tribal/band resources. Tribal/Band may or may not be considered collection tribe/band and all resources shall be reburied at an approved location that may or may not impact future development locations and additionally complies with the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs and practices of the Tribe or Band.

CUL 2. If significant Tribal/Band cultural resources are discovered, for which a Treatment Plan must be prepared, City or City approved Consultant or designated qualified archaeologist shall contact the appropriate Tribe or Band for collaboration on Treatment Plan development.

CUL 3. If requested by a Tribe or Band, the developer or the qualified archaeologist shall, in good faith, consult with Tribal representatives on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the County Coroner has examined the remains (Section 7050.5b). If the coroner determines or has reason to believe that the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (Section 7050.5c). The NAHC will notify the Most Likely Descendant (MLD), and with the permission of the landowner, the Most Likely Descendant may inspect the site of discovery. The inspection must be completed within 24-hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains, and items associated with Native Americans. The following mitigation measure is recommended:

Mitigation Measures:

CUL 4. In the event that any human remains, burials, or funerary objects are discovered within the project area, all earthmoving work and/or construction in the immediate vicinity shall be suspended and an environmentally sensitive area physical demarcation/barrier constructed. The County Coroner and CITY shall immediately be contacted pursuant to State Health and Safety Code §7050.5. If the Coroner determines the remains to be Native American, or has reason to believe they are Native American, the State Native American Heritage Commission (NAHC) shall be contacted within twenty-four (24) hours as required by California Health and Safety Code Section 7050.5(c).

The NAHC-identified Most Likely Descendant (MLD) shall be allowed under California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency/Landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code Section 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code Section 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Lead Agency/Landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner and all other parties will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254(r).

Work shall not resume until such time as the site has been cleared by the County Coroner or qualified archaeologist or Tribal representative.

3.6 Energy

	Issues	*Potentially Significant Impact*	*Less than Significant w/Mitigation Incorporated*	*Less than Significant*	*No Impact*
VI.	**ENERGY** - Would the project:				
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

ENERGY
The project which is comprised of the expansion of an existing cannabis manufacturing facility to include cannabis growing facilities in multiple buildings will be designed to comply with the latest energy code standards as required by the latest adopted building code. Further, each building will be powered by a MicroGrid (solar/battery/Tier 4 gas generator). A natural gas line will be extended approximately 1,300 feet from Lindbergh Boulevard up Jamison Street to the facility, and each building will be highly insulated to minimize/eliminate noise and light impacts to the surrounding properties and reduce energy needs.

Explanations:

a.-b. **Less than Significant Impact**. The project is proposed to use higher insulation values, higher efficiency lighting system(s), higher efficiency HVAC system(s), higher efficiency Water Heater(s), several higher Water Efficiency System(s) and will include a MicroGrid (solar/battery/Tier 4 gas generator), electric vehicle charging stations and other energy saving opportunities. Additionally, construction would be required to comply with the latest adopted California Building and Green Codes. Therefore, impacts to energy resources are considered less than significant.

3.7 Geology and Soils

	Issues	*Potentially Significant Impact*	*Less than Significant w/Mitigation Incorporated*	*Less than Significant*	*No Impact*
VI.	**GEOLOGY AND SOILS** - Would the project:				
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	☐	☐	☒	☐
	ii. Strong seismic ground shaking?	☐	☐	☒	☐
	iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	iv. Landslides?	☐	☐	☐	☒
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d)	Be located on expansive soil, as defined in Table 181-B of the California Building Code (2013) creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f)	Directly or Indirectly destroy a unique paleontological resources or site unique geological features	☐	☒	☐	☐

GEOLOGY AND SOILS

The project area is located in seismically active Southern California, a region that has experienced numerous earthquakes in the past. The Alquist-Priolo Special Studies Zones Act specifies that an area termed an Earthquake Fault Zone is to be delineated if surrounding faults that are deemed sufficiently active or well defined after a review of seismic records and geological studies. Neither the community nor the project area is located within any Alquist-Priolo Special Studies Zones.

The topography of the City of California City varies from gently sloping to rolling hills and occasionally dissected by ephemeral and intermittent natural drainage courses. The major environmental factors controlling stability of the steeper hillsides include precipitation, topography, geology, soils, vegetation, and man-made modifications to the natural topography. The subject site is gently sloping, decreasing in elevation from 2,460 feet above mean sea level at the southern portion of the site to 2,447 feet above mean sea level at the northeastern corner of the site. The site has been historically disturbed by sheep grazing activities.

Explanations:

a. **No Impact** - The proposal will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death as the project does not propose development anywhere where it is not already permitted.

i. **Less than Significant Impact** - According to the Safety Element in the California City General Plan, a fault is defined as a fracture in the earth's crust forming a boundary

between rock masses that have shifted. Fault rupture is a break in the ground's surface and associated deformation resulting from the movement of a fault. Rupture would be a potential problem within California City if a strong earthquake occurs along a known or unknown fault within or near the City. According to the California City General Plan, the City is not located in an Alquist- Priolo Earthquake Fault Zone. The closest Alquist-Priolo Earthquake Fault Zone lies approximately 5 miles northwest of the Project site, at the Garlock Fault.

According to the Safety Element, of the City's General Plan, the Project property shows no mapped faults on-site per maps prepared by the California Geologic Survey and published by the International Conference of Building Officials (ICBO). The Project area is not located within an earthquake fault zone, and no evidence of surface faulting was observed on the property during the site reconnaissance. Per the findings within the California City General Plan and the Project-specific Geotechnical Investigation, surface fault rupture is considered unlikely at the Project site. Less than significant impacts are expected.

Fault	Location
San Andreas Fault Zone	44 miles south
Garlock Fault Zone	5 miles northwest
Helendale-South Lockhart fault zone	22 miles east
Lenwood-Lockhart fault zone	22 miles east
San Andreas Fault Zone	30 miles southwest

ii. **Less Than Significant Impact** - California City, and the Project site, is in the Mojave Block, also referred to as the Eastern California Shear Zone (ECSZ). The ECSZ is an area of increased seismic activity which stretches from the San Andreas Fault in the Coachella Valley, north-northeast across the Mojave Desert, and northward to the Owens Valley. The numerous faults in the region may accommodate as much as 10 to 20 percent of the relative motion between the North American and Pacific Plates, and according to the California City General Plan, the closest fault to the City is the Garlock Fault, which lies approximately 10 miles west of the City's core, and 5.75 miles northwest of the Project property. The nearest significant active fault is the San Andreas Fault Zone, which is located approximately 37.8 miles from the proposed site. As a result, California City has the potential to experience seismic shaking and seismic-related hazards.

iii. **Less than Significant Impact** - The General Plan Safety Element states that liquefaction is the phenomenon in which loose, saturated, granular soils temporarily behave similarly to a fluid when subjected to high intensity ground shaking. Liquefaction occurs when three general conditions are present: shallow groundwater, low-density, silty, or fine sandy soils, and high intensity ground motion. Areas of shallow groundwater have a higher susceptibility to liquefaction; however, the groundwater in the City ranges from approximately 600 to 800-feet below ground level, which results in a negligible impact from the effects of liquefaction.

Therefore, the potential for liquefaction occurring at the Project site is considered low. Less than significant impacts are anticipated.

iv. **No Impact** - The California City Slope of Terrain Map in the General Plan (Figure 6-4) classifies the Project site's location as having. a 0 to 15 percent slope. The City lists two notable slopes within the City being Galilee Hill and Twin Buttes, approximately 14.75 miles northeast and 5.75 miles southeast of the Project site, respectively. Moreover, there are no significant slopes proposed as part of the proposed development; either on-site or being affected through any off-site grading activities. Based upon the Project's associated earthmoving activities, it is concluded that risks associated with slope instability at the Project property are considered low to negligible. In that vein, potential hazards associated with landslide risks are unlikely at the Project site and less than significant impacts are anticipated.

b. **Less Than Significant Impact** - Construction on the project site will employ BMPs, and be small in its overall extent. A water truck and minimal speeds will be employed to minimize dust. Project construction will comply with the California City General Plan's policies. Construction will be accomplished in accordance with all dust control rules and measures to mitigate air quality effects and thereby soil erosion during new development. After construction landscaping design will be incorporated using native plants to the maximum extent feasible as recommended in the Biological Resource Assessment. The City's Zoning Code and the California City General Plan (Page 2-17) recommends xeriscaping using drought-tolerant plants and trees to minimize loss of topsoil or soil erosion.

Construction on the project site will employ BMPs, and be small in its overall extent. A water truck and minimal speeds will be employed to minimize dust. Project construction will comply with the California City General Plan's policies. Construction will be accomplished in accordance with all dust control rules and measures to mitigate air quality effects and thereby soil erosion during new development. After construction landscaping design will be incorporated using native plants to the maximum extent feasible as recommended in the Biological Resource Assessment. The City's Zoning Code and the California City General Plan (Page 2-17) recommends xeriscaping using drought-tolerant plants and trees to minimize loss of topsoil or soil erosion.

c. **Less Than Significant Impact** - As previously noted, due to the plan areas insignificant slopes, soil characteristics, and low liquefaction susceptibility, the area is not considered unstable and should not become unstable as a result of this project.

d. **No Impact** - Typically, soils in the general area have a low or very-low probability of expansive soils as defined in Table 18-1-B of the Uniform Building Code (1994). Additionally, pursuant to Chapter 18 of the 2019 California Building Code, new development occurring as a result of this project will be required to submit a geotechnical investigation (Preliminary Soils Report) report and any provision outlined in that document would be required by the City's Building Official. Additionally, the structural engineer providing structural calculations may have additional requirements depending upon the type of structures in the development.

The facility will be engineered to comply with the currently adopted California State Building Codes and pursuant to current City Building Codes.

e. **No Impact** – Septic systems, packaged wastewater treatment plants or other alternatives will be installed for each building. A wastewater pumping station will be constructed onsite and connected to the California City Wastewater Treatment plant, when required.

f. **Less Than Significant Impact w/Mitigation Incorporated** - Mitigation is recommended in the event evidence of paleontological resources is found during earth-moving operations.

Mitigation Measure:

GEO 1. **In the event that fossils are discovered during the project development/construction, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be hired to assess the find. Work on the overall project may continue during this assessment period.**

3.8 Greenhouse Gas Emissions

	Issues	*Potentially Significant Impact*	*Less than Significant w/Mitigation Incorporated*	*Less than Significant*	*No Impact*
VII	**GREENHOUSE GAS EMISSIONS -** Would the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

GREENHOUSE GAS EMISSIONS

Explanations:

a. **Less Than Significant Impact** – The CalCannabis Programmatic Environmental Impact Report (PEIR), Nov 2017 provides the legal framework for proposed projects. With the passage of California Assembly Bill AB32, the Global Warming Solutions Act of 2006, jurisdictions are required to reduce their greenhouse gas (GHG) emissions to 1990 levels by 2020 by the Local Agency. With that process complete, under CEQA, including Section 15064.4 Determining the Significance of Impacts from GHG Emissions. The streamlining of the CEQA review allows developers the option(s) to demonstrate that their projects are consistent with the intent and for this specific project to construct rooftop solar on this proposed project. It is preliminarily determined the Micro-Grid concept and rooftop solar for this project does rise to a level of not requiring a separate GHG analysis on its own for CEQA processing.

Additionally a separate Greenhouse Gas Emissions Screening Table Review used by other Mojave Desert Local Agencies was completed that exceeded the minimum threshold. In the event of future significant development on the Project Site, beyond the proposed Cannabis grow facilities, then that proposed development will require its own GHG analysis at that time and will be subject to the “then current” GHG processes. Since the proposed project is consistent with GHG impacts, including cumulative, impacts will be less than significant.

b. **Less Than Significant Impact** - No conflict would occur with the CalCannabis Programmatic Environmental Impact Report (PEIR), Nov 2017, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

3.9 Hazards and Hazardous Materials

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
VIII.	**HAZARDS AND HAZARDOUS MATERIALS -** Would the project:				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d)	Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

HAZARDS AND HAZARDOUS MATERIALS

Explanations:

a. **Less Than Significant** - CDFA CalCannabis PEIR, Nov 2017 is incorporated by reference (page 4.7-17, 18). As stated in the PEIR: The project cultivators would be required to store, use, and dispose of hazardous materials in accordance with applicable laws and regulations. Depending on the amount of hazardous materials used for power equipment or any generators the project may be required to prepare a Hazardous Materials Business Plan (HMBP) and/or Hazardous Materials Management Plan (HMMP). Additionally, licensees would be required to comply with OSHA and Cal/OSHA requirements, such as maintaining Safety Data Sheets for each chemical they use and providing personal protective equipment, as necessary, to protect the health of workers. Compliance with existing laws and regulations related to transport, use, and disposal of hazardous materials would avoid creating a substantial hazard to the public. Therefore, this impact would be less than significant.

b. **Less Than Significant** - CDFA CalCannabis PEIR, Nov 2017 is incorporated by reference (page 4.7-18). As stated in the PEIR: Cultivation activities will comply with existing laws regarding storage and use of hazardous materials. California Health and Safety Code provisions and the CalARP program would require any cannabis cultivation facility storing more than a threshold quantity of regulated substances to prepare an HMBP and/or Risk Management Plan. These plans would include emergency response procedures to coordinate response in the event of a release and chemical accident prevention measures. With adherence to existing hazardous materials laws, the risk of accidental releases of hazardous materials from cultivation activities that could cause substantial hazards is considered low. In general, cannabis cultivation would not make intensive use of hazardous materials. Project cultivators will comply with all federal, State, and local laws and ordinances regarding the use

and storage of hazardous materials. Therefore, the risk of accidental releases of hazardous materials from lawful cannabis cultivation operations would be lower than many other ongoing activities in the state, including existing unpermitted cannabis cultivation activities. Therefore, this impact would be less than significant.

Pesticides will be used in the operations at this site. The analysis within the PEIR included a screening-level human and ecological health risk evaluation conducted by Blankinship & Associates and Ardea Consulting that found, for the pesticides analyzed, no significant risks to human or ecological health as a result of their use by cannabis cultivators, when used in accordance with licensing requirements and other applicable laws and regulations. Use of currently approved pesticides will result in an impact that would be less than significant.

c. **No Impact** - The nearest school is 3 miles to the southeast of the project site.

d. **No Impact** - No hazardous material sites within 5,000 feet were noted within or near this project area on the Envirostor database accessed February 22, 2022.

e. **No Impact** - The nearest airport is approximately 300 feet to the east. This project location is within the Airport Land Use Compatibility Plan and the area was approved for light industrial and research activities within the current California City General Plan. This is a small airport with relatively low traffic. Measures noted in AQ-1 and item 1 of the MMRP is required to be followed. The project will be engineered to comply with the California State Building Codes and pursuant City Building Codes. Retention basins will be managed to avoid developing bird habitat in order to prevent potential bird strikes to aircraft. No increase in hazards would be expected.

f. **Less Than Significant Impact** - The local fire department has been notified of the cultivation site through the City's planning process (such as SDR) to ensure that local firefighters are aware of the presence of indoor cannabis growing operations. The facility will comply with building, electrical, and fire codes, which would require installation of fire suppression systems, where appropriate. With the combination of State and local regulations and protective measures, fire risk from indoor grow operations to firefighters will be reduced to a less-than-significant level.

This project is estimated to increase traffic by 12 vehicles a day, and 1 cargo van a week per building, 216 vehicles when fully leased. This is not a level that would be expected to impair implementation of the emergency evacuation plan.

g. **Less Than Significant Impact** - CDFA CalCannabis PEIR, Nov 2017 is incorporated by reference (page 4.7-21 to 23). As stated in the PEIR: This project will adhere to State and local building, electrical, and fire codes. The local fire department will be notified of the cultivation site through the City's planning process (such as SDR) to ensure that local firefighters are aware of the risks posed by cannabis cultivation operations so they may respond more effectively and safely. Existing laws, such as requirements for maintenance of defensible space around structures [wildland protection], and implementation of environmental protection measures specified in the cannabis regulations will reduce potential impacts. The facility will comply with building, electrical, and fire codes, which would require installation of fire suppression systems, where appropriate. With the combination of State and local regulations and protective measures, fire risk from indoor grow operations to surrounding areas will be reduced to a less-than-significant level.

3.10 Hydrology and Water Quality

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
IX.	**HYDROLOGY AND WATER QUALITY -** Would the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☐	☒
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede substantial groundwater management of the basin?	☐	☐	☒	☐
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☒	☐	☐
	i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
	iv) impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

HYDROLOGY AND WATER QUALITY

California City provides domestic water to the project area. The Project will be designed with on-site stormwater retention facilities that, during the life of the Project, will comply with the City's drainage requirements by preventing site discharge and transport of untreated runoff. The Project will be required to comply with the most current standards outlined in the City of California City Urban Water Management Plan and the Water Quality Control Plan for Lahontan Region (Region 6V). Current drainage requirements for this Project fall under the jurisdiction of the City of California City, which requires the entirety of the storm water from the 10-year, 5-day storm to be retained onsite. The site plan, grading design, storm drain design, and retention facilities of the Project must be factored in the Project- specific WQMP development and documentation. Runoff from throughout the impervious surfaces (buildings, hardscape, and pavement) of each drainage management area will be conveyed via surface and piped flows to the on-site retention basin. The retention basin will be sized to retain the incremental increase between the pre-development and post-development volume per City requirements.

The primary source of fresh water is groundwater extracted by numerous wells from the California City sub-basin located within the Freemont Vallely Groundwater Sub-basin of the South Lahontan Hydrologic Study Area.

The project site and surrounding areas are subject to Kern County flood control requirements, and the National Pollution Discharge Elimination System (NPDES) to protect surface water from pollution. There is no off-site stormwater affecting the Site and the proposed project will provide stormwater retention.

Overall, project related impacts are anticipated to be less than significant.

Explanations:

a. **No Impact** - The project will not violate any water quality standards, wastewater discharge requirements or degrade surface and/or groundwater quality since the project is required to pay applicable fees, and utilize on-site retention of storm water via retention basin(s).

Pesticide use will be accomplished in accordance with licensing requirements, other applicable laws, and regulations.

b. **Less Than Significant Impact** - The California City Municipal Code outlines the importance of water conservation (California City Municipal Code Chapter 1, Article 4, Section 7-1.431). Within this code, the City states that water conservation is a goal of high importance in order to be consistent with State of California and City legal responsibilities to the utilization of water resources. All irrigation within the City comply with the State Model Water Efficiency Landscape Ordinance (MWELO) and City Municipal Code that implement water efficiency standards. Additional conservation efforts include the use of drought tolerant landscaping, and new, low- flowing plumbing fixtures. Water conserving fixture installations shall be subject to compliance inspection, prior to issuance of final occupancy permits, for the industrial facility. Given the use, and Projected low water and wastewater demands, the Project not expected to interfere with groundwater recharge conditions. The method of stormwater management will be provided through groundwater recharge provided by infiltration within impermeable areas on the project site. Infiltration opportunities are also provided in the form of BMPs and pervious cover areas in the landscaping design; which is a standard required and implementation measure for the project to comply with the County's Municipal Stormwater permit). Through implementation of these standard conditions of approval, less than significant impacts are expected.

A small percentage of the overall water used by California City (approximately 7%) is surface water from AVEK (California City General Plan, Pg 5-30). This project will be using water from California City via an 8 inch waterline connection near the project site. Since some of the water that California City provides is through AVEK a small percentage may be used by this operation. No increase in surface water over and above what California City already receives is anticipated.

Approximately 2,700,000 gallons of water per building per year is anticipated to be used. When fully leased, this project is anticipated to use 47,000,000 gallons of water per year (144 afy). The project's projected usage is equal to adding approximately 700 individuals to the population using an average of 66,795 gals of water per year (183 gallons per day). The watering systems for cultivation will incorporate recycling. This amount of water use is considered less than significant. In addition, the CDFA (PEIR, pg. 4.8-35) indicates that the required cultivation plan will require the water source to be used [be documented] along with the location of any groundwater diversions, pumps, and diversion systems.

c. **Less Than Significant Impact** - No blueline streams are located within a mile of the project site. While proposed Project will result in temporary and permanent disturbance in an area that nearly encompasses approximately 40 acres, the developer will comply with the State's most current Construction General Permit (CGP). Compliance with the CGP involves the

development and implementation of a Project-specific Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts to surface water quality during the period of construction. The required plan will identify the locations and types of construction activities requiring Best Management Practices (BMPs) and other necessary compliance measures to prevent soil erosion and stormwater runoff pollution. The plan will also identify the limits of allowable construction-related disturbance to prevent any off-site exceedances or violations.

Mitigation Measure:

HYD 1 Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall:

- **Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented;**
- **The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; and**
- **Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning.**

i. **Less Than significant Impact** - There are no drainage patterns, streams, or washes on the project site which would be expected to result in substantial erosion or siltation. Drainage on site will be engineered into a retention basin and is required to maintain the preconstruction hydrograph.

ii. **Less Than significant Impact** - There are no drainage patterns on the project site which would be expected to result in flooding on or off site. Drainage on site will be engineered into a retention basin, and the project will maintain the preconstruction hydrograph.

iii. **Less Than significant Impact** - A retention basin will be engineered and constructed to alleviate any runoff issues as required by the City of California City.

iv. **Less Than significant Impact** - There are no drainage patterns on the project site which would be expected to result in flooding on or off site. Drainage on site will be engineered into a retention basin, and the project will maintain the preconstruction hydrograph.

d. **Less Than Significant Impact** - The project will not expose people or structures to a significant risk of loss, injury or death involving flooding as no flood hazards traverse the project area nor is the site subject to inundation by seiche, tsunami, or mudflow as there is no evidence suggesting potential for these hazards based upon types of localized soils and depth to the water table. The California City General Plan, Figure 5-6, shows this site to be outside any 100-year flood hazard area and indicates it is within an area of minimal flooding.

e. **Less Than Significant Impact** - The project will not conflict or obstruct implementation of a water quality control plan or sustainable groundwater plan. Presently the area is under the jurisdiction of California City Water District which has numerous approved water resource management plans.

3.11 Land Use and Planning

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
X.	**LAND USE AND PLANNING** - Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☒
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

LAND USE AND PLANNING

Explanations:

a. **No Impact** - This project will not divide an established community. This project is being accomplished in compliance with the California City General Plan to include zoning considerations. No residential development is near the project area.

b. **No Impact** - This project is being accomplished in compliance with the California City General Plan to include zoning considerations.

3.12 Mineral Resources

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
XI.	**MINERAL RESOURCES** - Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

MINERAL RESOURCES

There are no known mineral resources in the City according to the California City General Plan, Page 5-23.

Explanations:

a. & b. **No Impact** - There are no known mineral resources in the City; therefore, there will be no impact.

3.13 Noise

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
XII.	**NOISE** - Would the project:				
a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b)	Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

NOISE

Explanations

a. **Less Than Significant Impact** - Although there may be a rise in ambient noise levels in the vicinity it is not considered substantial. Equipment to be used would not be significantly different than other climate control equipment used for other land uses. This area is currently zoned M1 (light industrial).

There are no sensitive receptors (hospitals, schools, elderly housing, convalescent facilities, daycare facilities) near the planned site. The PEIR evaluated the type of equipment expected to be used for cannabis operations after reviewing their evaluation it would be considered to be less than significant at this site.

Construction will comply with City standards. Once in operation excessive noise would not be generated. The site will comply with all noise ordinances.

b. **Less Than Significant Impact** - The project is not anticipated to generate excessive ground borne vibration or noise levels, as described in a. above. Ground-borne vibrations or noise levels could be generated by a loaded truck, an HVAC system, and other potential equipment types expected to be used at a cannabis site. However, these impacts would be no more than those generated by the California City Airport located east of the project site.

c. **Less Than Significant Impact** - The California City Airport is approximately 300 feet to the east of the project area. Cultivation and manufacturing operations are not anticipated to expose workers to substantial additional noise levels beyond those already generated by the airport or airstrip. Specifically, noise-generating sources used for cultivation operations (generally temperature and climate control equipment) would not be significantly different than other climate control equipment used for other land uses. Therefore, this impact would be less than significant."

3.14 Population and Housing

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
XIII.	**POPULATION AND HOUSING** - Would the project:				
a)	Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

POPULATION AND HOUSE

Explanations:

a. **No Impact** – A total of approximately 216 employees are estimated to work at the project site when the facility is fully leased. This would not create a substantial impact on the City, as the target employees will first be those who already live within California City.

b. **No Impact** - The proposed project will not displace substantial numbers of existing people or housing as no existing housing or areas currently designated for housing will be removed or reduced.

3.15 Public Services

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
XIV.	**PUBLIC SERVICES**. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*				
a)	Fire Protection?	☐	☐	☒	☐
b)	Police Protection?	☐	☐	☒	☐
c)	Schools?	☐	☐	☒	☐
d)	Parks?	☐	☐	☒	☐
e)	Other Public Facilities?	☐	☐	☒	☐

PUBLIC SERVICES

Explanations:

a. **Less Than Significant** – Fire services are provided by the California City Fire Department. The fire department operates out of a single location, 20890 Hacienda Boulevard, located approximately 11 miles southeast of the project site over surface streets. Development of the project increases demand on fire services, however the project would be required to implement all applicable California Fire Code Standards. This would include installation of fire hydrants as

well as sprinkler systems inside the buildings. Furthermore, the Project will be reviewed by City and Fire officials to ensure adequate fire service and safety for Project implementation. The Project will also be required to comply with the City's Development Impact Fees (DIF) to assist with the funding of public facilities and services, including fire, therefore, less than significant impacts are expected.

b. **Less Than Significant** - Police services are provided to the project area by the California City Police Department (CCPD). The police department operates out of a location located at 21130 Hacienda Blvd, approximately 12-miles from the Project site. Per the Police Department website, the CCPD has 13 sworn officers and 6 support staff, totaling 19 positions. Based on the 2021 Census, California City has a population of 13,707 persons, resulting in an officer to resident ratio of 0.95 per 1,000 population.

A suite of safety and security measures will be incorporated into the project, including on-site guards, block walls surrounding the site with controlled access, along with other on-site security measures (i.e., locations and areas of coverage by security cameras, locations of audible interior and exterior alarms, location of exterior lighting, etc.). A more detailed, comprehensive security plan is required by the City during the regulatory permit phase.

Although the Project may require additional demand for police services, the demand is not expected to hinder the City's ability to provide police protection services and adequate response times would be met. Furthermore, the Project will be reviewed by City and Police officials to ensure adequate fire service and safety for project implementation. The Project will also be required to comply with the City's Development Impact Fees (DIF) to assist with the funding of public facilities and services, including police, therefore, less than significant impacts are

c. **Less Than Significant** - The proposed Project falls under the Mojave Unified School District (MUSD). Development of the Project would not create a direct demand for school service. At buildout, the facility is anticipated to employ approximately 216 individuals, targeted within California City. Employment generated by the project would not be expected to draw a substantial number of new residents that would generate school age children requiring additional public education facilities or substantially alter existing school facilities or the demand for public education and no new facilities would need to be constructed. Additionally, any future development will be required to pay Development Impact Fees (DIF) to the Mojave Unified School District, developer impact fees to assist in offsetting impacts to school facilities.

d.-e. **Less Than Significant** - At buildout, the facility is anticipated to employ approximately 216 individuals, targeted from within California City. This is a less than significant impact.

3.16 Recreation

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
XV.	**RECREATION**				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☒	☐

RECREATION

The project is the development of a cannabis cultivation and manufacturing facility on industrially zoned property in the City. At buildout, the project is anticipated to employ approximately 216 individuals, targeted from within California City.

Explanations:

a. **Less than Significant Impact** - The cannabis operation will not significantly increase a demand for these facilities. It is projected there may be some increase but revenue from the facility will assist in offsetting any impacts.

b. **Less than Significant Impact** - The cannabis operation will not significantly increase a demand for these facilities. It is projected there may be some increase but revenue from the facility will assist in offsetting any impacts.

3.17 Transportation

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
XVI.	**TRANSPORTATION** - *Would the project result in*:				
a)	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	☐	☐	☐	☒
b)	Conflict or be inconsistent with CEQA Guidelines Section 15064.3 Subdivision (b)?	☐	☐	☐	☒
c)	Substantially increase hazards due to geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d)	Result in inadequate emergency access?	☐	☐	☐	☒

TRANSPORTATION

Explanations:

a. **No Impact** –This project will implement a portion of the City's circulation therefore it will not conflict with any ordinances or policies. A substantial increase in traffic is not expected. This

project is estimated to increase traffic by approximately 12 vehicles a day and 1 cargo van per week per building. When fully leased it is anticipated there would be 216 vehicles using the facility per day. The project will be improving Gantt Road to California City Boulevard, an arterial road, according to California City design standards. According to the California City General Plan, page 3-13, "The City shall require the completion of planned arterial and collector streets as they become necessary to serve new development or to meet cumulative traffic demands in the City." Road improvements will be engineered per California City General Plan, local City ordinances, and the Caltrans design guidelines/requirements

This project will not cause a conflict with congestion management programs, change traffic patterns, nor significantly exceed individually or cumulatively the level or service standards. The site is not served by public transit, bicycle, or pedestrian facilities.

b. **No Impact** – The project will not generate substantial additional traffic, an increase in hazards, or reduce emergency access to the community. It will implement a portion of the City's circulation plan by developing and paving Gantt Road to California City Boulevard, an arterial roadway, according to California City design standards.

c. **No Impact** – Gantt Road, an existing straight dirt road, will be properly engineered and paved according to California City design standards. No hazards or incompatible use is anticipated.

d. **No Impact** – Gantt Road, designated an arterial and an existing straight dirt road, will be properly engineered and paved according to design standards. In addition, Lindbergh Boulevard and Jamison Street will be improved according to design standards, and onsite drive aisle and driveway improvements will be constructed. Therefore, the project will have adequate emergency access.

3.18 Tribal Cultural Resources

	Issues	*Potentially Significant Impact*	*Less than Significant w/Mitigation Incorporated*	*Less than Significant*	*No Impact*
XVII.	**TRIBAL CULTURAL RESOURCES**				
a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resource Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☒	☐	☐
i)	Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☐	☐	☒
ii)	A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

TRIBAL CULTURAL RESOURCES

As noted in the Cultural Resources section, the proposed project is to allow for the expansion of an existing cannabis manufacturing facility to include cannabis growing facilities in multiple buildings. The site has minimal disturbance excluding the east side of the site with the existing manufacturing facilities and perimeter roads at the Site. Historical sheep grazing has occurred at this and adjacent sites. There is no topographical distinguishing features on the Site and the nearest minor natural drainage channels are approximately 0.5 miles to the north and to the south of this Site that do not have any specific ephemeral riparian characteristics. There are no significant water resources, tool making resources, food resources or shelter resources at this Site. Further, the proposed project does include development over the entire 40-acre site.

It is not anticipated that cultural resources would be located on this project site. However, mitigation is proposed in the event that evidence of cultural resources is discovered during construction activities.

Explanations:

a. & ii. **Less Than Significant Impact w/Mitigation Incorporated** – It is reasonable that no cultural resources are located on the site due the characteristics of the Site discussed and for the reasons noted above. Regardless, Mitigation Measures are recommended in the event evidence of cultural resources are discovered.

A Tribal consultation list and sacred lands file search shall be requested of the Native American Heritage Commission. Once a list is received the interested area Tribes will be notified of the project per the AB52 process, which may result request(s) for tribal consultation, or amendment of the mitigation measures. Any such amendments will be made prior to the City taking action on this item.

Mitigation Measures:

TCR 1. In the event that Tribal cultural resources are discovered during the project earth moving or construction activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist and appropriate local Tribe or Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. The City cedes to the Tribe(s) of Band(s) for ultimate determination and all tribal/band resources. Tribal/Band may or may not be considered collection tribe/band and all resources shall be reburied at an approved location that may or may not impact future development locations and additionally complies with the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs and practices of the Tribe or Band.

TCR 2. If significant Tribal/Band cultural resources are discovered, for which a Treatment Plan must be prepared, City or City approved Consultant or designated qualified archaeologist shall contact the appropriate Tribe or Band for collaboration on Treatment Plan development.

TCR 3. If requested by a Tribe or Band, the developer or the qualified archaeologist shall, in good faith, consult with Tribal representatives on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

i. **No Impact** – The site does not meet the criteria to be listed or eligible for listing in the California Register of Historical Resources or in a local register. Therefore, there is no impact.

3.19 Utilities and Service Systems

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
XVIII.	**UTILITIES AND SERVICE SYSTEMS -** Would the project:				
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐
c)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d)	Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

UTILITIES AND SERVICE SYSTEMS

Explanations:

a. **Less Than Significant Impact** – Extension of existing water lines, natural gas lines, telecommunication lines will be necessary. However, they will be located in roadways constructed to service the site. Therefore impacts to the environment will be less than significant.

Wastewater treatment will be provided via onsite septic systems or packed treatment plants, and extended to the City's sewer system when necessary. Any extension would be located within existing roadways. Stormwater drainage will be contained onsite within a retention basin. Therefore, impacts to the environment will be less than significant.

b. **Less Than Significant Impact** - California City has set evaluation points for proposed cannabis projects as a continual evaluation process to determine competency in meeting proposed project water demands. The City has both a large capacity of groundwater supplies as well as an untapped supply of water. The first evaluation point is when the proposed projects' water demands reach 100 acre feet a year (afy). The second evaluation point would be at 500 afy. Since 1 acre feet a year equals 325,851 gallons a year. The total of 144 afy projected for this facility when fully leased would put the City over their first checkpoint. This would still be considered an insignificant impact to the City's water resources.

c. **Less Than Significant Impact** - Wastewater generated from plant watering will be 95% recycled. It is anticipated approximately 130,000 gallons of wastewater per building per year

will be generated. That would be approximately 2,340,000 gallons per year that would be generated once all buildings have been leased. At full lease this would be approximately 6,500 gallons per day. Septic systems or wastewater treatment package plants will be installed within each building, and connected to a waste pumping station that will be connected to the City's sewer line when necessary. It will be necessary to consult with the Lahontan Regional Water Quality Control Board to determine permitting requirements. The City of California City Wastewater Treatment Plant has a capacity of 1 million gallons per day, Current usage is at approximately 650,000 gallons per day. The projected 6,500 gallons per day increase is considered insignificant.

d. **Less Than Significant Impact** - The impact on the existing landfill will be minimal given the size of the operation. Approximately 7 tons per year per building of plant waste is projected to be removed by a certified/licensed cannabis waste hauler for composting. This would be a total of 130 tons of plant waste per year. On average each individual generates approximately 5 pounds of solid waste a day, approximately 2,700 tons per year for the entire facility. As of May 2014 the capacity of the Mojave Landfill which services California City, it had a remaining capacity of 76,310,297 cubic yards of a maximum permitted capacity of 78,000,000 cubic yards. The waste from this facility is considered an insignificant impact on the landfill.

e. **Less Than Significant Impact** – The project will comply with all federal, state, and local statutes and regulations relative to solid waste.

3.20 Wildfire

	Issues	***Potentially Significant Impact***	***Less than Significant w/Mitigation Incorporated***	***Less than Significant***	***No Impact***
XIX.	**WILDFIRE:** *If located in or near state responsibility areas or lands classified as very-high fire hazard severity zones, would be project:*				
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or other uncontrolled spread of a wildfire?	☐	☐	☐	☒
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result I temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

WILDFIRE

Explanations:

a. – d. The project is not located within or near a state responsibility area according to the Fire and Resource Assessment Program (FRAP) map. Additionally, the Project Site has a low level of mass-loading of native and invasive vegetation for wildland fire potential to occur on the Site.

3.21 Mandatory Findings of Significance

	Issues	Potentially Significant Impact	Less than Significant w/Mitigation Incorporated	Less than Significant	No Impact
XIX.	**MANDATORY FINDINGS OF SIGNIFICANCE:**				
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a 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)?	☐	☐	☒	☐
c)	Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

MANDATORY FINDINGS OF SIGNIFICANCE

Explanations:

a. **Less Than Significant Impact w/Mitigation Incorporated** - As concluded in the Biological and Cultural Resources sections of this document, the proposed Project expansion would result in no impacts or less than significant impacts with mitigation to these resources. The Project is compatible with the City of California City General Plan land use designation and its surroundings. The Project will not significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range of a rare of endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Less than significant Impacts with mitigation is expected.

b. **Less Than Significant Impact** - The project is located in an area designated for industrial uses and located west of the California City Airport. Cultivation of commercial cannabis is allowed within the M-2 (Light Industrial Zoning District) with cannabis cultivation and manufacturing permit from the City of California City, and must be in compliance with all applicable state and local laws and regulations pertaining to the industrial and manufacturing cultivation permit business and activities, including the duty of obtaining any required state licenses. The facility would be compatible with the existing and future land uses within the M-2 zone. Based upon the information and mitigation measures provided-within this Initial Study and implementation of the proposed cultivation-and processing facility is not expected to result in impacts that, when considered in relation to other past, current, or probable future projects, would be cumulatively considerable. Less than significant impacts are expected.

c. **No Impact** - As discussed in the various sections throughout this Initial Study, the proposed Project would not include a land use that could result in substantial adverse effects on human beings. The City of California City has established regulations pertaining to commercial cannabis facilities to ensure these businesses do not conflict with the City's General Plan, its surrounding uses, or become detrimental to the public's health, safety, and welfare. The City's review process of cannabis facilities and facility operations will ensure that the regulations are fully implemented. Based upon the findings provided in this document, and mitigation measures and standard conditions incorporated into the Project, less than significant impacts are expected.

3.22 Earlier Analyses

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case a discussion identifies the following:

a) **Earlier analyses used**. Earlier analyses are identified and stated where they are available for review.

b) **Impacts adequately addressed**. Effects from the above checklist that were identified to be within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards are noted with a statement whether such effects were addressed by mitigation measures based on the earlier analysis.

c) **Mitigation measures**. For effects that are "Less than Significant with Mitigation Incorporated", describe the mitigation measures which are incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project are described.

Authority: Public Resources Code Sections 21083 and 21087.
Reference: Public Resources Code Sections 21080(c), 21080.1, 21083, 21083.3, 21093, 21094, 21151; Sundstrum v. County of Mendocino, 202 CalApp 3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 CalApp 3d 1337 (1990.

Section 4.0 Conclusions

4.1 Findings

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project, with the proposed mitigation measures, will not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project will not have impacts that are individually limited, nor cumulatively considerable.
- The proposed project, with proposed mitigation measures, will not have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

4.2 Mitigation Monitoring

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Mitigated Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the City of Adelanto can make the following additional findings: a mitigation monitoring and reporting program will be required and is included below.

A completed and signed checklist for each measure indicates that a measure has been implemented and fulfills the monitoring requirements with respect to Public Resources Code Section 21081.6.

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
Air Quality Measures			
AIR 1. Comply with all requirements of the City of California City and Eastern Kern Air Pollution Control District, including the preparation of a Fugitive Dust Control Plan.	Project Developer	Prior to project grading and construction activities	
AIR 2. Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.	Project Developer	Prior to and during project grading and construction activities	
AIR 3. All perimeter fencing during construction shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project specific biological mitigation prohibiting wind fencing.	Project Construction Superintendent	Prior to and during all grading and construction activities until final construction	
AIR 4. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular use or wind erosion. Take actions to prevent project-related track-out onto paved surfaces and clean any project-related track-out within 24 hours. All other earthen surfaces within the project shall be stabilized by natural, irrigated vegetation, chemical, compaction, or other means sufficient to prohibit visible fugitive dust from wind erosion.	Project Construction Superintendent	Prior to and during all grading and construction activities until final construction	
AIR 5. Pursuant to the California City Municipal Code the project shall install and maintain in good repair filtration equipment to reduce and eliminate odors resulting from the processing and cultivation of cannabis, and comply with City monitoring and enforcement, as necessary.	Project Construction Superintendent	Prior to and during all manufacturing and cultivation activities	

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
Biological Resource Measures			
BIO 1. A preconstruction survey shall be conducted by the Project Certified Wildlife Biologist or a qualified biologist for the presence of American badger and Desert kit fox dens within 14 days prior to commencement of construction activities. The survey shall be conducted in areas of suitable habitat for American badger and Desert kit fox, which includes desert scrub and Joshua tree habitats. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities: o Desert kit fox or American badger potential den: 50 feet o Desert kit fox or American badger active den: 100 feet o Desert kit fox or American badger natal den: 500 feet If avoidance of the potential dens is not feasible, the following measures are recommended to avoid potential adverse effects to the American badger and desert kit fox: o If a qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent American badgers or desert kit foxes from re-using them during construction. o If the qualified biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers or desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances and monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers and desert kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction. o During fencing and grading activities daily monitoring reports shall be prepared by the monitoring biologists. The biologist shall prepare a summary monitoring report documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental	Project Developer & Project Biologist	Prior to project grading and construction activities	

	Awareness. Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special -status species, including injuries and fatalities. These monitoring reports shall be submitted to CALIFORNIA CITY and relevant resource agencies as applicable on a monthly basis along with copies of all survey reports.			
BIO 2.	A Certified Wildlife Biologist shall conduct a preconstruction survey of the impact areas to confirm presence/absence of burrowing owl individuals no more than 30 days prior to construction. The survey methodology will be consistent with the methods outlined in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If no active breeding or wintering owls are identified, no further mitigation is required. If burrowing owls are detected onsite, the following mitigation measures shall be implemented in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012): o A Certified Wildlife Biologist shall be onsite during initial ground -disturbing activities in potential burrowing owl habitat. o No ground-disturbing activities shall be permitted within a buffer no less than 200 meters (656 feet) from an active burrow, depending on the level of disturbance, unless otherwise authorized by CDFW. Occupied burrows will not be disturbed during the nesting season (February 1 to August 31), unless a qualified biologist verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. o During the nonbreeding (winter) season (September 1 to January 31), ground- disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the burrow, depending on the level of disturbance, and the site is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be excluded from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). o Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed based on the recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). The plan shall include, at a minimum: o Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species	Project Developer & Project Biologist	Prior to project grading and construction activities	

o Type of scope to be used and appropriate timing of scoping o Occupancy factors to look for and what shall guide determination of vacancy and excavation timing o Methods for burrow excavation o Removal of other potential owl burrow surrogates or refugia onsite o Methods for photographic documentation of the excavation and closure of the burrow, o Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take o Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals o Compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site through implementation of a Mitigation Land Management Plan based on the Staff Report on Burrowing Owl Mitigation (CDFW 2012) guidance. The plan shall include the following components, at a minimum: o Temporarily disturbed habitat on the project site shall be restored, if feasible, to pre-project conditions, including de-compacting soil and revegetation; o Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis which includes conservation of similar vegetation communities comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals; o Mitigation land acreage shall not exceed the size of the project site; o Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits. o Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.			

	o Mitigation lands shall be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.			
BIO 3.	If project activities must occur during the avian nesting season (February to September), a survey for active nests must be conducted by a qualified biologist, one to two weeks prior to the activities. If active nests are identified and present onsite, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field by a qualified biologist with flagging and stakes or construct ion fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. If construction must occur within this buffer, it shall be conducted at the discretion of a qualified biological monitor to assure that indirect impacts to nesting birds are avoided.	Project Developer & Project Biologist	Prior to project grading and construction activities	
BIO 4.	If sensitive wildlife species such as the Desert Tortoise or the Mohave Ground Squirrel, Desert Kit Fox, or nesting birds are detected on the project site during future surveys or assessments or construction, all work on-site shall stop immediately, and mitigation measures shall be required to reduce impact to a level of less than significant. Any proposed mitigation measures shall be determined by a Certified Wildlife Biologist and be approved by California City and the California Department of Fish and Wildlife as applicable in accordance with typical current best practices.	Project Developer & Project Biologist	Prior to project grading and construction activities	
BIO 5.	Should grading or construction commence after February 1st, 2021, a new biological survey shall be filed with the California City as a Biological Clearance Letter to determine the presence or absence of endangered species on the site. Said survey shall be filed with California City or designee prior to issuance of a grading permit. The survey shall be valid for a period of one year or as specifically delineated above.	Project Developer & Project Biologist	Prior to project grading and construction activities	

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
Cultural Resource Measures			
CUL 1. In the event that Tribal cultural resources are discovered during the project earth moving or construction activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist and appropriate local Tribe or Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. The City cedes to the Tribe(s) of Band(s) for ultimate determination and all tribal/band resources. Tribal/Band may or may not be considered collection tribe/band and all resources shall be reburied at an approved location that may or may not impact future development locations and additionally complies with the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs and practices of the Tribe or Band.	Project Developer & Project Archaeologist	Prior to and during project grading and construction activities	
CUL 2. If significant Tribal/Band cultural resources are discovered, for which a Treatment Plan must be prepared, City or City approved Consultant or designated qualified archaeologist shall contact the appropriate Tribe or Band for collaboration on Treatment Plan development.	Project Developer & Project Paleontologist	Prior to and during project grading and construction activities	
CUL 3. If requested by a Tribe or Band, the developer or the qualified archaeologist shall, in good faith, consult with Tribal representatives on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).	Project Developer & Project Archaeologist	Prior to and during project grading and construction activities	
CUL 4. In the event that any human remains, burials, or funerary objects are discovered within the project area, all earthmoving work and/or construction in the immediate vicinity shall be suspended and an environmentally sensitive area physical demarcation/barrier constructed. The County Coroner and CITY shall immediately be contacted pursuant to State Health and Safety Code §7050.5. If the Coroner determines the remains to be Native American, or has reason to believe they are Native American, the State Native American Heritage Commission (NAHC) shall be contacted within twenty-four (24) hours as required by California Health and Safety Code Section 7050.5(c). The NAHC-identified Most Likely Descendant (MLD) shall be allowed under California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The	Project Developer, County Coroner, & City	Prior to and during project grading and construction activities	

MLD, Lead Agency/Landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code Section 5097.98. Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code Section 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Lead Agency/Landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner and all other parties will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code Section 6254(r). Work shall not resume until such time as the site has been cleared by the County Coroner or qualified archaeologist or Tribal representative.			
Mitigation Measure	**Responsible Party**	**Timing of Compliance**	**Signature and Date of Compliance**
Geological & Soils Measures			
GEO 1. In the event that fossils are discovered during the project development/construction, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be hired to assess the find. Work on the overall project may continue during this assessment period.	Project Developer & Project Paleontologist	Prior to and during project grading and construction activities	

Mitigation Measure	Responsible Party	Timing of Compliance	Signature and Date of Compliance
Hydrology & Water Quality Measures			
HYD 1 Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall: • Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented; • The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; and • Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning.	Project Developer & Project Engineer	Prior to project grading and construction activities	
Tribal Cultural Resource Measures			
TCR 1. In the event that Tribal cultural resources are discovered during the project earth moving or construction activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist and appropriate local Tribe or Band shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. The City cedes to the Tribe(s) of Band(s) for ultimate determination and all tribal/band resources. Tribal/Band may or may not be considered collection tribe/band and all resources shall be reburied at an approved location that may or may not impact future development locations and additionally complies with the provisions of CEQA with respect to archaeological resources and shall take into account the religious beliefs, customs and practices of the Tribe or Band.	Project Developer & Project Archaeologist	Prior to and during project grading and construction activities	
TCR 2. If significant Tribal/Band cultural resources are discovered, for which a Treatment Plan must be prepared, City or City approved Consultant or designated qualified archaeologist shall contact the appropriate Tribe or Band for collaboration on Treatment Plan development.	Project Developer & Project Paleontologist	Prior to and during project grading and construction activities	

TCR 3. If requested by a Tribe or Band, the developer or the qualified archaeologist shall, in good faith, consult with Tribal representatives on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).	Project Developer & Project Archaeologist	Prior to and during project grading and construction activities	

Section 5.0 References

5.1 Preparers

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Apple Valley, CA 92307

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Altec Land Planning
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Apple Valley, CA 92307

5.2 References

1. City of California City Final General Plan – 2009 – 2028, adopted October 5, 2009.
2. City of California City Final House Element – 2015 – 2023, adopted November 10, 2015.
3. Aerial photos of City of California City, Google Earth.
4. United States Soil Conservation Service *Soil Survey of Kern County*, California.
5. Latest adopted version of the California Building Code.
6. Flood Insurance Rate Map, Community Number 06029C2920E, Effective Date September 2, 2016, Federal Emergency Management Agency.
7. Eastern Kern Air Quality Control Board Guidelines.
8. United States Bureau of Land Management California Desert Conservation Area, 1988.
9. Municipal Code of the City of California City, Title 9 – Land Use and Development.
10. Kern County Important Farmland Map, California Department of Conservation.
11. California Environmental Quality Act.
12. DOC (California Department of Conservation, Division of Land Resource Protection) A Guide to the Farmland Mapping and Monitoring Program, Table A-28
13. California City Water Department Urban Water Management Plan 2015 Update, April 2017

Section 6.0 Appendices

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6.1 Exhibits

Exhibit 6.1.1 - Freeway Map

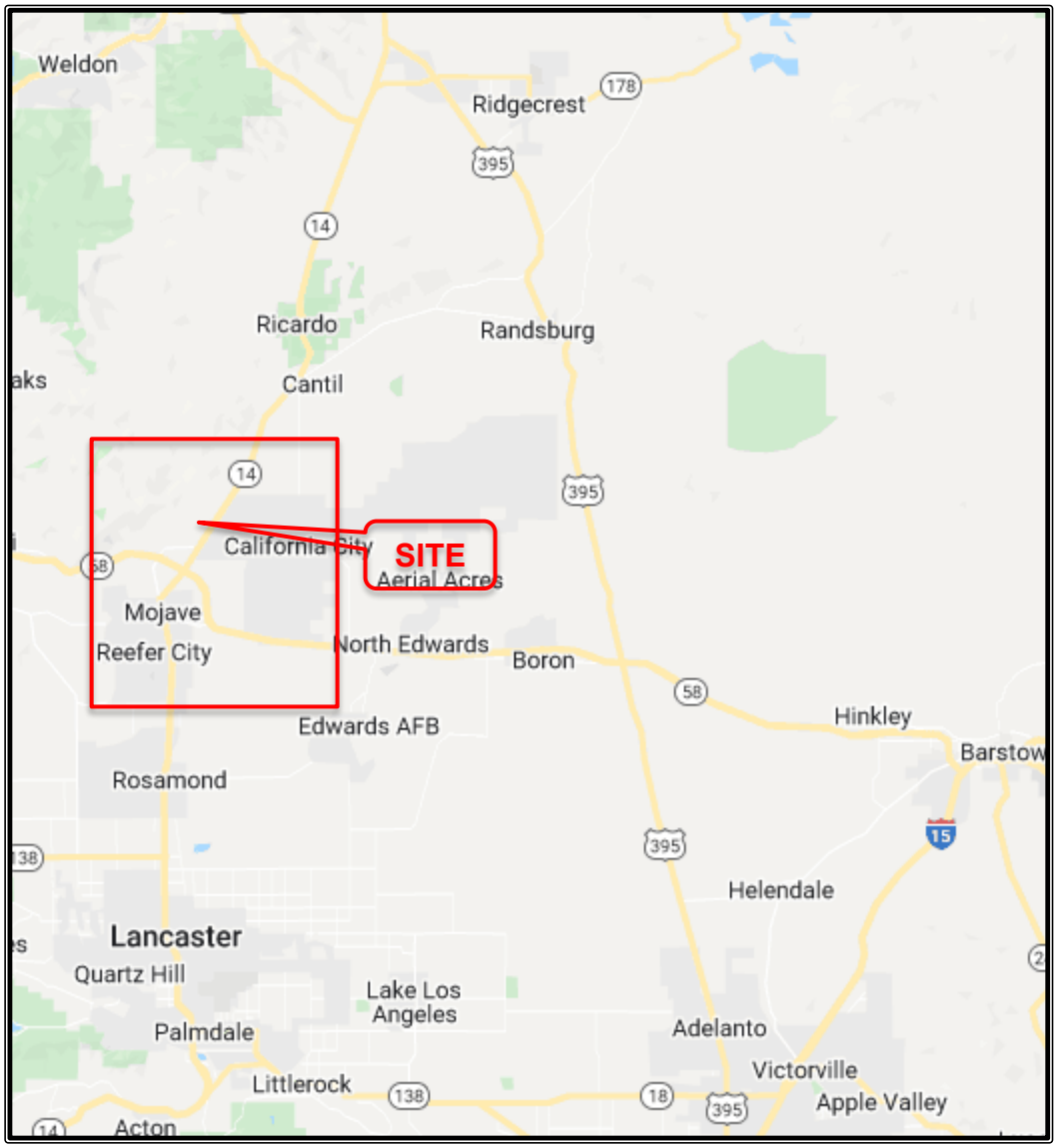


Exhibit 6.1.2 - Regional Aerial

Exhibit 6.1.3 - Site Aerial

Exhibit 6.1.4 - APN Map

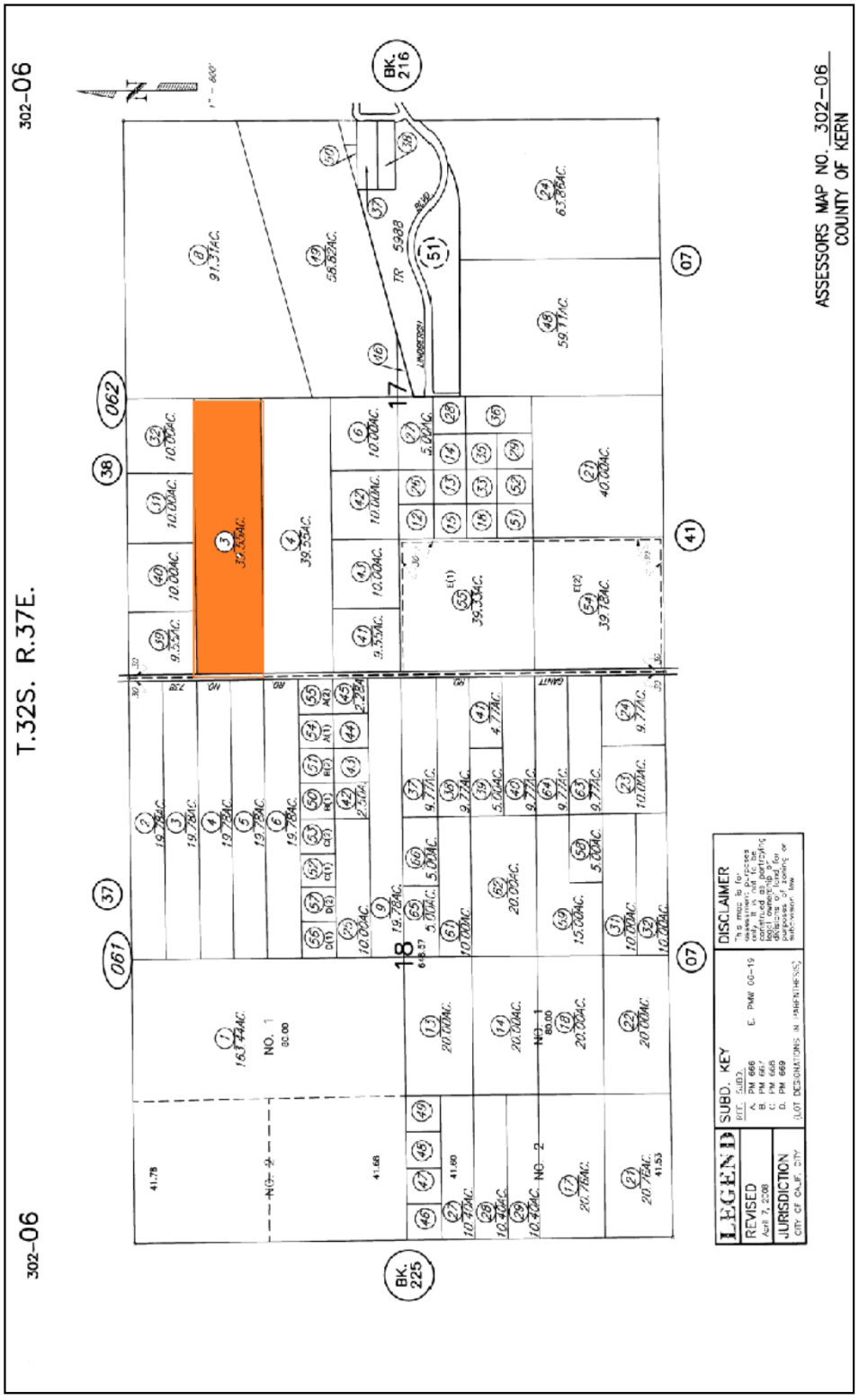


Exhibit 6.1.5 - USGS Quad Sheet – Mojave NE

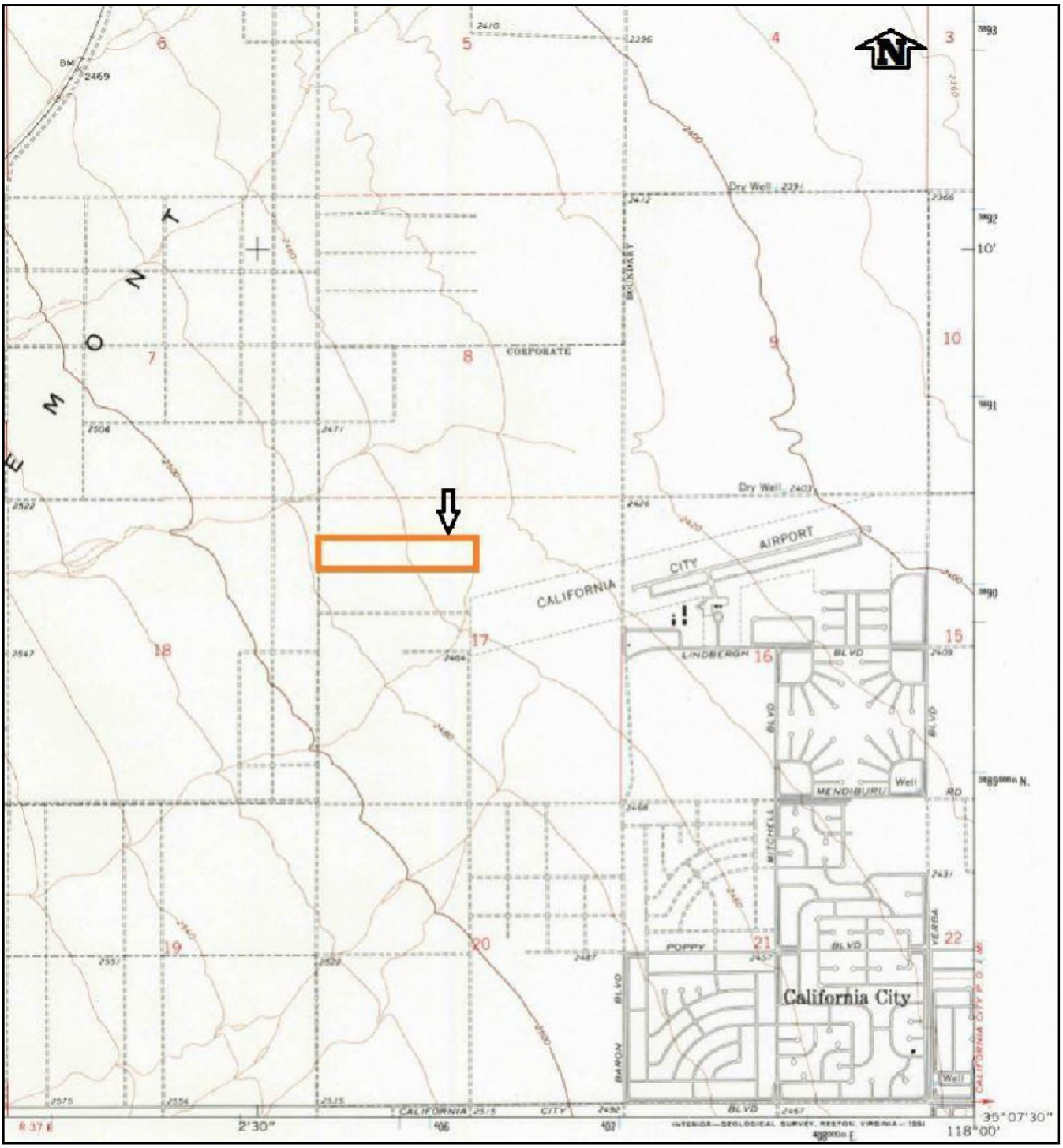


Exhibit 6.1.6 - Earthquake Faults

(Garlock Fault 5 miles Northeast is nearest)

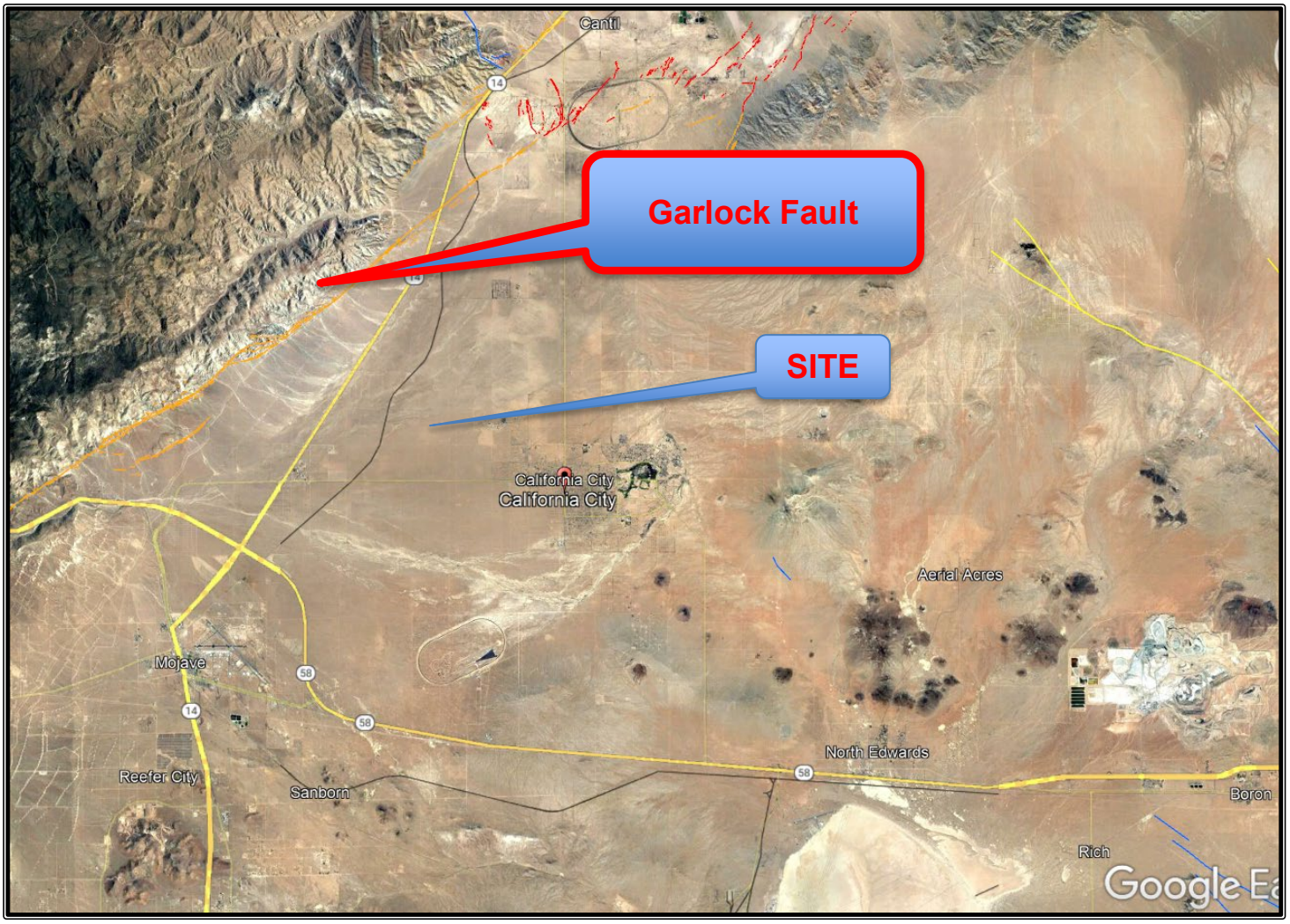
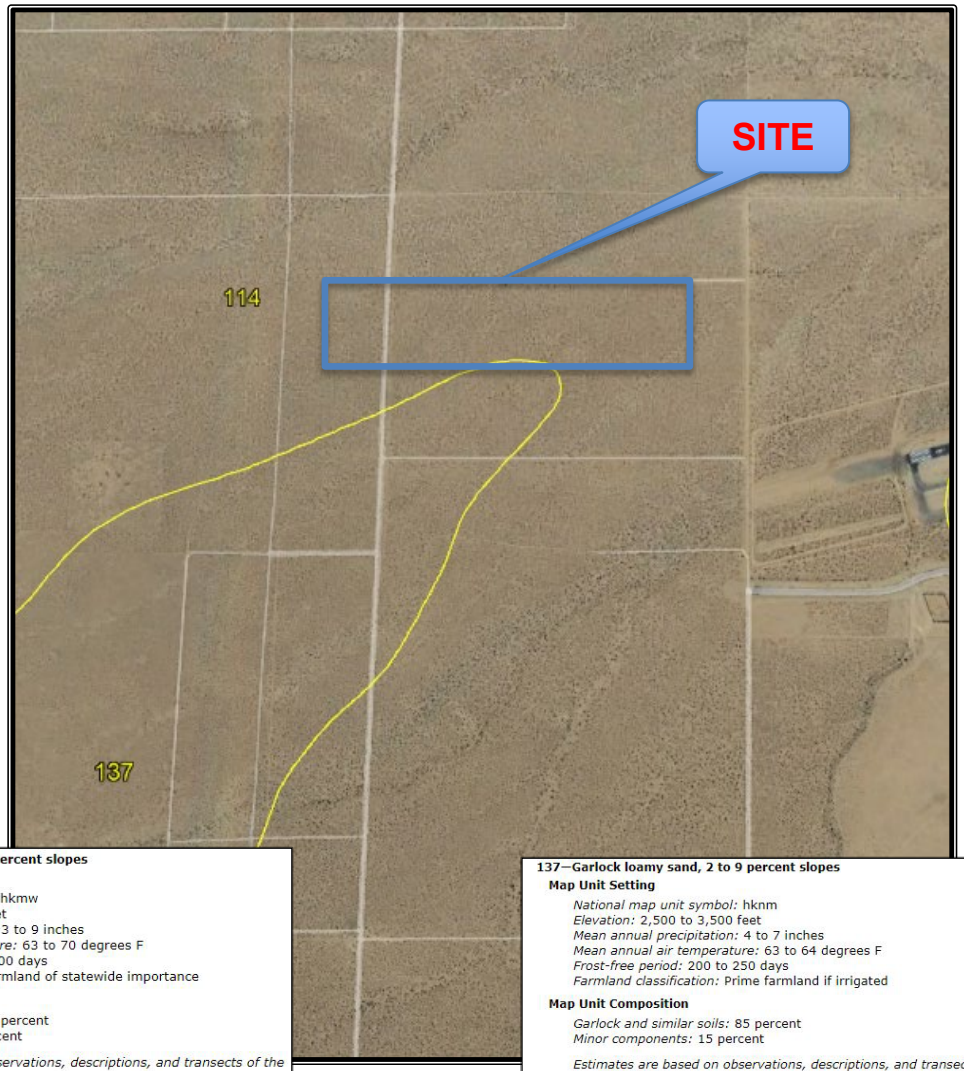


Exhibit 6.1.7 - Soils Map

United States Department of Agriculture Natural Resources Conservation Service

114 – Cajon Loamy Sand
137 – Garlock Loamy Sand



114—Cajon loamy sand, 0 to 5 percent slopes

Map Unit Setting

National map unit symbol: hkmw
Elevation: 400 to 4,000 feet
Mean annual precipitation: 3 to 9 inches
Mean annual air temperature: 63 to 70 degrees F
Frost-free period: 200 to 300 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Cajon and similar soils: 85 percent
Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cajon

Setting

Landform: Flood plains, alluvial fans
Landform position (two-dimensional): Toeslope, backslope
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from granite

Typical profile

H1 - 0 to 20 inches: loamy sand
H2 - 20 to 60 inches: gravelly loamy sand

Properties and qualities

Slope: 0 to 5 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat excessively drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 4.0 inches)

137—Garlock loamy sand, 2 to 9 percent slopes

Map Unit Setting

National map unit symbol: hknm
Elevation: 2,500 to 3,500 feet
Mean annual precipitation: 4 to 7 inches
Mean annual air temperature: 63 to 64 degrees F
Frost-free period: 200 to 250 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

Garlock and similar soils: 85 percent
Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Garlock

Setting

Landform: Terraces, alluvial fans
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from granite

Typical profile

H1 - 0 to 12 inches: loamy sand
H2 - 12 to 24 inches: sandy clay loam
H3 - 24 to 33 inches: sandy loam
H4 - 33 to 51 inches: gravelly loamy sand
H5 - 51 to 60 inches: very gravelly loamy sand

Properties and qualities

Slope: 2 to 9 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 4.6 inches)

Exhibit 6.1.8 - FEMA Flood Map and Information

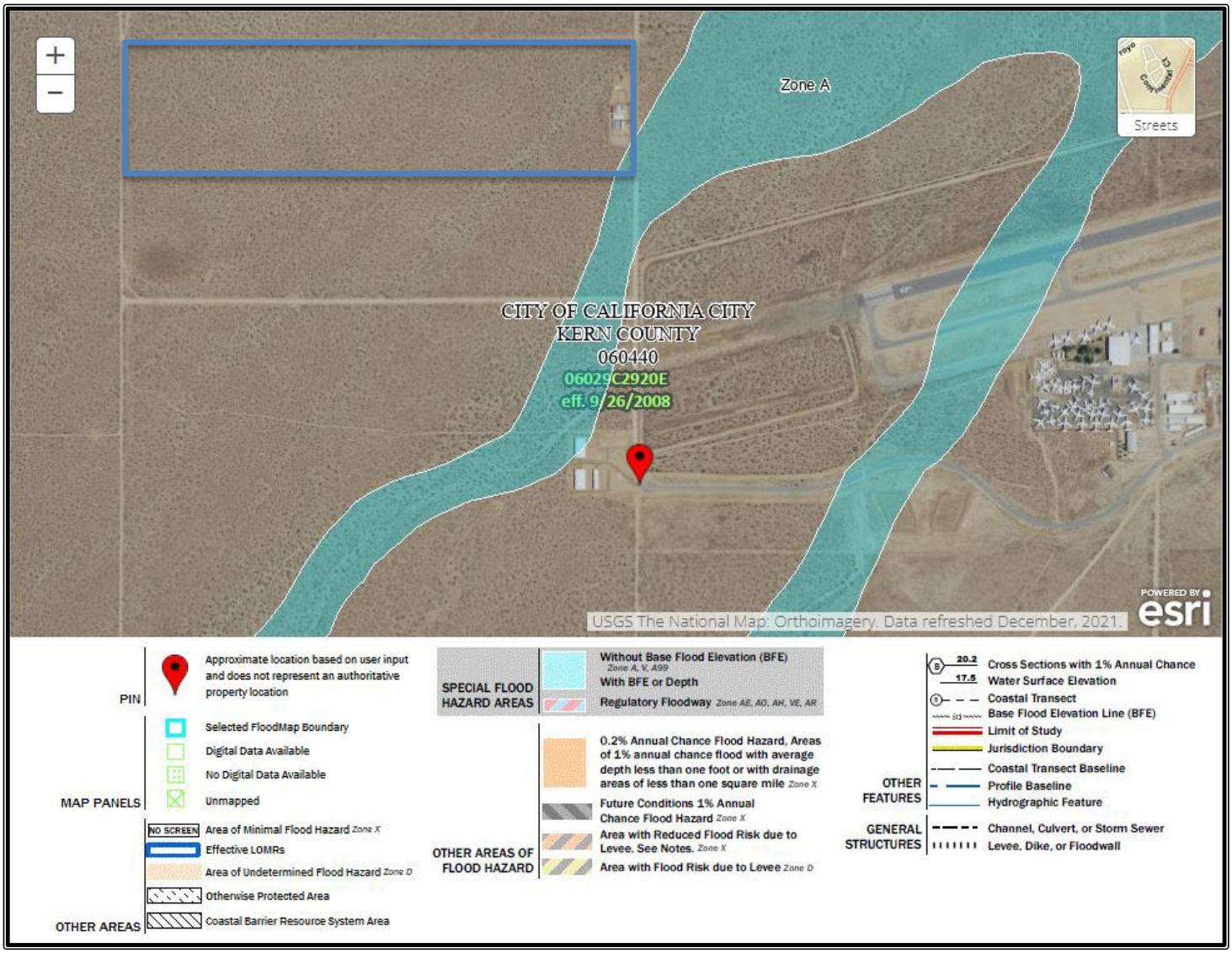


Exhibit 6.1.9 - Western Joshua Tree CESA Petition & DFW's Evaluation of Petition Map

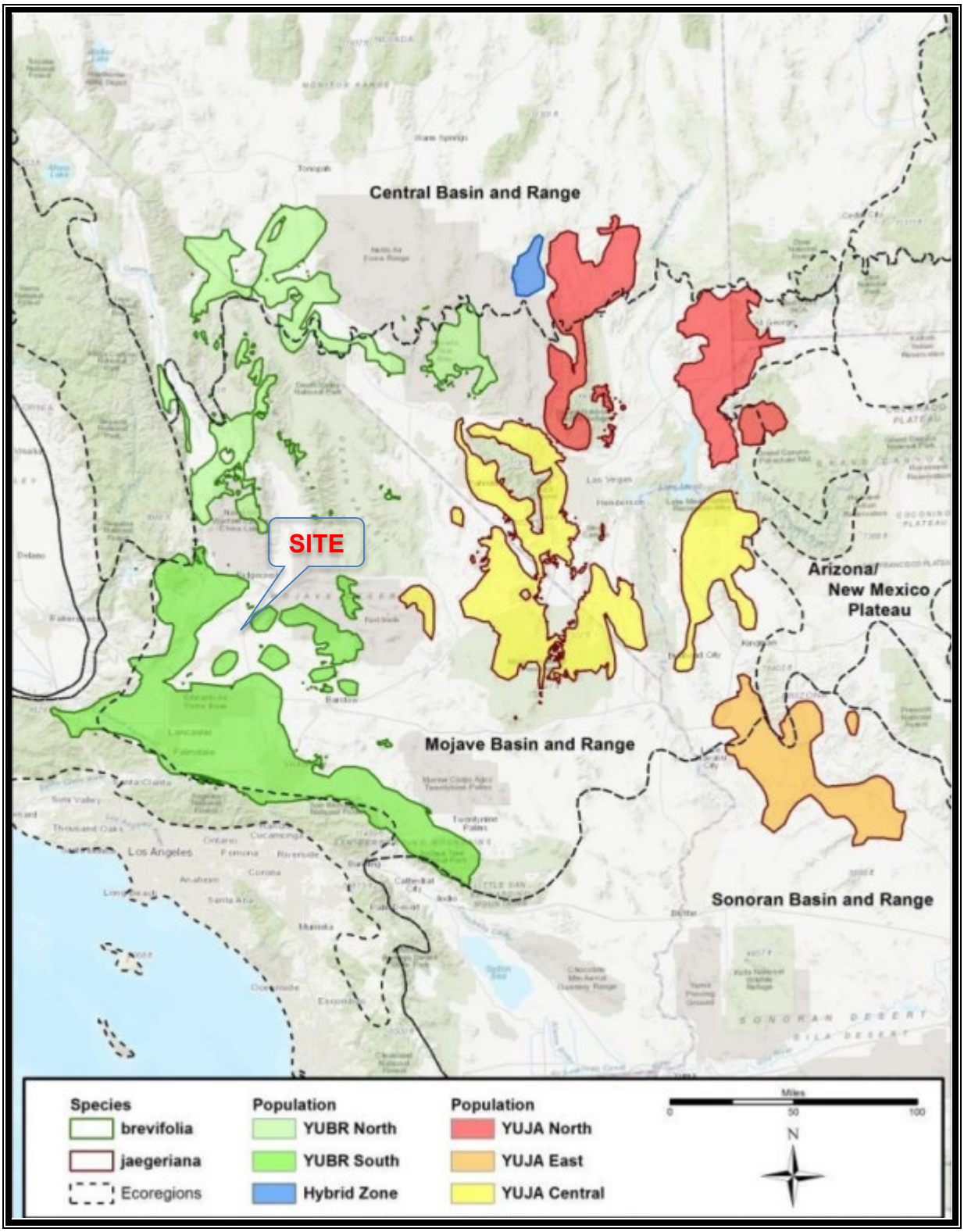
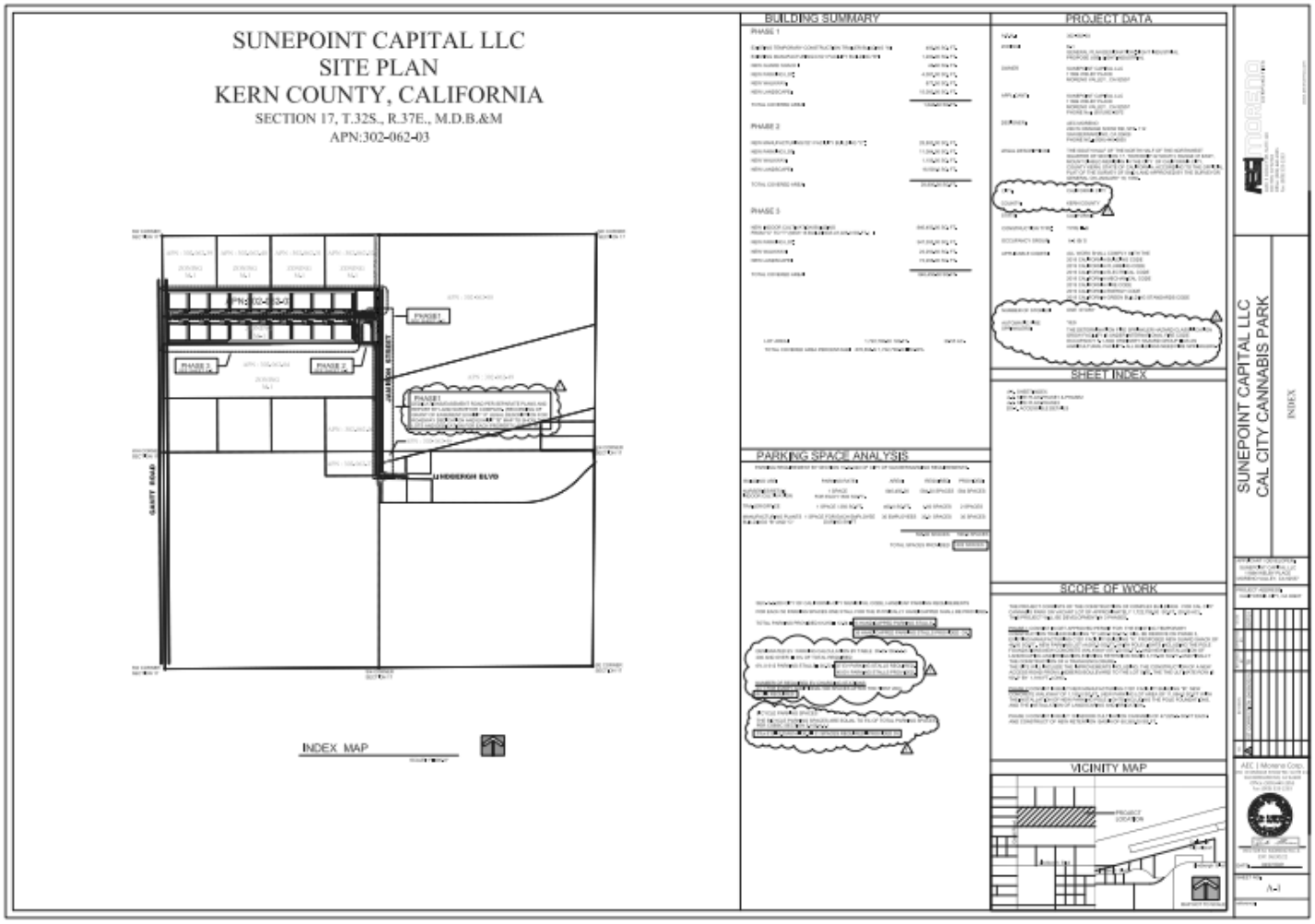
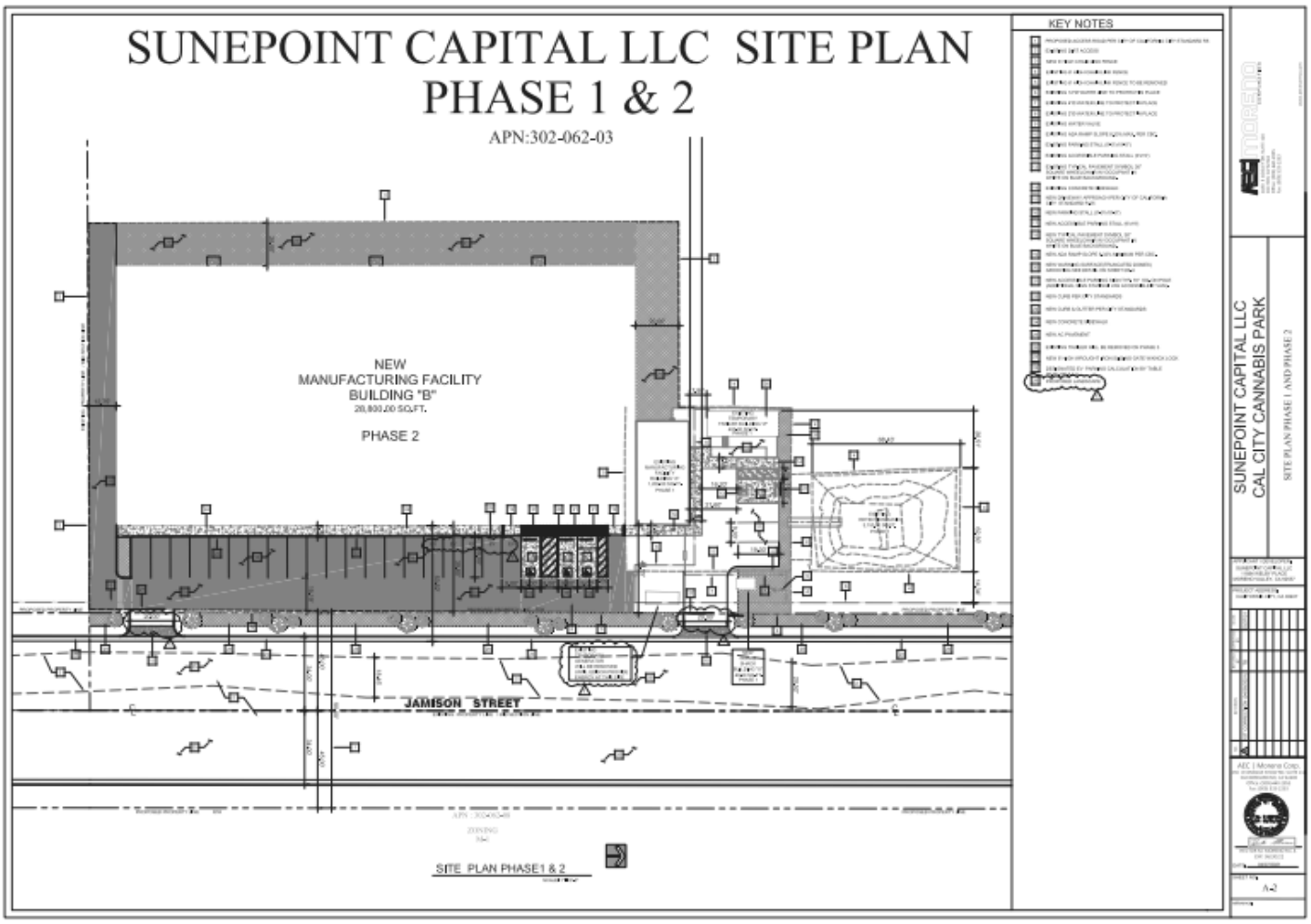
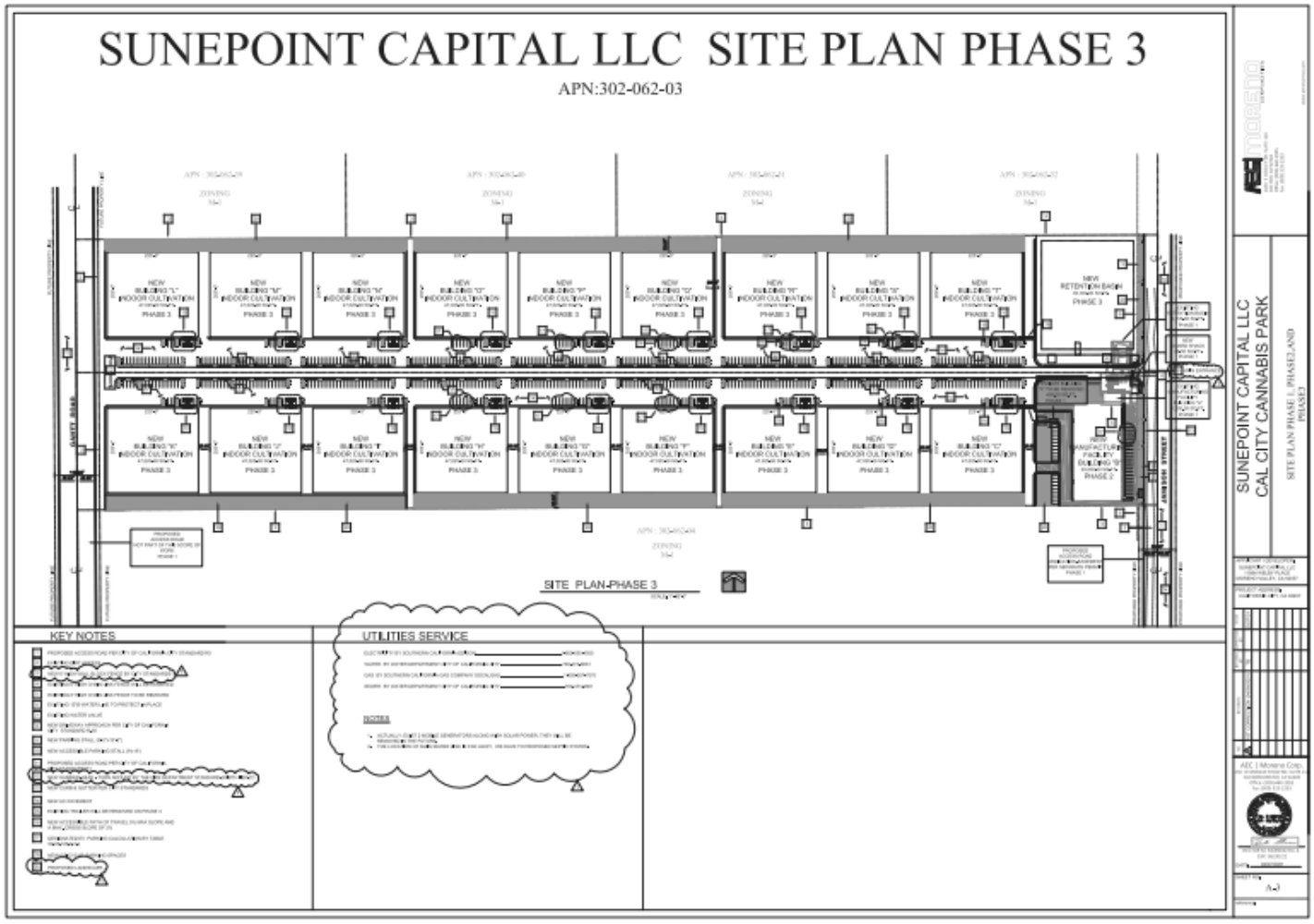
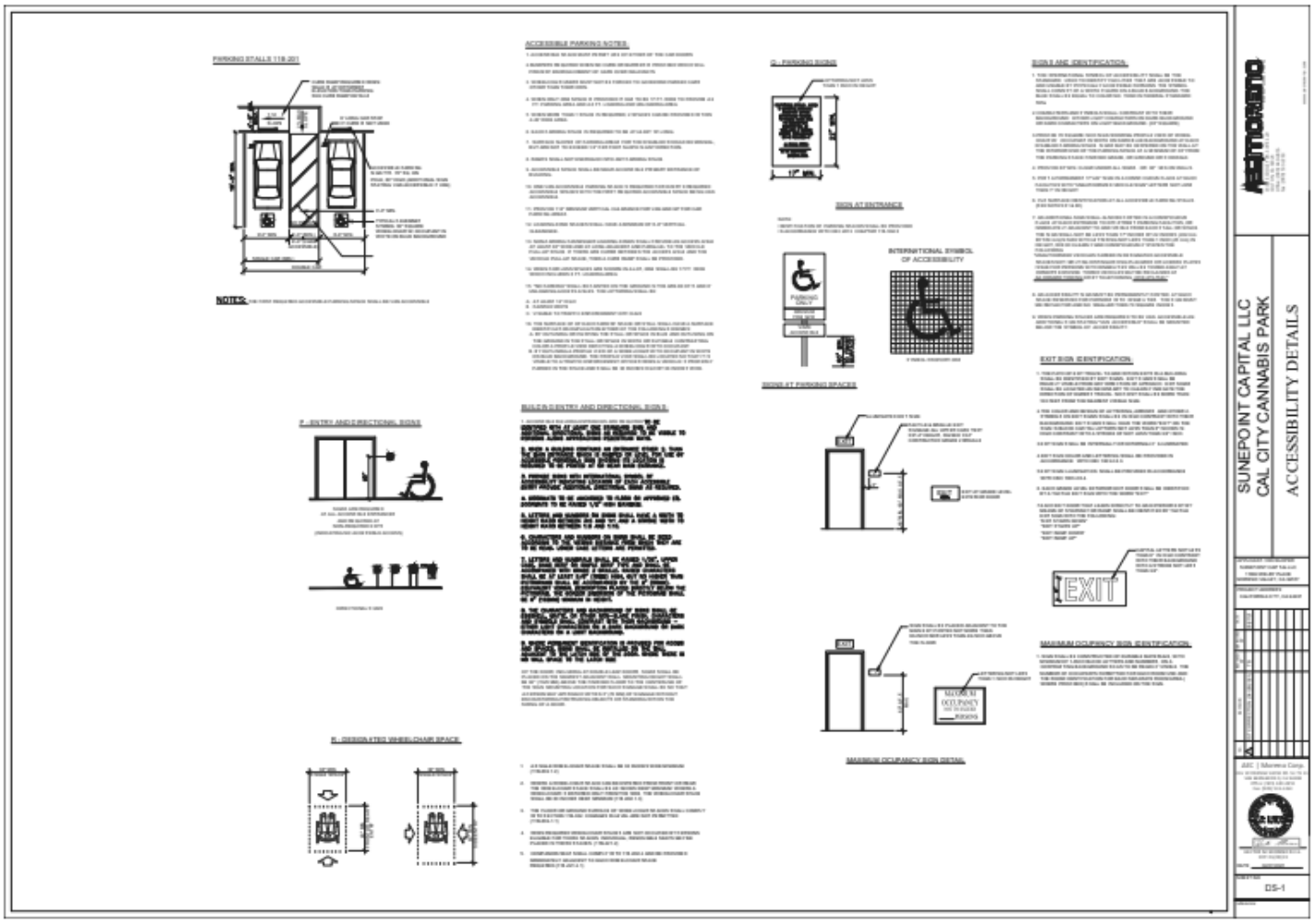


Exhibit 6.1.10 - Site Plans (4 Pages)




SUNEPOINT CAPITAL LLC SITE PLAN
PHASE 1 & 2
APN:302-062-03
NEW
MANUFACTURING FACILITY
BUILDING "B"
20,800.00 SQ.FT.
PHASE 2
JAMISON STREET
SITE PLAN PHASE1 & 2
KEY NOTES
SUNEPOINT CAPITAL LLC
CAL CITY CANNABIS PARK
SITE PLAN PHASE 1 AND PHASE 2


SUNEPOINT CAPITAL LLC SITE PLAN PHASE 3
APN:302-062-03
SITE PLAN-PHASE 3
KEY NOTES
UTILITIES SERVICE
SUNEPOINT CAPITAL LLC
CAL CITY CANNABIS PARK


PARKING STALLS 119.201
ACCESSIBLE PARKING NOTES:
R - PARKING SIGN
SIGN AT ENTRANCE
INTERNATIONAL SYMBOL OF ACCESSIBILITY
SIGNS AND IDENTIFICATION
EXIT SIGN IDENTIFICATION
SIGNS AT PARKING SPACES
EXIT
P - ENTRY AND EXIT/DIRECTIONAL SIGNS
SIGNS IN ENTRY AND EXIT/DIRECTIONAL SIGNS
MAXIMUM OCCUPANCY SIGN IDENTIFICATION
MAXIMUM OCCUPANCY SIGN DETAIL
R - DESIGNATED WHEELCHAIR SPACE
SUNEPOINT CAPITAL LLC
CAL CITY CANNABIS PARK
ACCESSIBILITY DETAILS
DS-1

6.2 Technical Studies

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Exhibit 6.2.1 - Greenhouse Gas Emission Screening Table Review

Greenhouse Gas Emissions Screening Table Review

GENERAL INFORMATION

Applicant: SUNEPOINT CAPITAL, LLC Contact Name: GEORGE SORIA

Address: 11884 WELBY PLACE, MORENO VALLEY, CA 92557

Telephone No.: 951.992.8072 Email Address: georgepvdevelopment@gmail.com

TYPE OF PROJECT

☐ Residential (Single-Family or Multi-Family) ☒ Commercial or Industrial

PROJECT LOCATION

General Location/Address of Project: Northwest of the western boundary of the California City Airport

Name of Business (if applicable): Cal City Cannabis Park

Assessor's Parcel No(s): 302-062-03

Existing Zoning: M1 (Light Industrial)

PROJECT DESCRIPTION: Prepared in order to analyze the proposed construction of a commercial cannabis cultivation and manufacturing facilities on a 40 acre site, with a Phase 1 manufacturing facility in current operations in the City of California City. Specifically this project is proposing to use a micro-grid energy system (multiple systems that may include potential solar panels, wind turbines, combined heart and power, natural gas generators, and battery systems, along with higher insulation systems) that includes photovoltaic systems on the roofs to minimize electrical service requirements to minimize greenhouse gas emissions from the current electrical utility provider.

The project is currently proposed to have an enhanced Photovoltaic and energy system(s), enhanced HVAC and air filtration, high efficiency lighting, low water usage toilets, urinal and faucets and use of locally endemic and Mojave Desert Drought tolerant plants. This is currently well above the 45 point threshold and the final design parameters will include the most current technologies, life cycle costs analysis, potentially other non-indicated Project Points, supply-chain challenges, and cost constraints in the final design criteria to be above the minimum threshold.

Instructions

1. Fill out the appropriate section below for either Residential or Commercial/Industrial.
2. Choose items which the proposed project will incorporate into the development to reach a minimum of 45 points.
3. Do not chose items which are independently required by other laws, codes, or the City of California City Municipal Code, such as the California Building Green Code, or required infrastructure improvements.
4. For those items listed with a TBD point value, please provide specific information and background studies (i.e. traffic study) for Staff to determine an assigned point value.
5. Submit the Screening Table along with other Application documents to Planning Staff.

Commercial/Industrial Section

Feature	Description	Assigned Point Values	Project Points
Reduction Measure PS E3: Commercial/Industrial Energy Efficiency Development			
Building Envelope			
Insulation	2008 baseline (walls R-13; roof/attic R-30) Modestly Enhanced Insulation (walls R-13, roof/attic R-38)) Enhanced Insulation (rigid wall insulation R-13, roof/attic R-38) Greatly Enhanced Insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher)	0 points 15 points 18 points 20 points	
Windows	2008 Baseline Windows (0.57 U-factor, 0.4 solar heat gain coefficient [SHGC}) Modestly Enhanced Window Insulation (0.4 U-factor, 0.32 SHGC) Enhanced Window Insulation (0.32 U-factor, 0.25 SHGC) Greatly Enhanced Window Insulation (0.28 or less U-factor, 0.22 or less SHGC)	0 points 7 points 8 points 12 points	
Cool Roof	Modest Cool Roof (CRRC Rated 0.15 aged solar reflectance, 0.75 thermal emittance) Enhanced Cool Roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance) Greatly Enhanced Cool Roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance)	12 points 14 points 16 points	
Air Infiltration	Minimizing leaks in the building envelope is as important as the insulation properties of the building. Insulation does not work effectively if there is excess air leakage.		
	Air barrier applied to exterior walls, calking, and visual inspection such as the HERS Verified Quality Insulation Installation (QII or equivalent) Blower Door HERS Verified Envelope Leakage or equivalent	12 points 10 points	**12**
Thermal Storage of Building	Thermal storage is a design characteristic that helps keep a constant temperature in the building. Common thermal storage devices include strategically placed water filled columns, water storage tanks, and thick masonry walls. Modest Thermal Mass (10% of floor or 10% of walls 12” or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood, or other insulating materials) Enhanced Thermal Mass (20% of floor or 20% of walls 12” or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood, or other insulating materials) Enhanced Thermal Mass (80% of floor or 80% of walls 12” or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood, or other insulating materials)	4 points 6 points 24 points	

Feature	Description	Assigned Point Values	Project Points
Indoor Space Efficiencies			
Heating/ Cooling Distribution System	Minimum Duct Insulation (R-4.2 required) Modest Duct insulation (R-6) Enhanced Duct Insulation (R-8) Distribution loss reduction with inspection (HERS Verified Duct Leakage or equivalent)	0 points 8 points 10 points 14 points	**14**
Space Heating/ Cooling Equipment	2008 Minimum HVAC Efficiency (EER 13/75% AFUE or 7.7 HSPF) Improved Efficiency HVAC (EER 14/78% AFUE or 8 HSPF) High Efficiency HVAC (EER 15/80% AFUE or 8.5 HSPF) Very High Efficiency HVAC (EER 16/82% AFUE or 9 HSPF)	0 points 7 points 8 points 12 points	
Commercial Heat Recovery Systems	Heat recovery strategies employed with commercial laundry, cooking equipment, and other commercial heat sources for reuse in HVAC air intake or other appropriate heat recovery technology. Point values for these types of systems will be determined based upon design and engineering data documenting the energy savings.	TBD	
Water Heaters	2008 Minimum Efficiency (0.57 Energy Factor) Improved Efficiency Water Heater (0.675 Energy Factor) High Efficiency Water Heater (0.72 Energy Factor)	0 points 14 points 16 points	
	Very High Efficiency Water Heater (0.92 Energy Factor) Solar Pre-heat System (0.2 Net Solar Fraction) Enhanced Solar Pre-heat System (0.35 Net Solar Fraction)	19 points 4 points 8 points	
Daylighting	Daylighting is the ability of each room within the building to provide outside light during the day reducing the need for artificial lighting during daylight hours. All peripheral rooms within building have at least one window or skylight All rooms within building have daylight (through use of windows, solar tubes, skylights, etc.) All rooms daylighted	 1 points 5 points 7 points	
Artificial Lighting	2008 Minimum (required) Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures, 60 lumens/watt for fixtures >40watt) High Efficiency Lights (50% of in-unit fixtures are high efficacy) Very High Efficiency Lights (100% of in-unit fixtures are high efficacy)	0 points 9 points 12 points 14 points	**9**

Feature	Description	Assigned Point Values	Project Points
Appliances	Star Commercial Refrigerator (new) Energy Star Commercial Dish Washer (new) Energy Star Commercial Cloths Washing	4 points 4 points 4 points	
Miscellaneous Commercial/Industrial Building Efficiencies			
Building Placement	North/South alignment of building or other building placement such that the orientation of the buildings optimizes conditions for natural heating, cooling, and lighting.	6 point	
Shading	At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on Jun 21st.	6 Points	
Other	This allows innovation by the applicant to provide design features that increases the energy efficiency of the project not provided in the table. Note that engineering data will be required documenting the energy efficiency of innovative designs and point values given based upon the proven efficiency beyond Title 24 Energy Efficiency Standards.	TBD	
Existing Commercial building Retrofits	The applicant may wish to provide energy efficiency retrofit projects to existing commercial buildings to further the point value of their project. Retrofitting existing commercial buildings within the City is a key reduction measure that is needed to reach the reduction goal. The potential for an applicant to take advantage of this program will be decided on a case by case basis and must have the approval of the City Planning Department. The decision to allow applicants to ability to participate in this program will be evaluated based upon, but not limited to the following: Will the energy efficiency retrofit project benefit low income or disadvantaged communities? Does the energy efficiency retrofit project fit within the overall assumptions in the reduction measure associated with commercial building energy efficiency retrofits? Does the energy efficiency retrofit project provide co-benefits important to the City? Point value will be determined based upon engineering and design criteria of the energy efficiency retrofit project.	TBD	

Feature	Description	Assigned Point Values	Project Points
Reduction Measure PS E4: Commercial/Industrial Renewable Energy			
Photovoltaic	Solar Photovoltaic panels installed on commercial buildings or in collective arrangements within a commercial development such that the total power provided augments:		
	Solar Ready Roofs (sturdy roof and electric hookups)	2 points	
	10 percent of the power needs of the project	8 points	
	20 percent of the power needs of the project	14 points	
	30 percent of the power needs of the project	20 points	
	40 percent of the power needs of the project	26 points	**8**
	50 percent of the power needs of the project	32 points	
	60 percent of the power needs of the project	38 points	
	70 percent of the power needs of the project	44 points	
	80 percent of the power needs of the project	50 points	
	90 percent of the power needs of the project	56 points	
	100 percent of the power needs of the project	60 points	
Wind turbines	Some areas of the City lend themselves to wind turbine applications. Analysis of the areas capability to support wind turbines should be evaluated prior to choosing this feature. Wind turbines as part of the commercial development such that the total power provided augments:		
	10 percent of the power needs of the project	8 pts	
	20 percent of the power needs of the project	14 pts	
	30 percent of the power needs of the project	20 pts	
	40 percent of the power needs of the project	26 pts	
	50 percent of the power needs of the project	32 pts	
	60 percent of the power needs of the project	38 pts	
	70 percent of the power needs of the project	44 pts	
	80 percent of the power needs of the project	50 pts	
	90 percent of the power needs of the project	56 pts	
	100 percent of the power needs of the project	60 pts	
Off-site renewable energy project	The applicant may submit a proposal to supply an off-site renewable energy project such as renewable energy retrofits of existing commercial/industrial that will help implement reduction measures associated with existing buildings. These off-site renewable energy retrofit project proposals will be determined on a case by case basis accompanied by a detailed plan documenting the quantity of renewable energy the proposal will generate. Point values will be based upon the energy generated by the proposal.	TBD	

Feature	Description	Assigned Point Values	Project Points
Other Renewable Energy Generation	The applicant may have innovative designs or unique site circumstances (such as geothermal) that allow the project to generate electricity from renewable energy not provided in the table. The ability to supply other renewable energy and the point values allowed will be decided based upon engineering data documenting the ability to generate electricity.	TBD	
Reduction Measure PS W2: Commercial/Industrial Water Conservation			
Irrigation and Landscaping			
Water Efficient Landscaping	Eliminate conventional turf from landscaping Only moderate water using plants Only low water using plants Only California Native landscape that requires no or only supplemental irrigation	0 points 3 points 4 points 8 points	**8**
Trees	Increase tree planting in parking areas 50% beyond City Code requirements	TBD	
Water Efficient irrigation systems	Low precipitation spray heads< .75”/hr or drip irrigation Weather based irrigation control systems combined with drip irrigation (demonstrate 20 reduced water use)	1 point 5 points	
Recycle d Water	Recycled water connection (purple pipe) to irrigation system on site	5 points	
Storm water Reuse Systems	Innovative on-site stormwater collection, filtration and reuse systems are being developed that provide supplemental irrigation water and provide vector control. These systems can greatly reduce the irrigation needs of a project. Point values for these types of systems will be determined based upon design and engineering data documenting the water savings.	TBD	
Potable Water			
Showers	Water Efficient Showerheads (2.0 gpm)	3 points	
Toilets	Water Efficient Toilets/Urinals (1.5gpm) Waterless Urinals (note that commercial buildings having both waterless urinals and high efficiency toilets will have a combined point value of 6 points)	3 points 4 points	**6**
Faucets	Water Efficient faucets (1.28gpm)	3 points	**3**
Commercial Dishwashers	Water Efficient dishwashers (20% water savings)	4 points	
Commercial Laundry Washers	Water Efficient laundry (15% water savings) High Efficiency laundry Equipment that captures and reuses rinse water (30% water savings)	3 points 6 points	

Feature	Description	Assigned Point Values	Project Points
Commercial Water Operations Program	Establish an operational program to reduce water loss from pools, water features, etc., by covering pools, adjusting fountain operational hours, and using water treatment to reduce draw down and replacement of water. Point values for these types of plans will be determined based upon design and engineering data documenting the water savings.	TBD	
Reduction Measure PS T1: Land Use Based Trips and VMT Reduction			
Mixed Use	Mixes of land uses that complement one another in a way that reduces the need for vehicle trips can greatly reduce GHG emissions. The point value of mixed use projects will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled	TBD	
Local Retail Near Residential (Commercial only Projects)	Having residential developments within walking and biking distance of local retail helps to reduce vehicle trips and/or vehicle miles traveled. The point value of residential projects in close proximity to local retail will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled	TBD	
Reduction Measure PS T2: Bicycle Infrastructure			
Bicycle Infrastructure	Provide bicycle paths within project boundaries. Provide bicycle path linkages between project site and other land uses. Provide bicycle path linkages between project site and transit.	TBD 2 points 5 points	
Reduction Measure PS T3: Electric Vehicle Infrastructure			
Electric Vehicles	Provide public charging station for use by an electric vehicle (ten points for each charging station within the facility).	10 points	
Reduction Measure PS T4: Employee Based Trip &VMT Reduction Policy			
Compressed Work Week	Reduce the number of days per week that employees need to be on site will reduce the number of vehicle trips associated with commercial/industrial development. Compressed work week such that full time employees are on site: 5 days per week 4 days per week on site 3 days per week on site	TBD	
Car/Vanpools	Car/vanpool program Car/vanpool program with preferred parking Car/vanpool with guaranteed ride home program Subsidized employee incentive car/vanpool program Combination of all the above	TBD	

Feature	Description	Assigned Point Values	Project Points
Employee Bicycle/ Pedestrian Programs	Complete sidewalk to residential within ½ mile Complete bike path to residential within 3 miles Bike lockers and secure racks Showers and changing facilities Subsidized employee walk/bike program (Note combine all applicable points for total value)	TBD	
Shuttle/Transit Programs	Local transit within ¼ mile Light rail transit within ½ mile Shuttle service to light rail transit station Guaranteed ride home program Subsidized Transit passes Note combine all applicable points for total value	TBD	
CRT	Employer based Commute Trip Reduction (CRT). CRTs apply to commercial, offices, or industrial projects that include a reduction of vehicle trip or VMT goal using a variety of employee commutes trip reduction methods. The point value will be determined based upon a TIA that demonstrates the trip/VMT reductions. Suggested point ranges: Incentive based CRT Programs (1-8 points) Mandatory CRT programs (5-20 points)	TBD	
Other Trip Reductions	Other trip or VMT reduction measures not listed above with TIA and/or other traffic data supporting the trip and/or VMT for the project.	TBD	
Total Points from Commercial/Industrial Project:			

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Exhibit 6.2.2 - Biological Clearance Letter

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ALTEC Land Planning **(760) 242-9917**
c/o 19531 U.S. Highway 18/P.O. Box 1175 GingerEColeman@gmail.com
Apple Valley, CA 92307 RandyAICP@gmail.com

Ginger Coleman: MPA, Director of Environmental Planning & Community Relations
Randy Coleman: AICP, CCIM, MIRM, Certified Wildlife Biologist #43090, Certified Arborist #WE-8024A, QSD/P #21595, Civil Engineer: CA#36293 - NV/#7441 - AZ#16969, Land Surveyor: CA#5413 - NV#7441, R.E. Broker CA#00836955

ENDANGERED SPECIES (DESERT TORTOISE, BURROWING OWL, VARIOUS OTHER SPECIES) & JOSHUA TREE CLEARANCE LETTER

JANUARY 21, 2022

APN 302-062-03

SOUTH ½, NORTH ½, NORTHWEST ¼, SECTION 17, T32S, R37E, MDM, KERN COUNTY, CALIFORNIA

22800 GANTT ROAD, CALIFORNIA CITY, CA 93505

WITHIN CITY LIMITS OF CALIFORNIA CITY, KERN COUNTY

PREPARED FOR:

CALIFORNIA CITY – PLANNING DEPARTMENT
c/o MARIE STOWERS, PLANNING ADMIN ASST.
mstowers@californiacity-ca.gov
760-338-1377

PREPARED AT THE REQUEST OF:

SUNEPOINT CAPITAL, LLC
c/o AMAN CHOWDHRY, MANAGING MEMBER
Email: AMAN@SUNEPOINT.COM
11884 WELBY PLACE
MORENO VALLEY, CA 92557

c/o GEORGE SORIA
Phone: (951) 992-8072
georgepvconstruction@msn.com

W.O. NO. 22-ALP0121

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Randy Coleman: AICP, CCIM, MIRM, Certified Wildlife Biologist #43090, Certified Arborist #WE-8024A, QSD/P #21595,
Civil Engineer: CA#36293 - NV/#7441 - AZ#16969, Land Surveyor: CA#5413 - NV#7441, R.E. Broker CA#00836955

California City Planning Dept. JANUARY 21, 2022
21000 Hacienda Blvd.
California City, CA 93505

RE: CLEARANCE LETTER FOR DESERT TORTOISE, BURROWING OWL AND JOSHUA TREES
APN 302-062-03 & S 1/2, N 1/2, NW 1/4, SEC. 17, T32S, R37E, MDM, KERN COUNTY

On JANUARY 13th, and afternoon (dusk) on 20th, and morning (dawn) on 21st, 2022, R.J. Coleman (Certified Wildlife Biologist #43090 and Certified Arborist/Tree Risk Assessment Qualified WE#8024A) conducted a pedestrian protocol survey to verify the absence or presence of **Joshua Trees, Desert Tortoises, Burrowing Owls, and other raptors** within the existing property lines and a 500-foot Zones of Influence and has reviewed the Emergency Regulatory Language, Section 749.10 Title 14, CCR, is added to read: 749.10 Special Order Relating to Take of the Western Joshua Tree *(Yucca Brevifolia)* During Candidacy Period.

The purpose of this Clearance Letter is to provide a current Site Review to be on file with the City and made a part herewith. This Assessment was performed by site survey following established protocols.

- The Site personally walked, and pictures taken by Randolph J. Coleman.
  - **Certified Arborist and Tree Risk Assessment Qualified, WE #8024A.**
  - **Certified Wildlife Biologist, #43090.**
  - **Scientific Collecting Permit from California Department of Fish & Wildlife, #11586.**
  - **Qualified Storm Water Developer/Planner – QSD/P #21595 (by CASQA).**
- The Site has not previously been personally walked by Randolph J. Coleman.
- A pedestrian field survey of the project Site, Zones of Influence, buffer, and adjacent properties was conducted following established protocols or until fencing encountered, as applicable or as described.
- If there are significant delays with processing any entitlement applications or any clarifications, an update would be appropriate prior to the completing (i.e., CEQA Initial Study and sending it to the State Clearing House for CEQA processing and Dept. of Fish & Wildlife comments) review for biological issues. The Consulting Arborist/Biologist would like to have the opportunity, at a minimum, to provide an Addenda Letter to the Local Agency within 30-days prior to any additional Clearance Letter or Biological Report expiration dates. This has been discussed generally, specifically and previously with planning staff to avoid future issues relative to the preparation of the CEQA Initial Study being sent to the State Clearinghouse and/or CDFW review process after expiration, near expiration or prior to final approval.
- This Site is east and north of the semi-alpine transitional zones that has been impacted by numerous wildland fires estimated from the 1860's to more recent fires during the last 0-40 years. However, rock fires at the nearby rocky hills and "Mojave River Riparian Corridor" have occurred numerous times in the last 25 years. Usually, the Project's Certified Arborist and Certified Wildlife Biologist would like the opportunity to review final design plans to verify exact locations and site improvement elevations to determine which Joshua Trees, if applicable are impacted by development and endangered species, if applicable. Joshua Trees can be near the end of the Joshua Trees life cycle, affected by growth patterns and impacted by fungus and insect damage. Verification of insect and fungus damage can potentially further damage the trees life cycle and is always desired to be performed just prior to grading activities.
- There has been significant recent rainfall prior to the field survey. If recent rains occur, regardless of the time of year, is a prime timeframe for various native spring (75%) annuals and (rare and very-rare endemics) autumnal (25%) annuals, and all desert species to be out looking for precious water resources.
- A review of recent communication from the California Department of Fish & Wildlife (CDFW).

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CONCLUSIONS AND MITIGATION & RECOMMENDATIONS:

It is noted there was an original "Biological Resource Assessment" completed for this Site dated October 23, 2017 (being over 4 years ago) and this is supplemental to this original Assessment and attempted to provide a Clearance Letter for Legal Entitlement approvals by California City at this time.

It is noted that this field survey was completed during the winter timeframe and most desert life is deep within burrows, migrated through the area and in the potential estimated seedbank for desert annuals, either obligate spring (75%) or obligate fall (25%) annuals within the shallow soil-surface areas or shallow burrows in a rodent seed cache.

It is noted the Site has had historical sheep and goat grazing of an undetermined timeframe that has negative impacts for previous and potential burrows for burrowing owls and other fur bearing animals.

Special-Status Plant Species
It is additionally noted the following annuals were not observed during the field review of this Clearance Letter or in the original Biological Resource Assessment on the Site.

- Desert cymopterus (Cymopterus deserticola)
- Barstow woolly sunflower (Eriophyllum mohavense)
- Alkali mariposa lily (Calochortus striatus)

Desert Tortoise (*Gopherus agassizii*)
Federal Status – threatened; State Status – threatened.
Distribution – Widely distributed in the Mojave Desert from below sea level to 7,220 feet above sea level.
Habitat – Most common in desert scrub, desert wash and Joshua tree habitats, but also found in other desert habitats. Tortoises are herbivores, preferring forbs over grasses and green vegetation over dry. Desert tortoises excavate burrows and nests in friable, sandy, well-drained soil under bushes, rock formations, or open areas to protect from cold in the northern ranges and from the heat in the southern ranges.

[Reference: Luckenbach, R.A. 1982 Ecology & Management of the Desert Tortoise (Gopherus Agassizii) in California Pp 1-37 in North American Tortoises: Conservation & Ecology, Wildland Research Report #12, USFWS, Washington D.C.]
[It is noted the USFWS Desert Tortoise Field Manual delineates Tortoises under 4,500± feet.]

Additionally, this Site has significant local and regional habitat fragmentation due near-adjacent airport development, scattered cannabis facilities and a mix of other uses and generally regional I-14 and Highways 58, Edwards Air Force Base, Windmill sites and proposed Alternative Energy projects, Utility Corridors and other anthropogenic development which limit overall migration opportunities and bifurcates wildlife linkages.

Note: Joshua Trees can be near the end of the Joshua Trees life cycle, at almost any size, affected by growth patterns, soil types, and impacted by fungus and insect damage. Verification of insect and fungus damage can potentially further damage the trees life cycle and is always desired to be performed just prior to grading and relocation activities.

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Burrowing Owl (*Athene cunicularia*)
Federal Status – none; State Status – Species of Special Concern
Distribution – yearlong resident in open, dry grassland and desert habitats, and in grass, forb and open shrub stages of pinyon-juniper and ponderosa pine habitats.
Habitat – feed on small insects, small mammals, reptiles, birds, and carrion. Use rodent or other burrows for roosting and nesting. When burrows are scarce, may nest in pipes, culverts, nest boxes, and other protected "burrows."

No Burrowing Owls, other Raptors specifically including the Prairie falcon (Falco mexicanus), or active/potentially active burrows or nests were encountered during the field survey of the "40-Acre Site Only", and no other signs (e.g., fossorial bones, shell fragments, bones, or burrows, pellets and tracks,) were found, which would indicate no habitat or utilization of the site. In addition, no pipes, culverts, nest boxes or other protected "burrows" were located on site, and no rodent or small animal burrows of adequate useful size were located. A thorough pedestrian review will need to be completed on the Site and within a 500-foot Buffer area prior to actual development, in addition to transects of the site, and no evidence of present or past use of Burrowing Owls were found. Mitigation has been included to require additional site surveys for burrowing owls and other bird species prior to earth-moving activities within specified timeframes.

Mohave Ground Squirrel (*Xerospermophilus mohavensis*)
Federal Status – None; State Status – Threatened.
Distribution – restricted to the Mojave Desert in San Bernardino, Los Angeles, Kern, and Inyo counties.
Habitat – open desert scrub, alkali desert scrub, and Joshua tree. Uses burrows at the base of shrubs for cover. Feeds in annual grasslands. Prefers sandy to gravelly soils.

No Mohave ground squirrels were encountered during the original field survey, or this Clearance Letter and no burrows of an adequate size were located and no native shrubs for critical food sources were on the site.

American Badger (*Taxidea taxus*)
Federal Status – None; State Status – Species of Special Concern
Distribution – Uncommon, permanent resident found throughout most of the State, except in the northern North Coast area.
Habitat – Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils.

No American badgers, dens, or other evidence of Badgers were found on this 40-acre site or immediately adjacent property. In order to ensure there are no impacts to Badgers, mitigation has been included.

Desert Kit Fox (*Vulpes macrotus*)
Federal Status – None; State Status – Protected
Distribution – open desert, creosote bush flats and sand dunes. Majority of sightings in areas with less than twenty percent (<20%) vegetation cover.
Habitat – feed on rodents, rabbits, birds, reptiles, and insects. Use several dens throughout their home range, each with several entrances. Select birthing den in September and October, pups born in February or March, pups grown and leave to establish their own dens by October.

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Title 14 of the California Code of Regulations, Section 460, identifies desert kit fox as a protected fur-bearing mammal. No desert kit fox or their dens were located on this 40 acre Site. In order to ensure there are no impacts to desert kit fox, mitigation has been included.

It is noted that this desert kit fox species is a separate species and is specifically not the San Joaquin Kit Fox **(*Vulpes macrotus mutica*)**, being on both the California Endangered Species Act (1971) as "Threatened" and on the Federal Endangered Species Act (1967) as "Endangered".

Nesting Birds
It is noted the general Mojave Desert nesting season is from February 1st thorough August 15th, annually. It is noted the Prairie Falcon (Falco mexicanus) , other Raptor bird species and numerous riparian bird species are of a potential concern.

The Migratory Bird Treaty Act of 1918, as amended, protects migratory non-game native bird species. The California Fish and Game Code sections 3503, 3503.5 and 3513 protect all nesting birds, birds-of-prey, migratory non-game birds, their nests, and eggs. Mitigation has been required to ensure that no nesting birds are inhabiting the site.

Explanations:

a. **Less Than Significant Impact w/Mitigation Incorporated** – Site Only surveys were specifically conducted by Altec Land Planning (Project Certified Arborist and Project Certified Wildlife Biologist). It is noted the specific area has not been historical agricultural use or historical riparian areas or corridor and if it had a type of riparian designation would include a large variety of species of concern.

No sensitive habitats (e.g., wetlands, critical habitats with specific characteristics for sensitive species, etc.) have been documented on the project site and none were observed during the subject field investigations.

Some species are known to potentially be located within the general area (Desert Kit Fox and American Badger), but the project site does support suitable habitat for riparian nesting birds. Therefore, the proposed project and anything within 500-feet shall be surveyed immediately prior to any construction activities on-site to determine the presence or absence of any sensitive species as well as implement specific measures for any species of concern if identified on-site. Therefore, the following mitigation measures have been included in order to ensure any impacts are less than significant.

Mitigation Measures:

BIO 1. If applicable, the proposed project shall be located no closer than forty feet (40') from any native desert tree or no closer than fifty feet (50') from any native riparian tree. Further, no appurtenant facilities, construction activities, construction vehicles or equipment, or passenger vehicles or trucks shall be located or parked closer than forty feet (40') from any native desert tree or no closer than fifty feet (50') from any native riparian tree.

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BIO 2. A preconstruction survey shall be conducted by the Project Wildlife Biologist (Certified Wildlife Biologist is considered to be a qualified biologist) for the presence of American badger and Desert kit fox dens within 14 days prior to commencement of construction activities. The survey shall be conducted in areas of suitable habitat for American badger and Desert kit fox, which includes desert scrub and Joshua tree habitats. If potential dens are observed and avoidance is feasible, the following buffer distances shall be established prior to construction activities:

- **Desert kit fox or American badger potential den: 50 feet**
- **Desert kit fox or American badger active den: 100 feet**
- **Desert kit fox or American badger natal den: 500 feet**

If avoidance of the potential dens is not feasible, the following measures are recommended to avoid adverse effects to the American badger and desert kit fox:

- **If a qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent American badgers or desert kit foxes from re-using them during construction.**
- **If the qualified biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers or desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances and monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the qualified biologist determines that American badgers and desert kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction.**
- **During fencing and grading activities daily monitoring reports shall be prepared by the monitoring biologists. The biologist shall prepare a summary monitoring report documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The report shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness**

Training and Education Program, clearance/pre-activity surveys, monitoring activities, and any observed special -status species, including injuries and fatalities. These monitoring reports shall be submitted to California City and relevant resource agencies as applicable on a monthly basis along with copies of all survey reports.

BIO 3. A Certified Wildlife Biologist shall conduct a preconstruction survey of the impact areas to confirm presence/absence of burrowing owl individuals no more than 30 days prior to construction. The survey methodology will be consistent with the methods outlined in the CDFW Staff Report on Burrowing Owl Mitigation (2012). If no active breeding or wintering owls are identified, no further mitigation is required.

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If burrowing owls are detected onsite, the following mitigation measures may be implemented in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (2012) or other current procedures:

- **A Certified Wildlife Biologist shall be onsite during initial ground -disturbing activities in potential burrowing owl habitat.**
- **No ground-disturbing activities shall be permitted within a buffer no less than 200 meters (656 feet) from an active burrow, depending on the level of disturbance, unless otherwise authorized by CDFW. Occupied burrows will not be disturbed during the nesting season (February 1 to August 31), unless a qualified biologist verifies through noninvasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival.**
- **During the nonbreeding (winter) season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the burrow, depending on the level of disturbance, and the site is not directly affected by the project activity. A smaller buffer may be established in consultation with CDFW. If active winter burrows are found that would be directly affected by ground-disturbing activities, owls can be excluded from winter burrows according to recommendations made in the Staff Report on Burrowing Owl Mitigation (2012).**
- **Burrowing owls shall not be excluded from burrows unless or until a Burrowing Owl Exclusion Plan is developed based on the recommendations made in the Staff Report on Burrowing Owl Mitigation (2012). The plan shall include, at a minimum:**
- **Confirmation by site surveillance that the burrow(s) is empty of burrowing owls and other species**
- **Type of scope to be used and appropriate timing of scoping**
- **Occupancy factors to look for and what shall guide determination of vacancy and excavation timing**
- **Methods for burrow excavation**
- **Removal of other potential owl burrow surrogates or refugia onsite**
- **Methods for photographic documentation of the excavation and closure of the burrow,**
- **Monitoring of the site to evaluate success and, if needed, to implement remedial measures to prevent subsequent owl use to avoid take**
- **Methods for assuring the impacted site shall continually be made inhospitable to burrowing owls and fossorial mammals**
- **Compensatory mitigation for lost breeding and/or wintering habitat shall be implemented onsite or off-site through implementation of a Mitigation Land Management Plan based on the Staff Report on Burrowing Owl Mitigation (CDFW 2012) guidance. The plan shall include the following components, at a minimum:**
- **Temporarily disturbed habitat on the project site shall be restored, if feasible, to pre-project conditions, including de-compacting soil and re-vegetation;**

- **Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis which includes conservation of similar vegetation communities comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals;**
- **Mitigation land acreage shall not exceed the size of the project site;**
- **Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW approved burrowing owl conservation bank, the project operator may purchase available burrowing owl conservation bank credits.**
- **Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.**
- **Mitigation lands shall be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present.**

BIO 4. If project activities must occur during the avian nesting season (February to September), a survey for active nests must be conducted by a qualified wildlife biologist, one to two weeks prior to the activities. If active nests are identified and present onsite, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest site shall be established in the field by a qualified biologist with flagging and stakes or construct ion fencing. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. If construction must occur within this buffer, it shall be conducted at the discretion of a qualified biological monitor to assure that indirect impacts to nesting birds are avoided.

BIO 5. If sensitive wildlife species such as the Desert Tortoise or the Mohave Ground Squirrel, Desert Kit Fox, American badger or nesting birds are detected on the project site during future surveys or assessments or construction activities, all work on-site shall stop immediately, and mitigation measures shall be required to reduce impact to a level of less than significant. Any proposed mitigation measures shall be determined by a Certified Wildlife Biologist, as applicable in accordance with typical best practices.

Additionally, because the biological survey is typically valid for 1-year for the above-mentioned species, except for the Burrowing Owls and other relevant bird species and Nesting Birds, the following mitigation measure has been included.

Mitigation Measure:

BIO 6. Should grading or construction commence after February 1st, 2022, a new biological survey shall be filed with the City as a Biological Clearance Letter to determine the presence or absence of endangered species on the site. Said survey shall be filed with City

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or designee prior to issuance of a required permit(s). The survey shall be valid for a period of one year or as specifically delineated above for various bird species.

b. **Less Than Significant Impact w/Mitigation Incorporated** - The project site is not located within any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. However, the site is located adjacent to the Mojave River, which is a riparian area. This portion of the Mojave River has sparce riparian habitat abutting the project site. Further, the project is limited to the expansion of an existing well field, which will have substantially less impact that the underlying Residential zoning allows. Further, the proposed well(s) will be located no closer than 50 feet to the riparian trees; a mitigation measure is proposed to ensure this distance is maintained (see section a. above, BIO 1).

c. **No Impact** - The project site does not include any state or federally protected wetlands as protected under CEQA, Section 1600 of the California Fish and Game Code, or as defined by Section 404 of the Clean Water Act.

d. **Less Than Significant Impact** - The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites since the site does not include disturbances to any sensitive areas. Additionally, the only identified wildlife corridors of special concern are located within the area of the Mojave River riparian corridor, which is adjacent to this well field. However, the project is the expansion of an existing well field, which will not include development of the entire site. Therefore, any wildlife traversing the site will still be able to do so after the well(s) are constructed.

e. **No Impact** – There are no native or protected plants located on the site due to the previous site disturbance by historical agricultural use. Therefore, there is no conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

f. **No Impact** -The plan will not conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan since there is no adopted Habitat Conservation Plan or Natural Community Conservation Plan in the project area or local region.

Desert Tortoise (Gopherus agassizii):

- No “Endangered Species” as referenced above, exist on the Site or within buffer areas and no additional Update Letter and Site Review(s) shall be required.

Burrowing Owls (Athene cunicularia) and Prairie Falco (Falco mexicanus):

- No “Species of Concern,” as referenced above, exist on the Site or within buffer areas. However, the bird nesting season is considered between February 1st and August 31st annually and therefore an additional Clearance Letter(s) and Site Review(s) for the Burrowing Owl (Athene cunicularia) and Prairie Falcon (Falco mexicanus) has the following constraints:

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- After April 1, 2022, if construction activities have not started.
- If there is a lapse of 30 continuous days of construction activities thereafter.

Joshua Trees (Yucca brevifolia):

- Presently there are NO –(-0-) Candidate Endangered Species (FED/ST) on the Project Site.

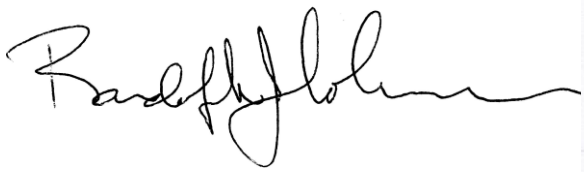
  NOTE: The Certified Arborist does not need the opportunity to review final design plans to verify exact locations, vertical height of site improvement elevations to determine which Joshua Trees are impacted by development. Joshua Trees can be near the end of the Joshua Trees life cycle, affected by growth patterns and impacted by fungus and insect damage and the verification of insect and fungus damage can potentially further damage the trees life cycle and is always desired to be performed just prior to grading activities and the Arborist would then recommend locations within native areas, planter areas, stormwater retention basin areas or other areas with minimal future impacts.

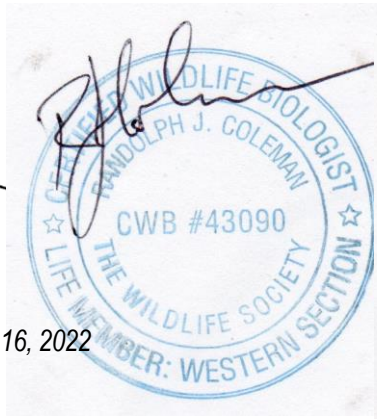
OTHER INFORMATION: If Tortoises or Burrowing Owls or other Raptors are observed on the Site in the future, all activities shall be stopped immediately and ALTEC Land Planning shall be contacted immediately (ALTEC will contact USFWS and/or CDFW to discuss potential mitigation measures, if applicable).

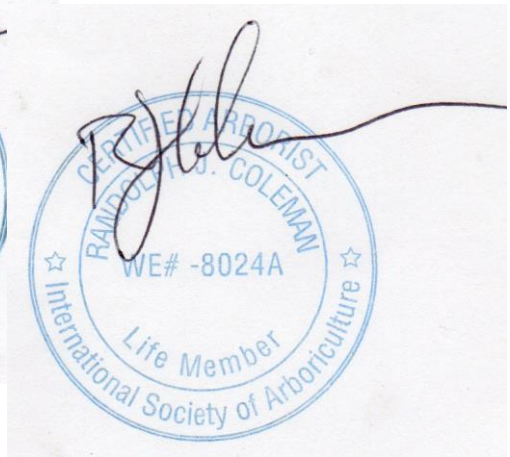
This Clearance Letter attempts to satisfy all potential jurisdictional issues of concern by the County of KERN and CALIFORNIA CITY Planning, Engineering, and Building & Safety and its various requirements for jurisdictional review, processing, approvals, and inspections regarding the above referenced CERTIFIED ARBORIST'S AND CERTIFIED WILDLIFE BIOLOGIST CLEARANCE LETTER**.**

Generally, this Site has little topographical relief, no Joshua Trees or other natural bird perching locations, no natural sources of water resources, no natural protection from the wind and weather, no specific food resources for a variety of animals and birds, no natural drainage channels with the nearest being

Respectfully submitted,







RANDOLPH J. COLEMAN
DIGITIALLY SIGNED AND STAMPED ON JANUARY 16, 2022
PE-Civil #36293, Expires 06/30/2022,
Certified Wildlife Biologist #43090,
CDFW: Scientific Collecting Permit #11586,
Certified Arborist/Tree Risk Assessment Qualified #WE-8024A

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Consultant has completed the following environmental education, workshops, licenses, and designations:

2021/22 - **Foundations of Utility Vegetation Management (UVM) Certificate** - University of Wisconsin-Steven's Point/UVM Association
- Compliance and Stakeholder Management [UVM – 3.1 IN PROCESS]
- Introduction to Utility Vegetation Management [UVM - 101] & Leadership and Organization [UVM – 2.1]
- Programs and Project Management [UVM – 2.2] & Integrated Vegetation Management [UVM – 2.3]

2020 - **Botanical - Mitigation Measures & Monitoring** (David Magney; Rare Plant Program Manager at CNPS)
- **Tree Care for Birds & Other Wildlife** *(Arizona/California/Nevada & Hawaii)* - International Society of Arboriculture
- **Online Tools for Vegetation Data** – California Native Plant Society (CNPS)
- **Wildland-Urban Interface** – American Planning Association

2019 - **Joshua Tree Master Naturalist**: Joshua Tree National Park Desert Institute & UC Riverside (8 courses)
- **Desert Plant Phenology of Joshua Tree National Park**: UC Riverside and JTNP Desert Institute
- **Desert Tortoise Biology & Conservation**: CDFW/BLM/UC Riverside and JTNP Desert Institute
- **Fugitive Dust Control (CV1903-007751-7796):** South Coast Air Quality Management District

2018 - Large Branchiopods of California Workshop: TWS-SoCal and USFWS @ San Diego Botanic Garden
- Sea Turtle Workshop: NMFS Protected Res. Div., West Coast Region/NOAA @ Long Beach Aquarium

2010/15 - San Bernardino County Planning & Airport Commissioner - Review & Approval of CEQA Studies & Projects

2014 - **Arroyo Toad *(Anaxyrus californicus)* Workshop** (The Wildlife Society San Diego Chapter)
- Sustainable Communities @ APA-PTS Conference: Feb. 7-8, 2014, in San Diego
- California Annual Conference/APA (4 Days – Anaheim and Visalia in 2013 & 2014)

2013 - **Tree Risk Assessment Qualified** International Society of Arboriculture (WE#-8024A – Renewed in 2018 & 2023)
- **Yellow Billed Cuckoo (*Coccyzus americanus)* Workshop** (Kern River Valley – KRV Audubon Facility)
- **Southwestern Willow Flycatcher *(Empidonax traillii extimus)* Workshop** (KRV Audubon Facility)
- National Innovative Communities Conference: 2013 (Ontario CA – San Diego mention as a leader may times)
- **Environmental Leadership Certificate:** CSU San Marcos (Matt Rahm, PhD., Esq.)

1998/12 - **UC Riverside Field & Other Certificates: - Desert Ecology - Field Ecology - Botany - Ornithology - Geology -**
Geographic Information Systems - Geographical Positioning Systems - Educational Facility Planning
- American Planning Association Annual Conference (4 Days - Los Angeles)
- California County Planning Commissioners Association (2 Days - Suisun City)

2011 - **Scientific Collecting Permit #11586** by California Department of Fish and Wildlife
- **Legends of the Fall: Exploring the Clandestine Flora of Early Fall in the Eastern Mojave Desert**
Rare [& Endangered] Autumn Annuals – Dr. James Andre & Dr. Tasha La Doux - CNPS @ UC- DRC
- **Qualified Storm Water Developer & Planner (QSD/P #21595) by CASQA**

2010 - **Certified Wildlife Biologist #43090** - by The Wildlife Society - Life Member (2006)-Western Section

2009 - **Western Pond Turtle, California Tiger Salamander & Red-legged Frog Workshop** (CSU Sonoma)
- **Wildlife Management & Ecosystem Management** (Dr. Barrow, UC Riverside Research Center/3-unit courses)
- **Bird Biology** - Cornell University/3-unit course

2008 - **Palms Culture in the Southwest** (2 days - International Society of Arboriculture (ISA) in Las Vegas)

2007 - **Certified Arborist WE #8024A** – Int. Society of Arboriculture (+60hours CE)
- **Riparian Ecology & Plant Identification Workshop (**David Magney; CNPS - Ventura River)
- **Jurisdictional Delineation of Wetlands** (38-hours of Army Corps of Engineering training in San Diego)
- **Protocols for Botanical Reports** (2 day - U.C. Davis – Bodega Bay Marine Research Lab)

2006 - **Vegetation Mapping** in Redlands (4 day – Dr. Todd Keeler-Wolf, Senior Vegetation Ecologist, CDFW & Dir. CNPS

2005 - **Mojave Ground Squirrel Workshop** - Wildlife Society, CDFG & USFW

2003 - **California Burrowing Owl Symposium** – The Wildlife Society/Western Section in Sacramento

2002 - **Tortoise Workshop by Desert Tortoise Council** (Life Member), CDFG & USF&W

1994 - Registered Environmental Assessor #05791; Calif. Environmental Protection Agency (DTSC/ended in 2012)

1993 - American Institute Certified Planners #9892 & Certified Environmental Professional (2011 [1 of 33 in U.S.])

1982/4 - CA Licenses: Land Surveyor #5413 (1984); Civil Engineer #36293 (1983); Real Estate Broker #836955 (1982)

1980 - **B.S. in Civil & Environmental Engineering** from University of California,

1976 - Personally familiar with general Mojave Desert area; have completed various Surveys, Engineering, Planning & Appraisals

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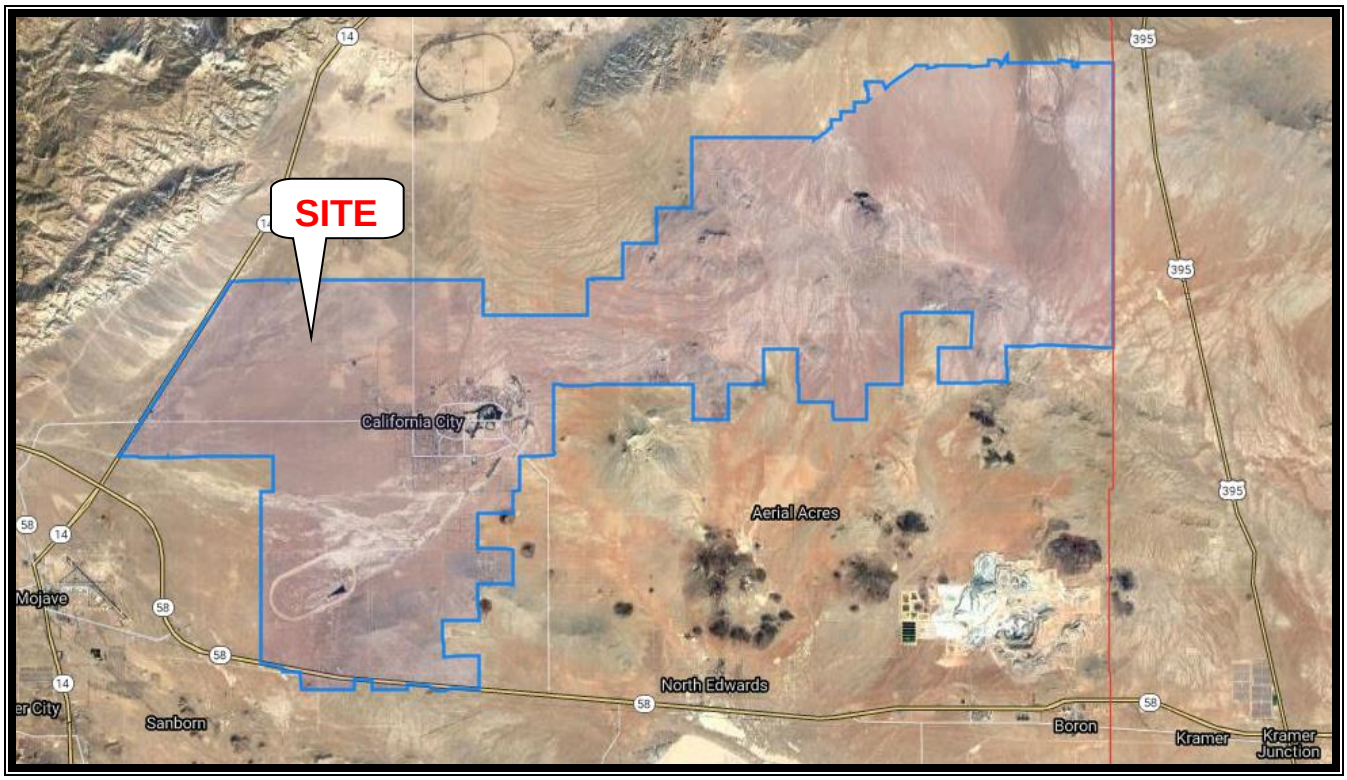
AERIAL CALIFORNIA CITY - CITY LIMITS MAP



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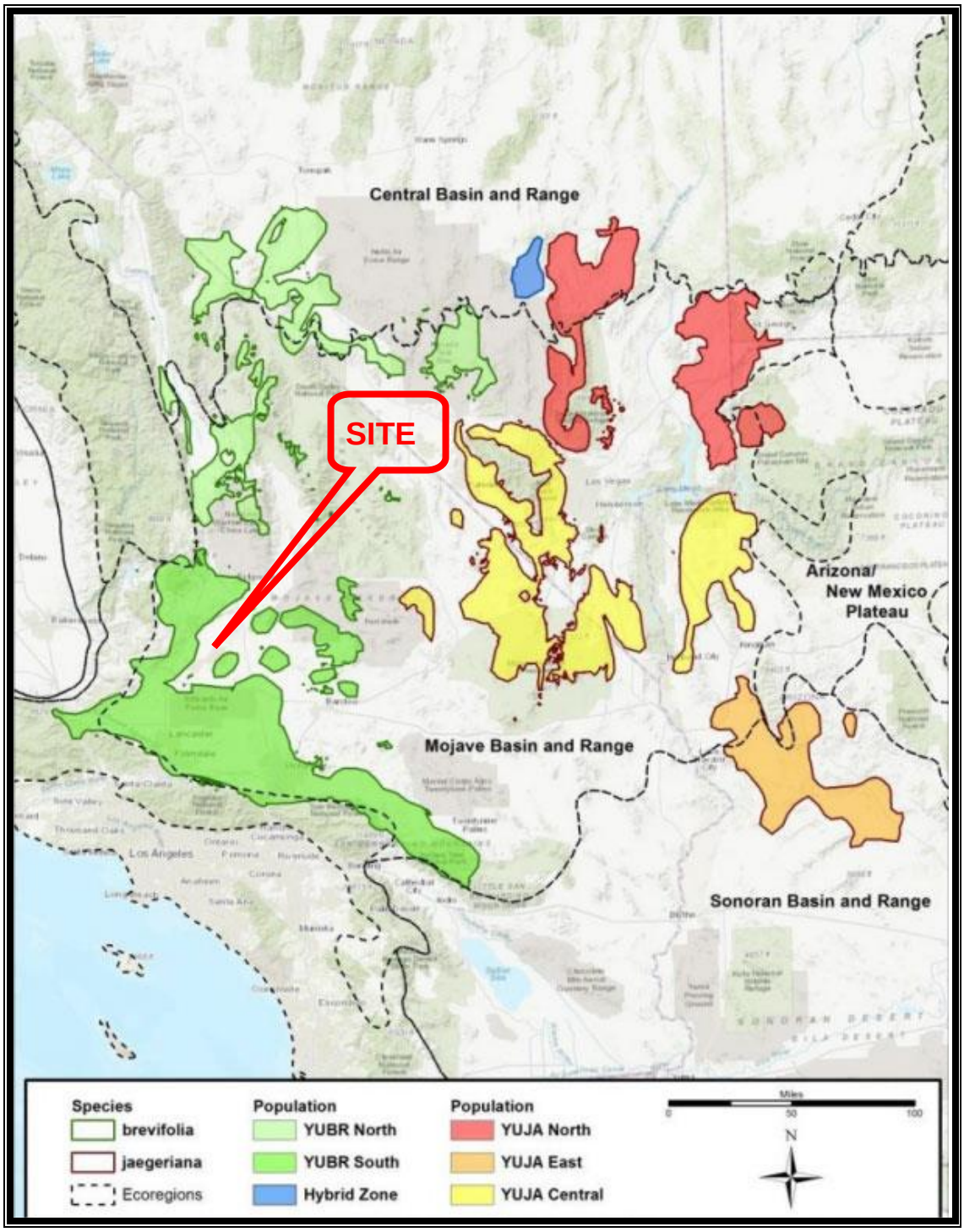
Western Joshua Tree CESA Petition & DFW's Evaluation of Petition Map



DRAWING 1

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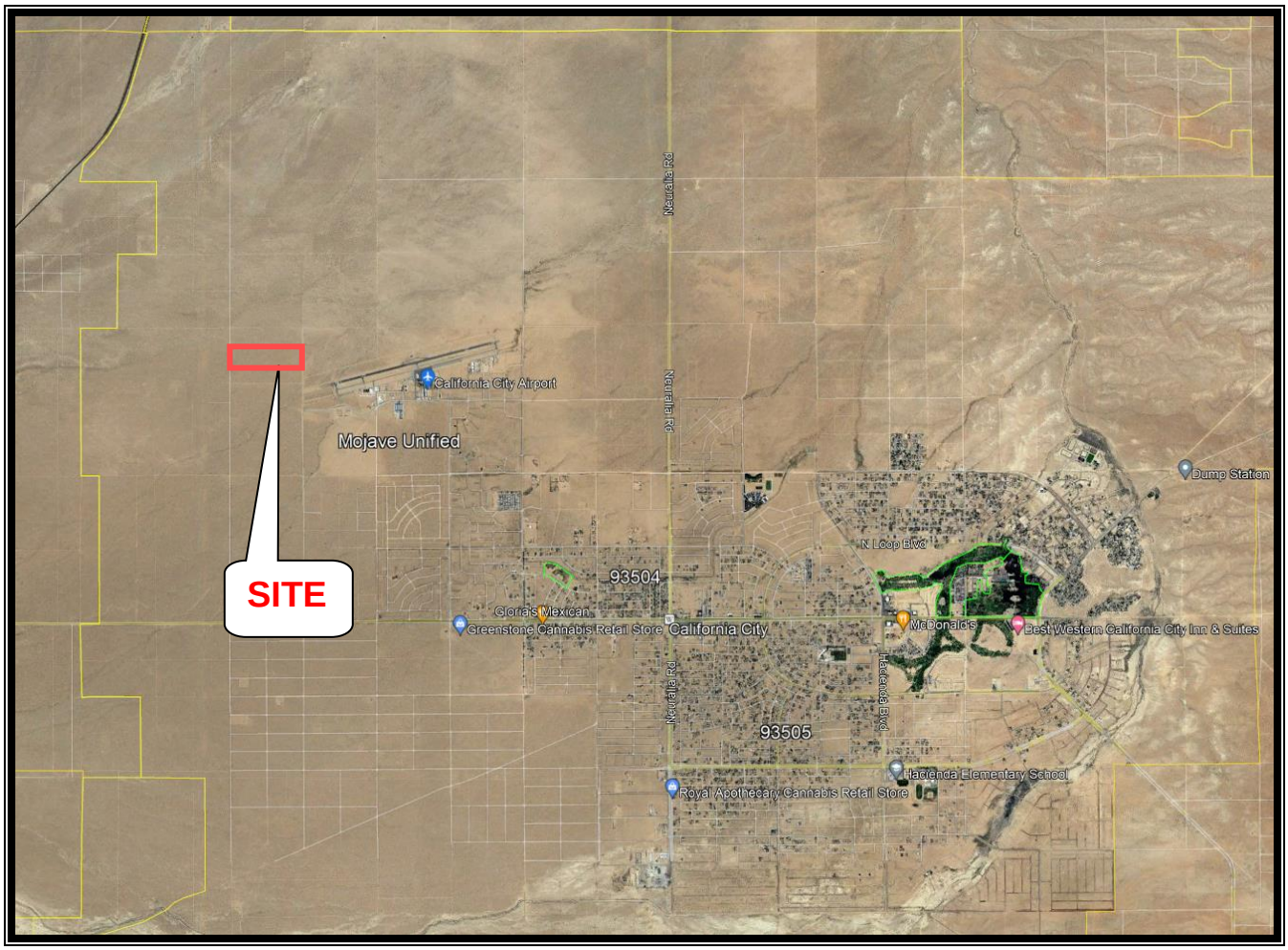
AERIAL CALIFORNIA CITY LOCATION MAP



DRAWING 2

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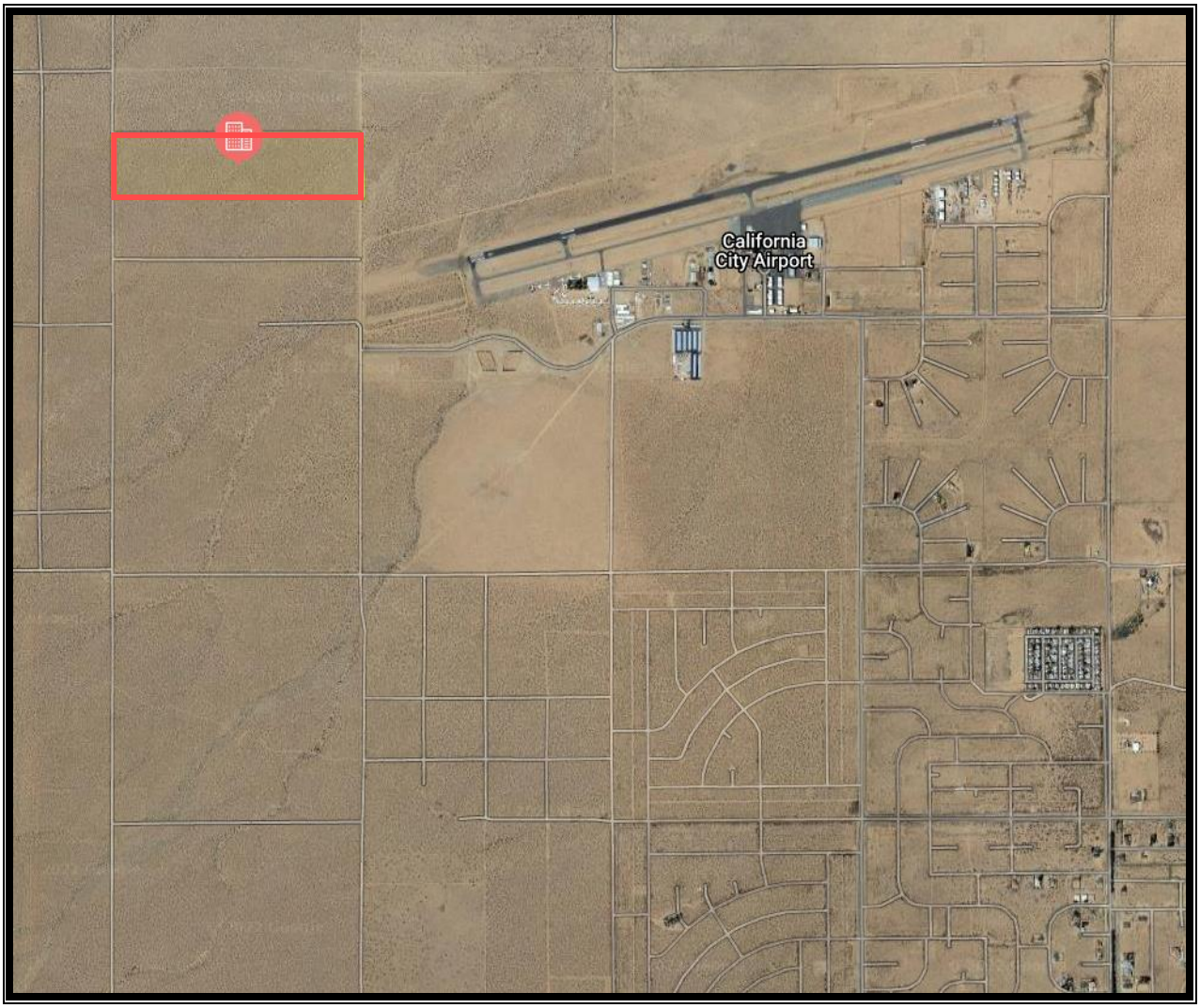
AERIAL SITE LOCATION MAP



DRAWING 3

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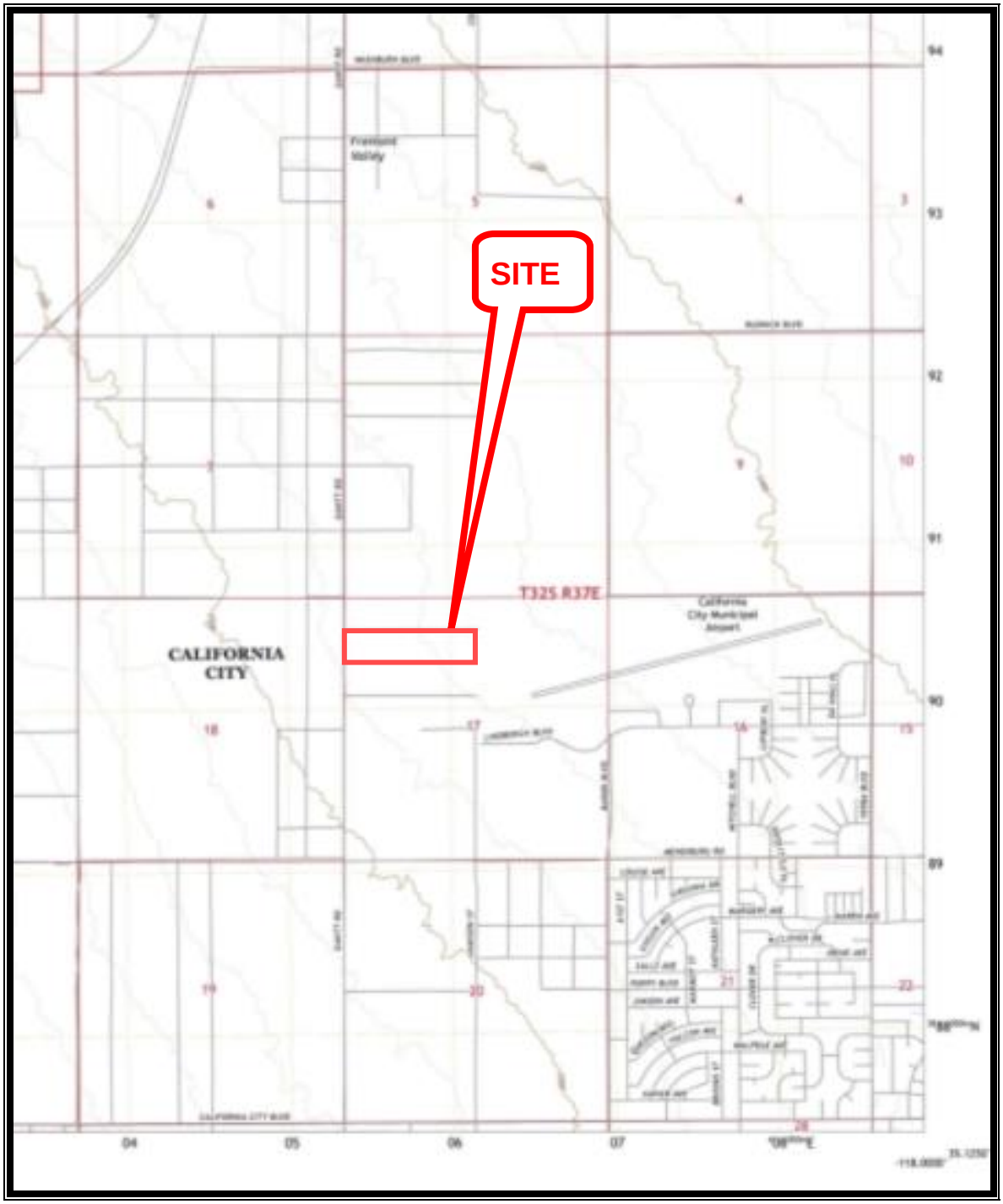
USGS QUAD SHEET [MOJAVE NE, KERN COUNTY - CA 2021]



DRAWING 4

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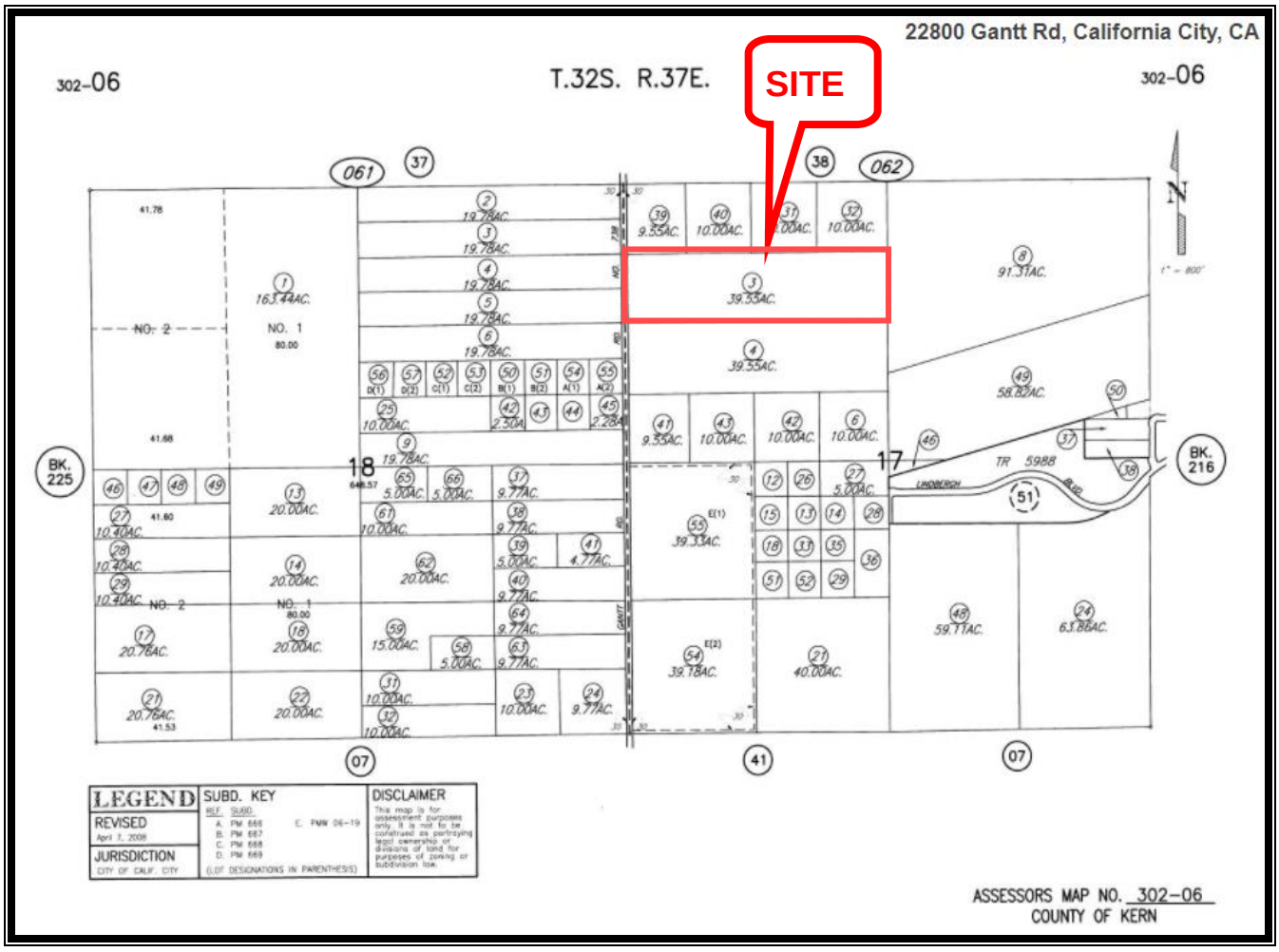
ASSESSOR'S PARCEL NUMBER



DRAWING 5

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ASSESSOR'S PARCEL NUMBER INFORMATION

22800 Gantt Rd, California City, CA

Property Information			
Owner(s):	Sunepoint Capital Llc	Mailing Address:	11884 Welby Pl, Moreno Valley, CA 92557
Owner Phone:	Unknown	Property Address:	22800 Gantt Rd, California City, CA
Vesting Type:	N/A	Alt. APN:	30206203
County:	Kern	APN:	302-062-03-00-2
Map Coord:		Census Tract:	
Lot#:		Block:	
Subdivision:		Tract:	
Legal:	Section 17 , Township 32 , Range 37 , Quarter		

Property Characteristics					
Use:	Industrial Acreage	Year Built / Eff. :	/	Sq. Ft. :	
Zoning:	M-1	Lot Size Ac / Sq Ft:	39.55 / 1722798	# of Units:	

Sale and Loan Information					
Sale / Rec Date:	08/22/2017 / 08/23/2017	*$/Sq. Ft.:	$30,000	2nd Mtg.:	
Sale Price:	$320,000	1st Loan:	$302,000	Prior Sale Amt:	$30,000
Doc No.:	000000113452	Loan Type:		Prior Sale Date:	08/22/2017
Doc Type:	Grant Deed	Transfer Date:	08/23/2017	Prior Doc No.:	000000113450
Seller:	Bahramian Fred	Lender:	Bahramian Fred	Prior Doc Type:	Grant Deed

*$/Sq. Ft. is a calculation of Sale Price divided by Sq. Feet.

Tax Information			
Imp Value:		Exemption Type:	
Land Value:	$336,377	Tax Year / Area:	2021 / 01-018
Total Value:	$336,377	Tax Value:	$336,377
Total Tax Amt:	$4,161.96	Improved:	

DRAWING 6

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GRANT DEED (Page 1 of 2)

ACCOMODATION

Jon Lifquist, Assessor-Recorder
Kern County Official Records
HB
8/23/2017
01:39 PM

RECORDING REQUESTED BY:
FRED BAHRAMIAN

Recorded Electronically by:
866 Fidelity National Title Co

MAIL TAX STATEMENTS AND
WHEN RECORDED MAIL TO:
SUNEPOINT CAPITAL LLC
11884 Wellby Place
Moreno Valley, CA 92557

DOC #: 217113452

217113452

Stat Types: 1	Pages: 2
FEES	16.00
TAXES	352.00
OTHER	.00
PAID	368.00

APN #302-062-03-00

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S): DOCUMENTARY TRANSFER TAX IS $352.00
__X__ Computed on full value of property conveyed, or
_____ Computed on full value less liens and encumbrances remaining at time of sale.

For valuable consideration, receipt of which is hereby acknowledged,

FRED BAHRAMIAN, a married man as his sole and separate property and **GAFY INVESTMENTS LLC**, a California LLC, **All as Tenants in Common**

hereby GRANT(S) to

SUNEPOINT CAPITAL LLC, a California Limited Liability Company

Real property in the City of California City, County of Kern, State of California, described as follows:
SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Dated: August 22, 2017

FRED BAHRAMIAN and **GAFY INVESTMENTS LLC, All as Tenants in Common**

Fred Bahramian
FRED BAHRAMIAN

AMIR YOUSEFI-PRESIDENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) SS
COUNTY OF LOS ANGELES)

On 08-23-2017 before me, R. COWAN, Notary Public, personally appeared FRED BAHRAMIAN & AMIR YOUSEFI,
who proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature R. Cowan

R. COWAN
Notary Public - California
Los Angeles County
Commission # 2085289
My Comm. Expires Nov 3, 2018

MAIL TAX STATEMENTS AS DIRECTED ABOVE

DRAWING 7A/B

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GRANT DEED (Page 2 of 2)

EXHIBIT "A"

LEGAL DESCRIPTION

Real property in City of California City, County of Kern, State of California, described as follows:

THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 32 SOUTH, RANGE 37 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF SAID LAND APPROVED BY THE SURVEYOR GENERAL JANUARY 19, 1856.

EXCEPT 1/2 OF ALL OIL, GAS, NAPTHA AND OTHER HYDROCARBON SUBSTANCES LYING ON OR UNDERNEATH SAID LAND, AS CONVEYED TO LENORA E. LANGLEY, A WIDOW, AS TO AN UNDIVIDED 1/3RD INTEREST; MARGUERITE A, JOHNSON, A MARRIED WOMAN, AS TO AN UNDIVIDED 1/3RD INTEREST; AND ROY E. LANGLEY AND MARGARET L. LANGLEY, HUSBAND AND WIFE AS JOINT TENANTS, AS TO AN UNDIVIDED 1/3RD INTEREST, BY DEED RECORDED MARCH 27, 1952 IN BOOK 1920, PAGE 247 OF OFFICIAL RECORDS.

APN# 302-062-03-00

DRAWING 7B/B

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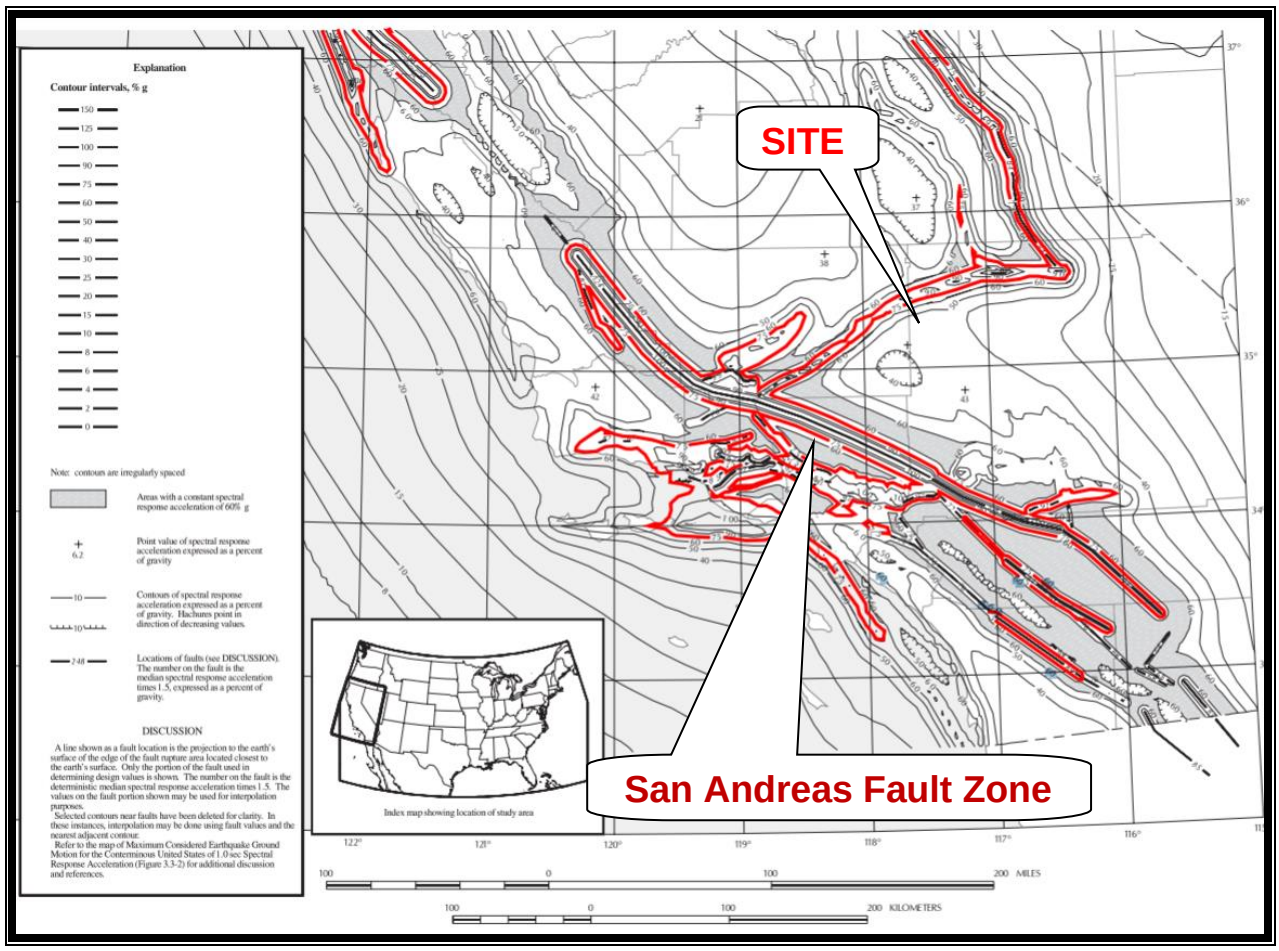
SEISMIC LOCATION MAP

1.0 second spectral response acceleration map, with 0.75g contours shown



DRAWING 8

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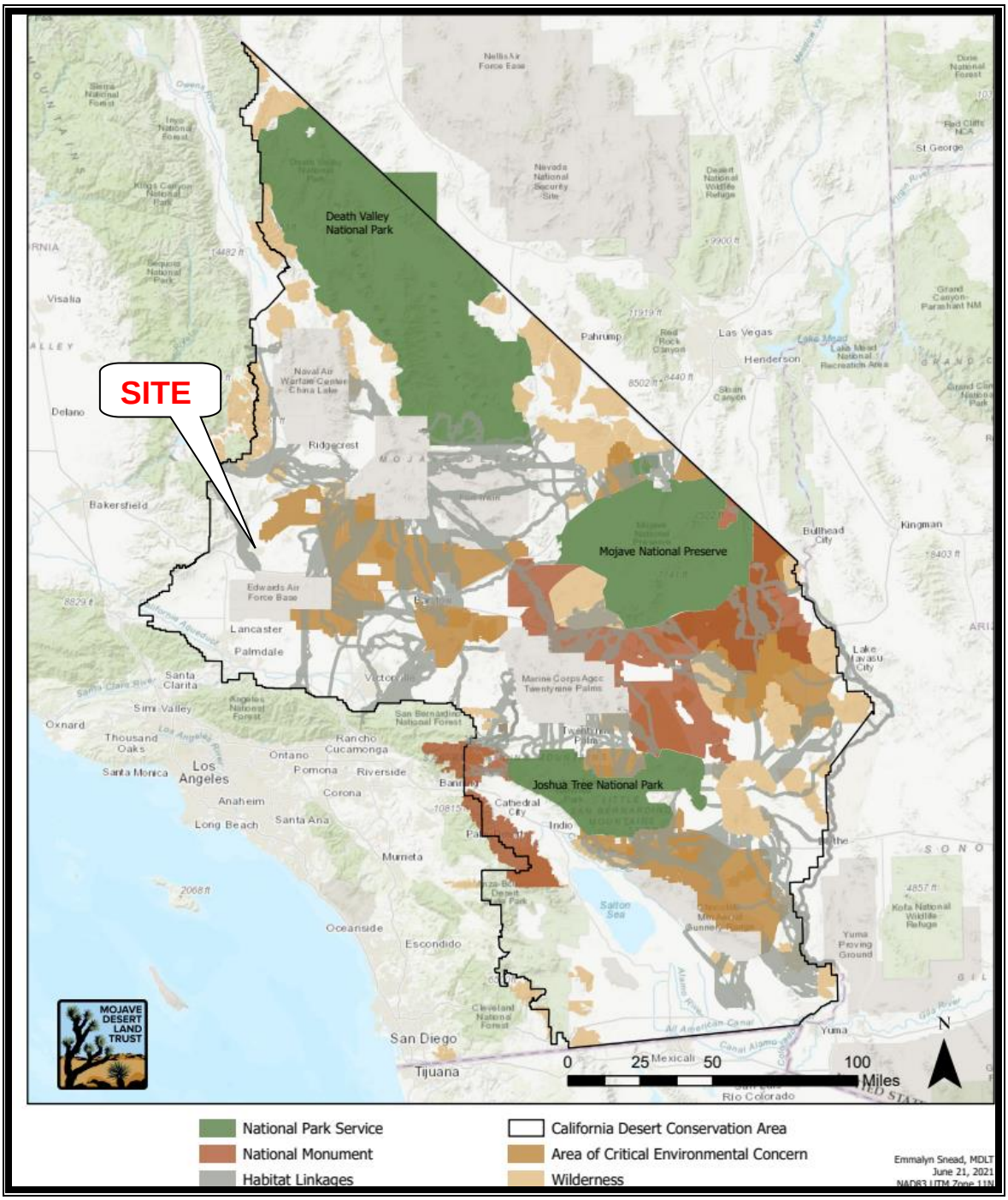
CALIFORNIA DESERT CONSERVATION AREA MAP



DRAWING 9

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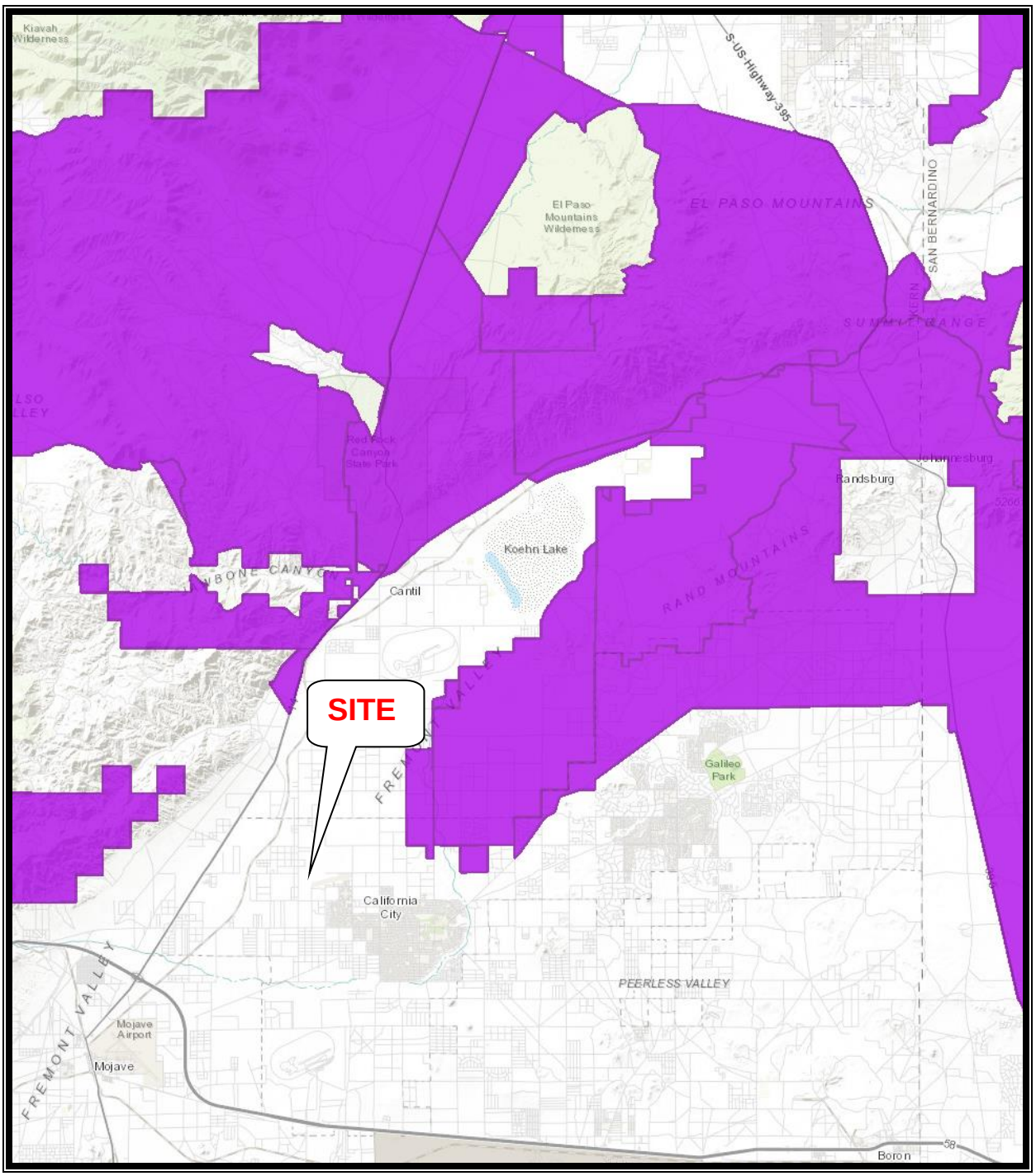
CALIFORNIA – AREA OF CRITICAL ENVIRONMENTAL CONCERNM MAP



DRAWING 10

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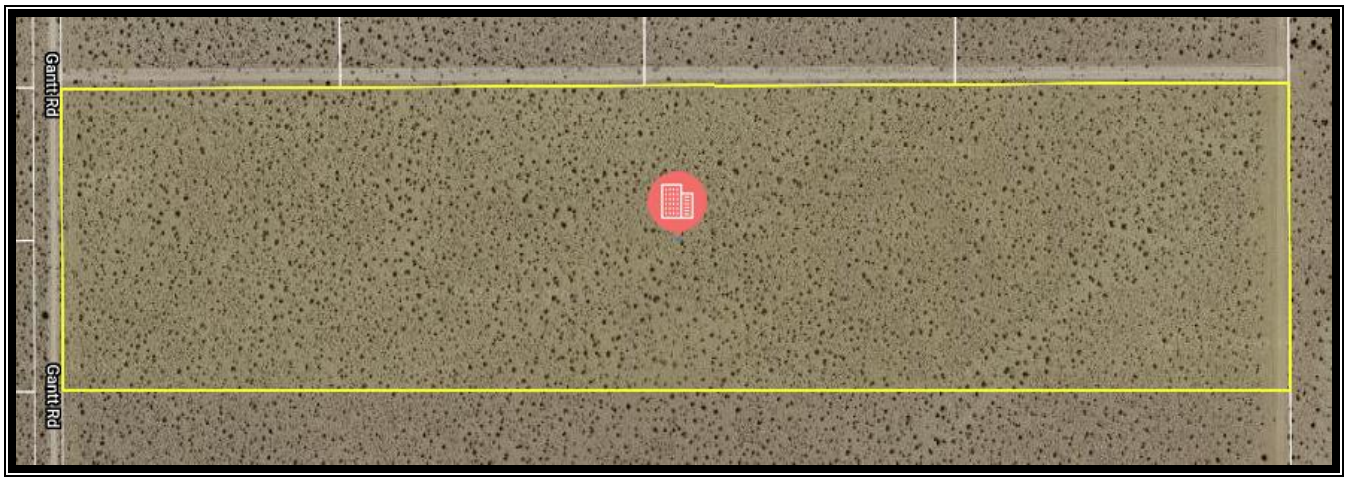
JOSHUA TREE LOCATION MAP - AERIAL NONE ON SITE



DRAWING 11

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JOSHUA TREE LEGEND & INFORMATION

Joshua Trees, Other Desert Trees and Plants and Cactus can have a variety of health issues and/or structural issues that create difficulties with relocation alternatives (Tree Spade use, backhoe use, hand replanting, etc.). Relocating any potential Native Desert Trees, Plants and Cacti is not planned at this time. The proposed project layout and Landscaping Plans, if applicable, are subject to change during development. During any relocation process, a review of Final Design Plans and review of individual trees or plants for fungus and insect damage will be completed and if present will prevent relocation of Joshua Trees, Plants and Cacti to prevent the spread to healthier plants. The following is a list of these common Tree and *common distinctive Joshua Tree* issues:

Binj	Basal Injury	Du	Dusty	InjO/N	Injury – Old/N
B-I	*Beetle and insect damage*	*F*	*Fungus damage*	L	Lean/Leaning
CoD	CoDominate Trunk(s)	G	Grainery Tree	*LB*	*Low Branches*
Cr	Crowded	Hf	Health Fair	*MC*	*Multiple Clones*
Db	Dieback	Hok	Health OK	*OB*	*Over Balanced*
Dbh	Diameter at 4.5’	Hp	Health Poor	*OM*	*Over Mature*
DC/C	*Dependent Clone/Clone*	IB	Included Bark	*OT*	*Over Tall*
DK	Decay	*IFb*	*Inflorescence Buds*	*S*	*Seedling (<3’)*
DL	*Down Live*	*IFf*	*Inflorescence Flowering*	Tcrk	Torsional Crack
DS	*Dead Standing*	*IFg*	*Inflorescence on-ground*	Dleg	Dogleg

POINT NUMBER	ISSUES	HEIGHT FEET±	HEALTH	PROTECT IN PLACE OR RELOCATE DISPOSE OF
#1	NO JOSHUA TREES ON SITE			Protect in Place
#2				Protect in Place
#3				Protect in Place
#4				Protect in Place
#5				Protect in Place
#6				Protect in Place
#7				Protect in Place
#8				Protect in Place
#9				Protect in Place
#10				Protect in Place
#11				Protect in Place
#12				Protect in Place
#13				Protect in Place
#14				Protect in Place
#15				Protect in Place
#16				Protect in Place
#17				Protect in Place
#18				Protect in Place
#19				Protect in Place
#20				Protect in Place

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MID POINT ON WEST PROPERTY LINE - LOOKING SOUTHEAST ACROSS SITE PRE-DAWN

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MID POINT ON WEST PROPERTY LINE - LOOKING SOUTHWEST ACROSS SITE AT SUNSET

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REDLIGHTS ON WINDMILLS ON TEHACHIPPI HILLSIDES TO THE WEST OF THE SITE

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WATER VALVE NORTHEAST OF SITE ABOUT 1500 FEET AND ALONG SECTION LINE

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WEST PROPERTY LINE LOOKING EAST ACROSS SITE AT DAWN

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MID POINT ON WEST PROPERTY LINE - LOOKING SOUTHEAST ACROSS SITE AT DAWN

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EXISTING MANUFACTURING FACILITY ALONG THE EAST PROPERTY LINE

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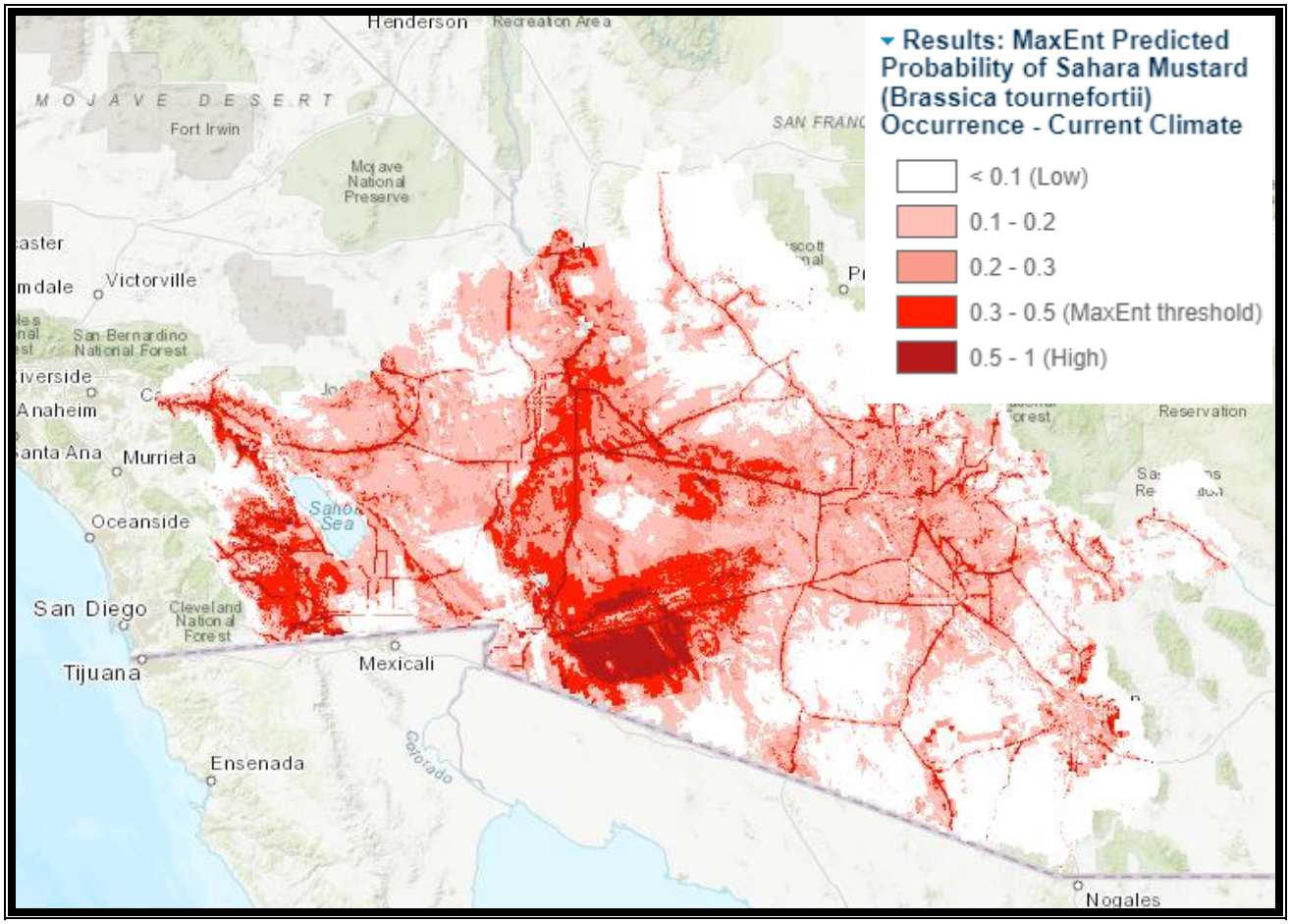
Invasives: Saharan Mustard (Brassica tournefortii) Species Distribution Model, DRECP Region



IT IS NOTED THAT SAHARAN MUSTARD COVERS THE VICTOR VALLEY AREA
FOR ABOUT THE LAST 20 YEARS
FROM PERSONAL OBSERVATIONS, INDICATING
THIS SPECIES IS FAST MOVING ESSENTIALLY FOLLOWING THE
HIGHWAYS (18, 247, 62) TO REACH THE VICTOR VALLEY AND FUTURE LOCATIONS ALONG HIGHWAYS
THROUGHOUT THE GREATER MOJAVE AND SONORAN DESERTS.

{THIS SPECIES IS ASSUMED TO HAVE ARRIVED IN 1928 WITH DATE PALM TREES BEING IMPORTED FROM THE MEDITERRANEAN TO THE COACHELLA VALLEY AND THEN HAS SPREAD ALONG THE HIGHWAYS; ALSO, SMOG GENERATED FROM VEHICLES THEN DEPOSITED ON THE NATIVE SOILS PROVIDES NITROGEN ACTING AS A FERTILIZER FOR THIS AND OTHER INVASIVE SPECIES ALONG THESE HIGHWAYS, AS OBSERVED BELOW}

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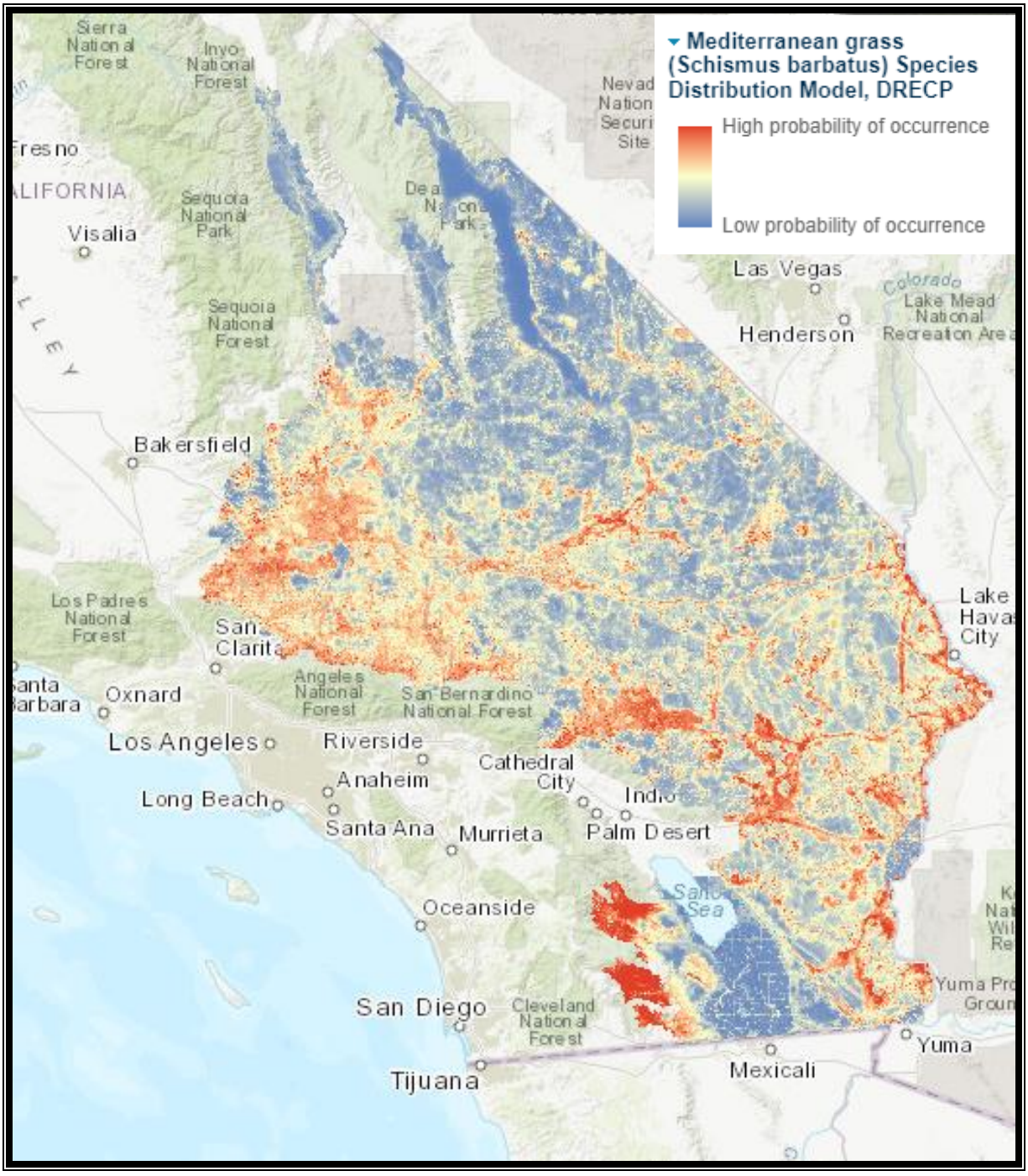
Invasives: Mediterranean Grass (Schismus barbatus) Species Distribution Model, DRECP Region



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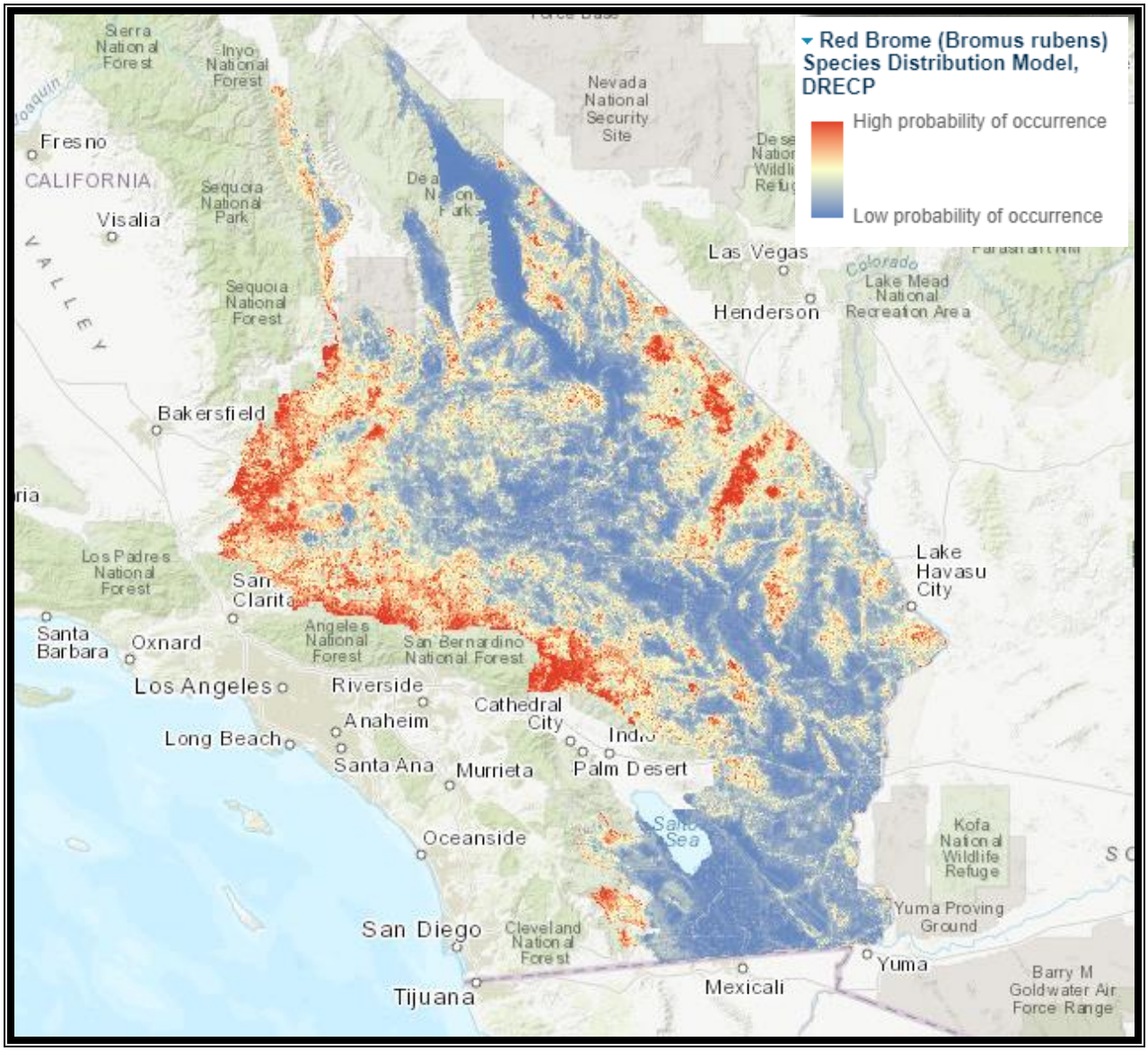
Invasives: Red Brome (Bromus rubens)
Species Distribution Model, DRECP Region



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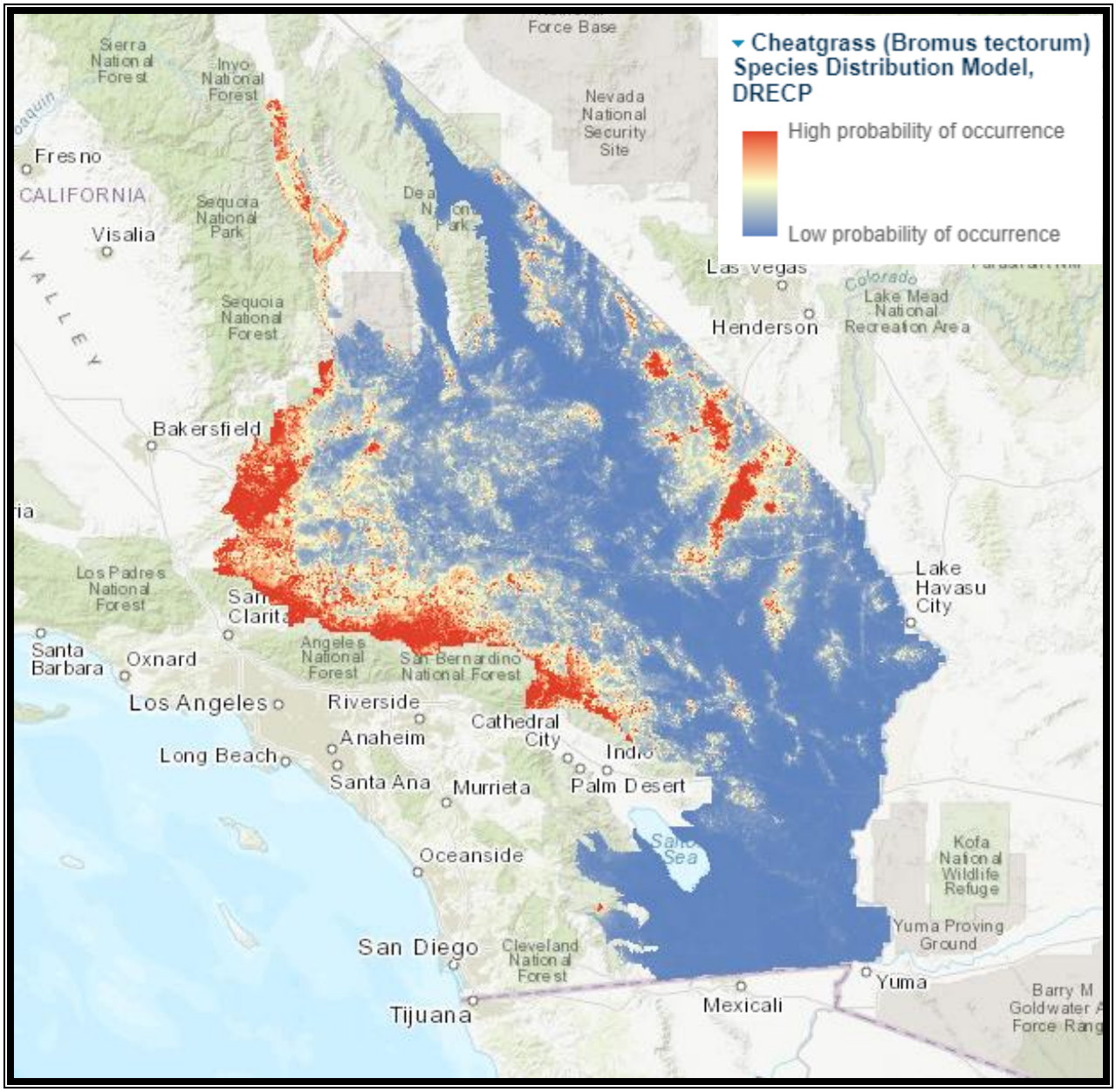
Invasives: Cheatgrass (Bromus tectorum) Species Distribution Model, DRECP Region



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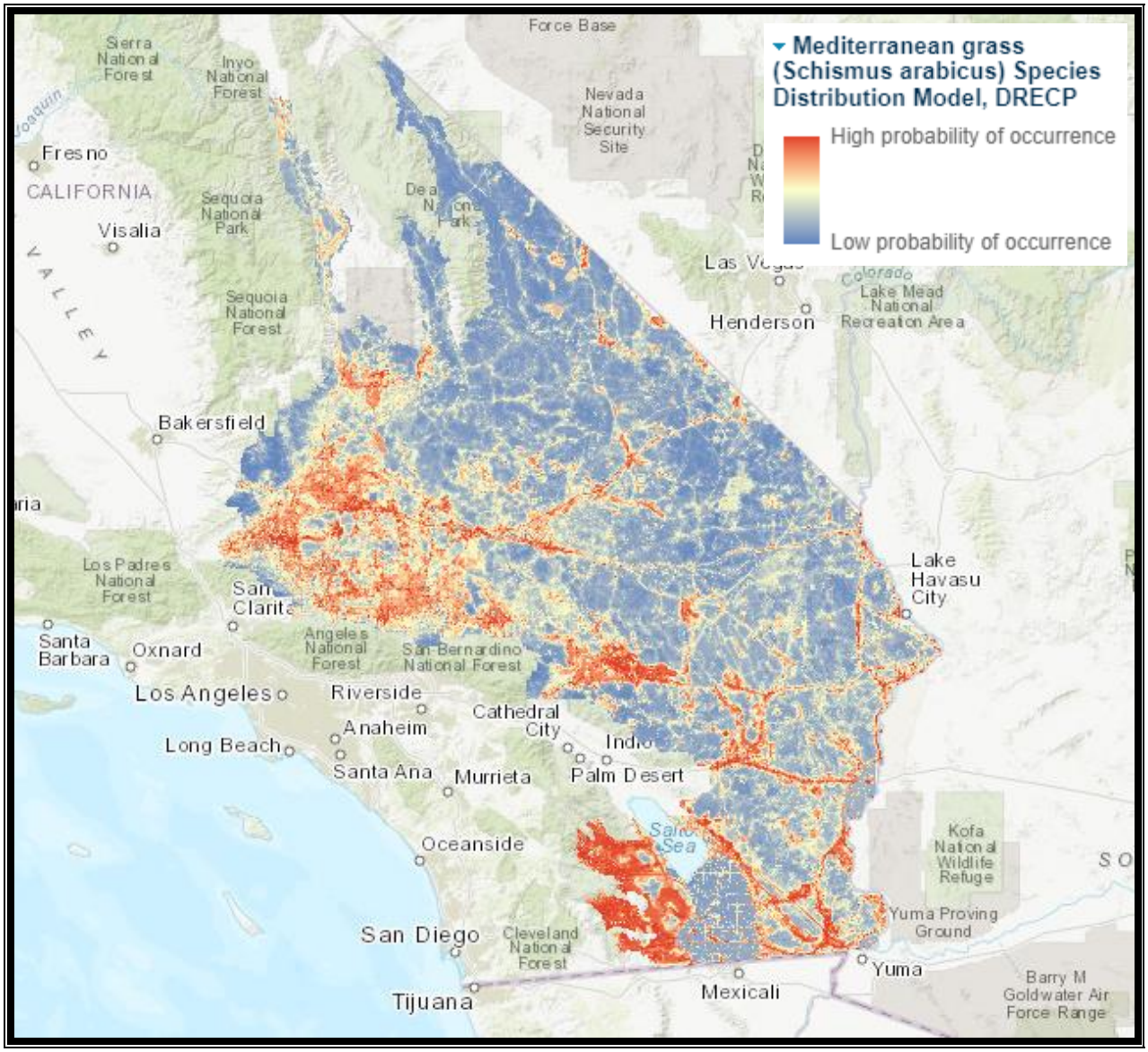
Invasives: Mediterranean Grass (Bromus arabicus) Species Distribution Model, DRECP Region



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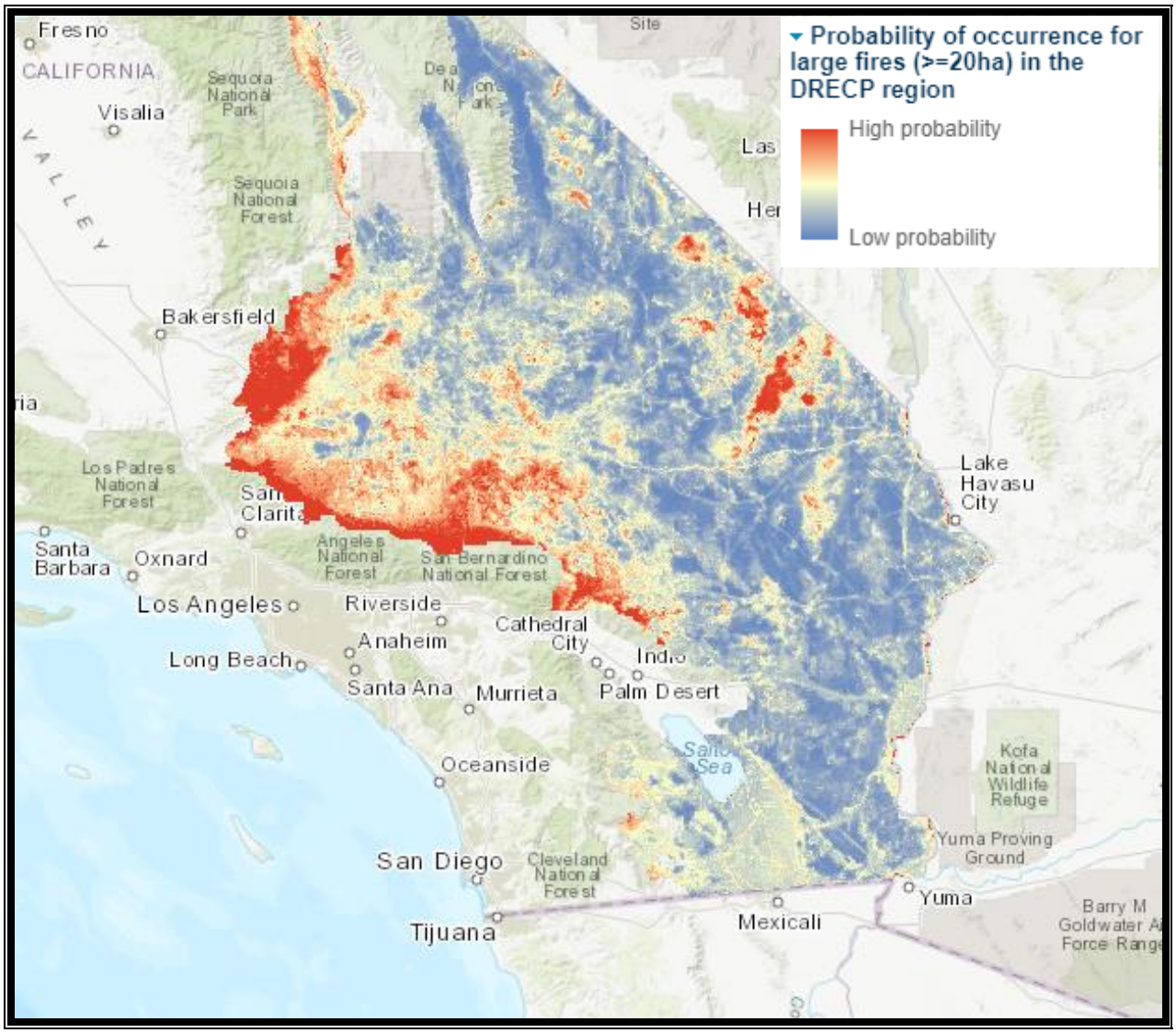
Probability of occurrences for large fire: Mediterranean Grass (>20ha) Species Distribution Model, DRECP Region



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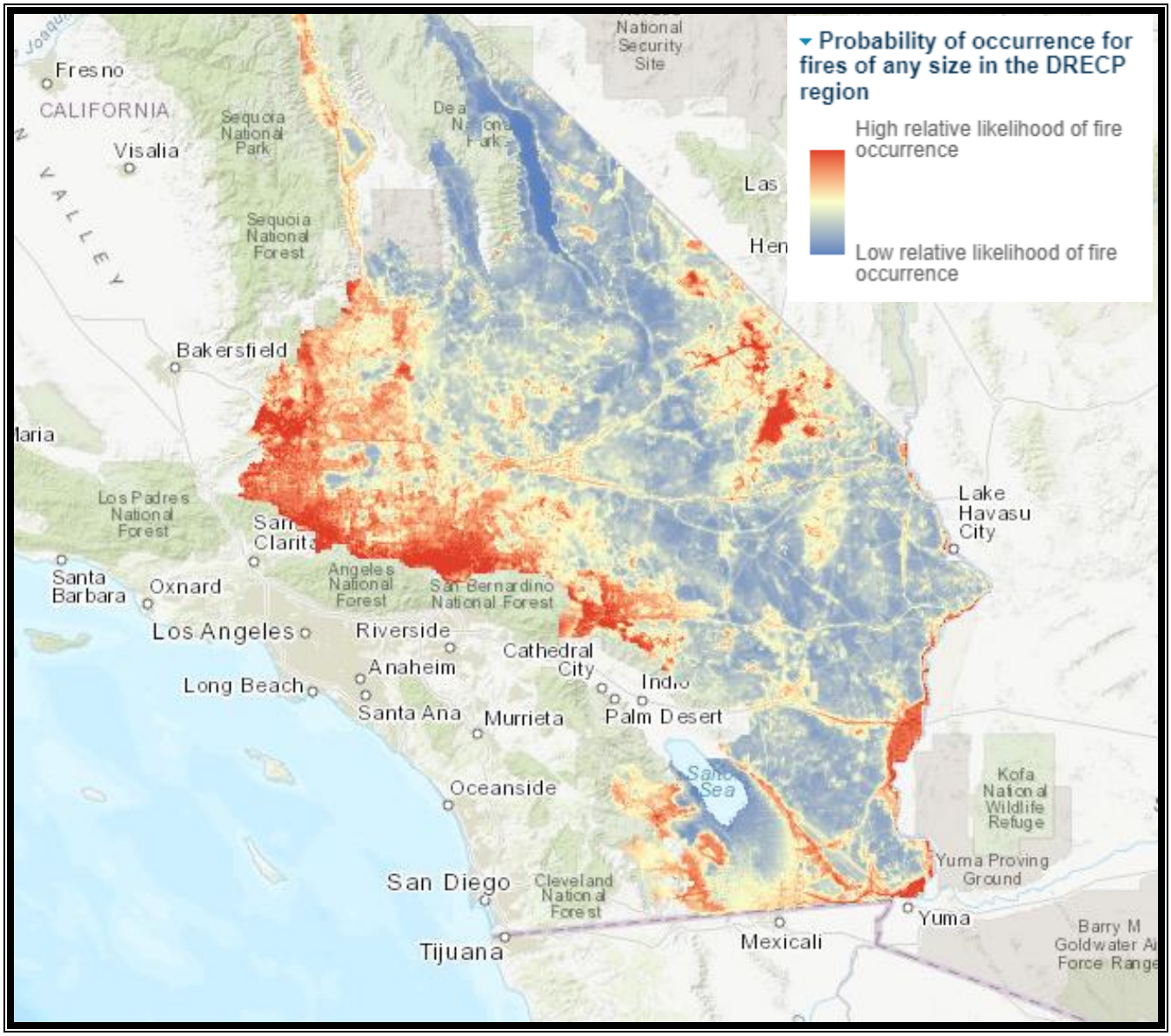
Probability of occurrences for fires of any size in the DRECP Region



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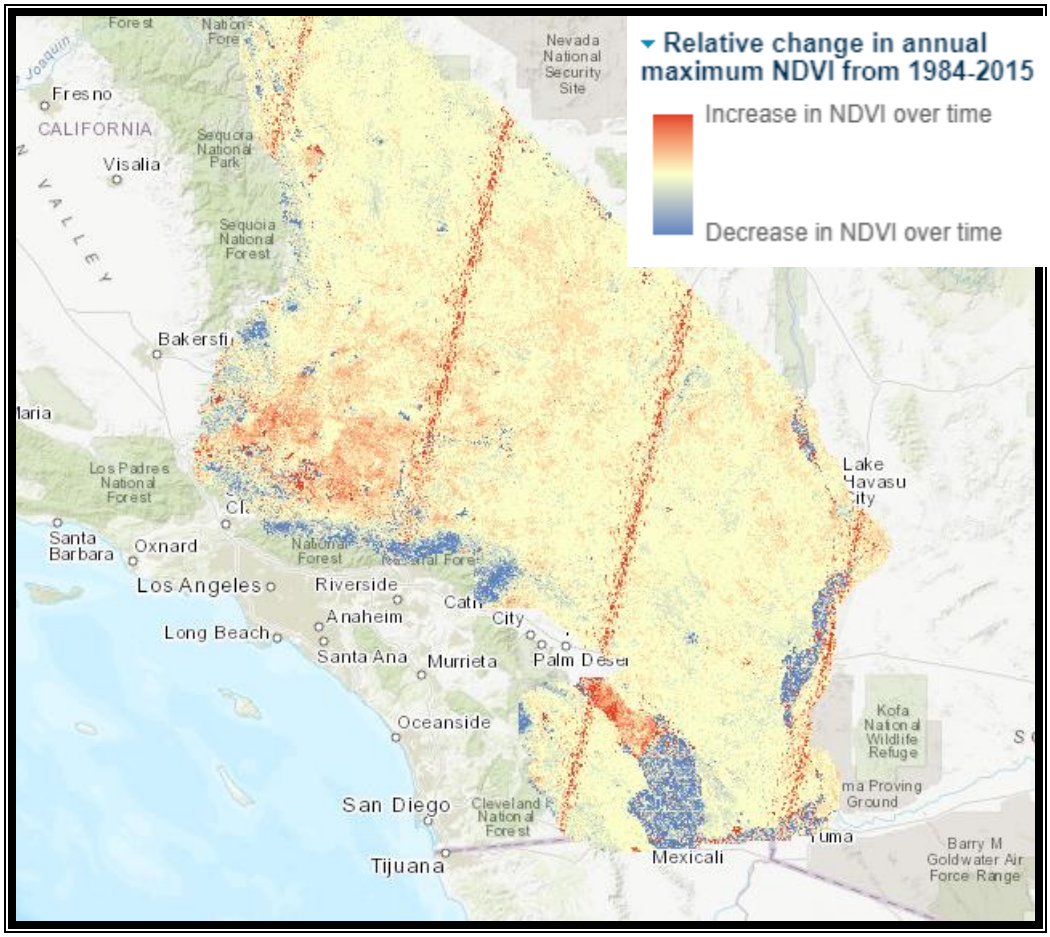
Normalized Difference Vegetation Index (NDVI) DRECP Region



NOTES: "Previous studies have shown that annual maps of the Normalized Difference Vegetation Index (NDVI), a remotely sensed index of vegetation greenness and productivity, are useful for detecting annual variation in biomass and fine fuel production, and that annual maximum NDVI in particular is significantly related to large fire activity in the Sonoran (Gray et al. 2014) and Mojave (Hegeman et al. 2014) deserts. The presence and connectivity of annual grass in any given year tends to be dynamic, and fluctuates as a function of climatic conditions, particularly precipitation. Therefore, while the values of annual NDVI imagery fluctuate in response to pulses of fine-fuel biomass production, a positive trend over time signifies areas where productivity has increased, and negative trends signify progressive decline over that time horizon. Although changes in NDVI reflect precipitation trends, areas of progressive increase may also be indicative of places where fine-fuel biomass may be expanding on the landscape. Although more work is needed to validate these assumptions, areas with positive NDVI trends may reflect places of concern with regards to potential changes in fire regime. We developed this NDVI trend map from an overlay of annual maximum NDVI maps created from 30m Landsat 7 TOA imagery from 1984 to 2015 across the DRECP region. We used an algorithm that calculated a linear regression model for each grid cell in the landscape and output values equal to the slope of the regression line. Therefore, the higher the positive value, the larger the positive trend. Otherwise, negative values represent a decrease in NDVI over time. The red stripes in the images represent a known artifact in Landsat imagery and should be ignored. Also note that data were rounded to 3 decimal places to reduce file size." (Per recp.databasin.org/datasets/104bd3fcf5024caa8cf549d9b49e91e9)

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DESERT TORTOISE FEDERALLY IDENTIFIED RANGE[1]

[1] http://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=C04L#crithab

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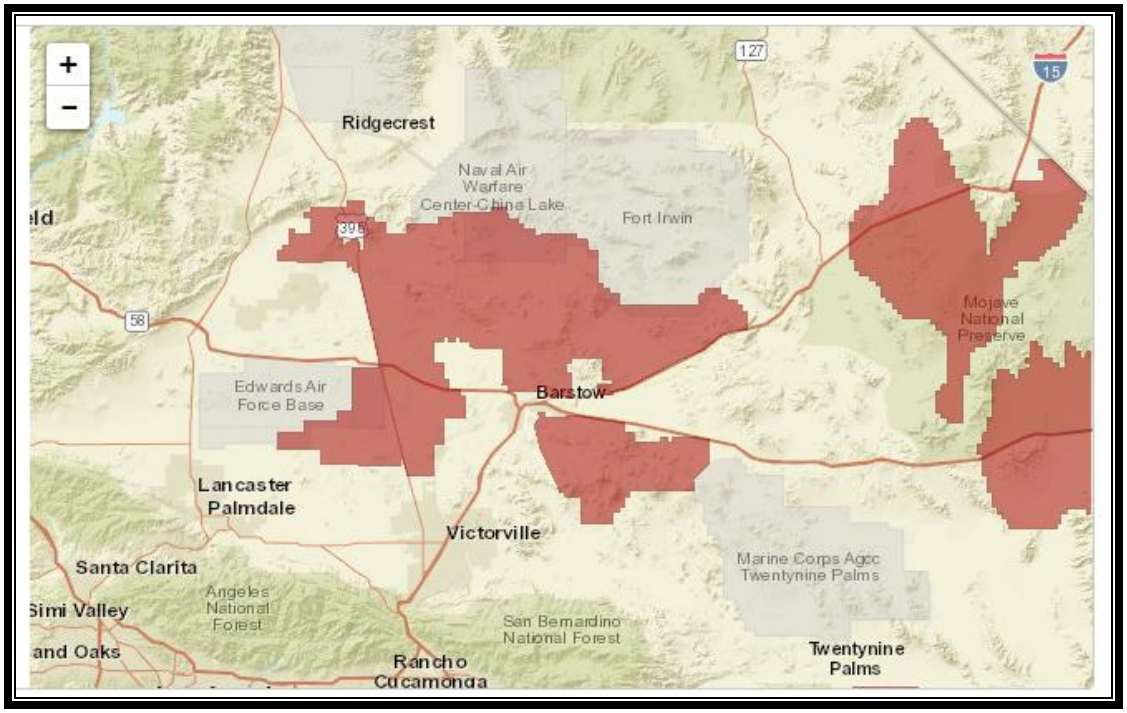
DESERT TORTOISE FEDERALLY IDENTIFIED CRITICAL HABITAT[2]



[2] http://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=C04L#crithab

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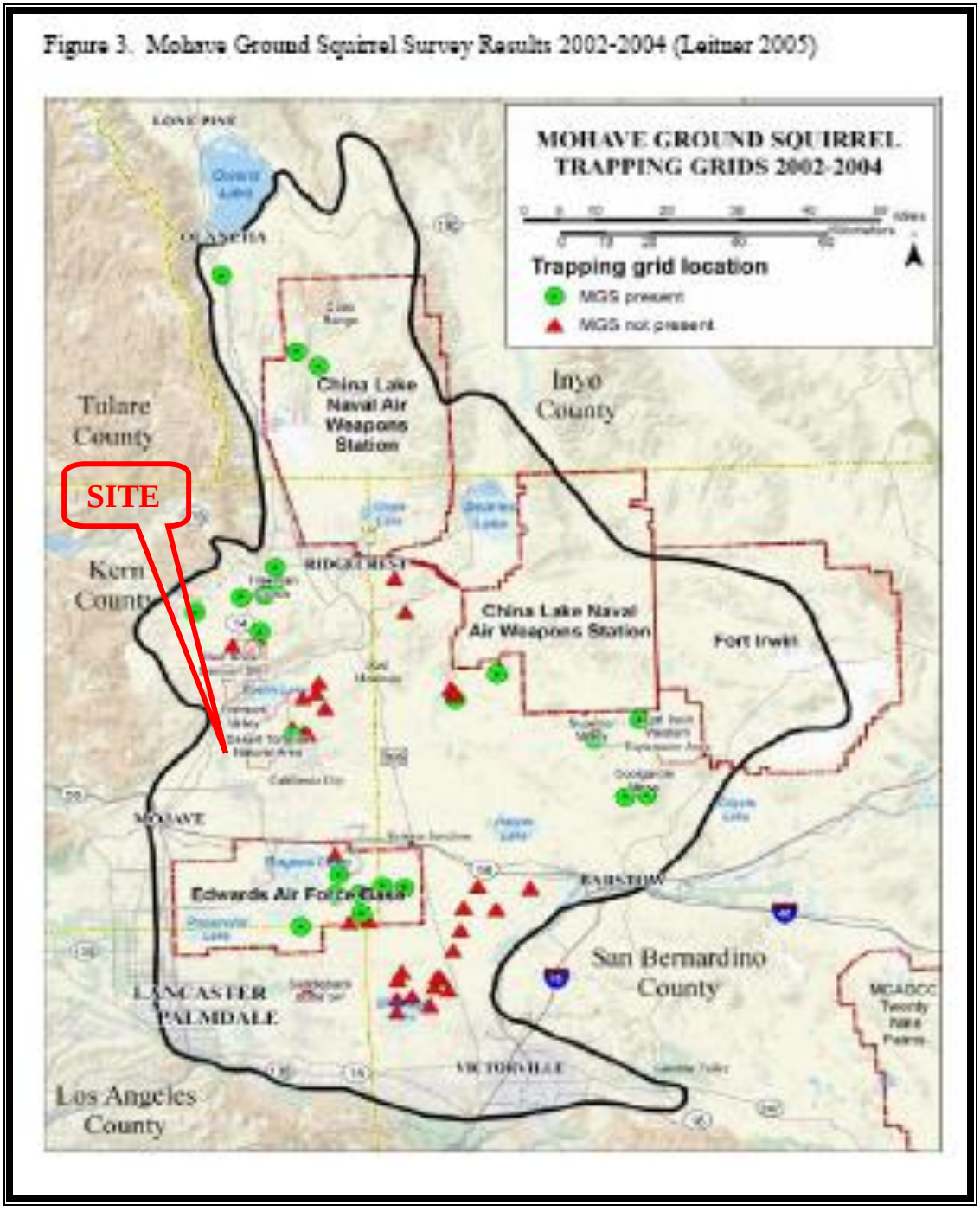
MAMMALS (Example 1) MOHAVE GROUND SQUIRREL SURVEY RESULTS 2002-2004

(Source: Petition to List the Mohave Ground Squirrel, September 12, 2005)



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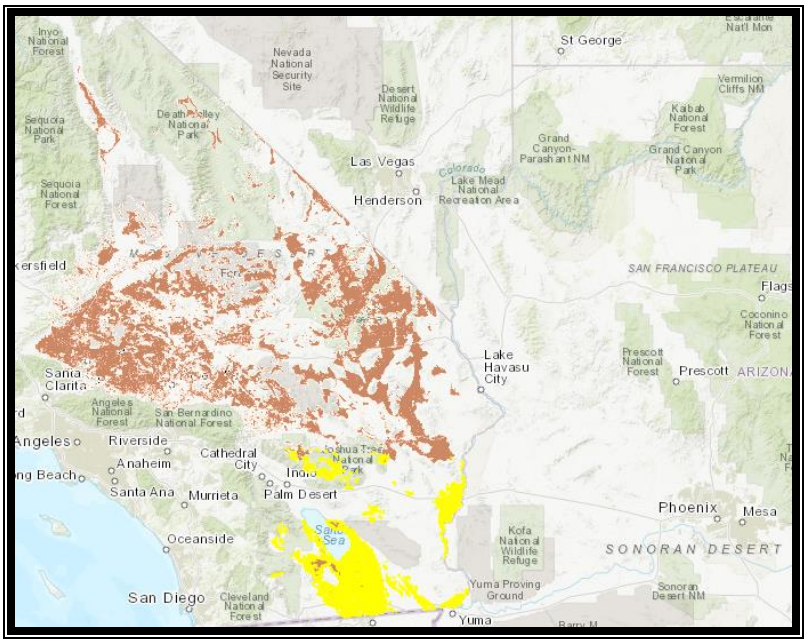
MAMMALS (Example 2)

American Badger *Taxidea taxus*[3]
Federal Status - None; State Status – None
Distribution – Throughout California, most abundant in drier open stages of most shrub, forest, and herbaceous habitats.
Habitat – Found in grasslands and open areas with grasslands (i.e., parks, farms) with available fossorial rodents, some reptiles, insects, eggs, birds, and carrion. They prefer prairie regions with sandy loam soils to dig burrows.

Regardless, if American Badger are observed on the Site in the future, all activities shall be stopped and USFWS and CDFW contacted to discuss potential mitigation measures.

MITIGATION & RECOMMENDATION:

No less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, CDFW will conduct a survey to determine if American badger den sites are present at the site. If dens are found, they will be monitored for badger activity. If CDFW determines that dens may be active, the entrances of the dens will be blocked with soil, sticks, and debris for three to five days to discourage the use of these dens prior to project disturbance activities. The den entrances will be blocked to an incrementally greater degree over the 3 to 5-day period. After the qualified CDFW biologist determines that badgers have stopped using active dens, the dens will be hand-excavated with a shovel to prevent re-use during construction. No disturbance of active dens will take place when cubs may be present and dependent on parental care, as determined by the Project Wildlife Biologist or other qualified CDFW biologist.



[3] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2597&inline=1

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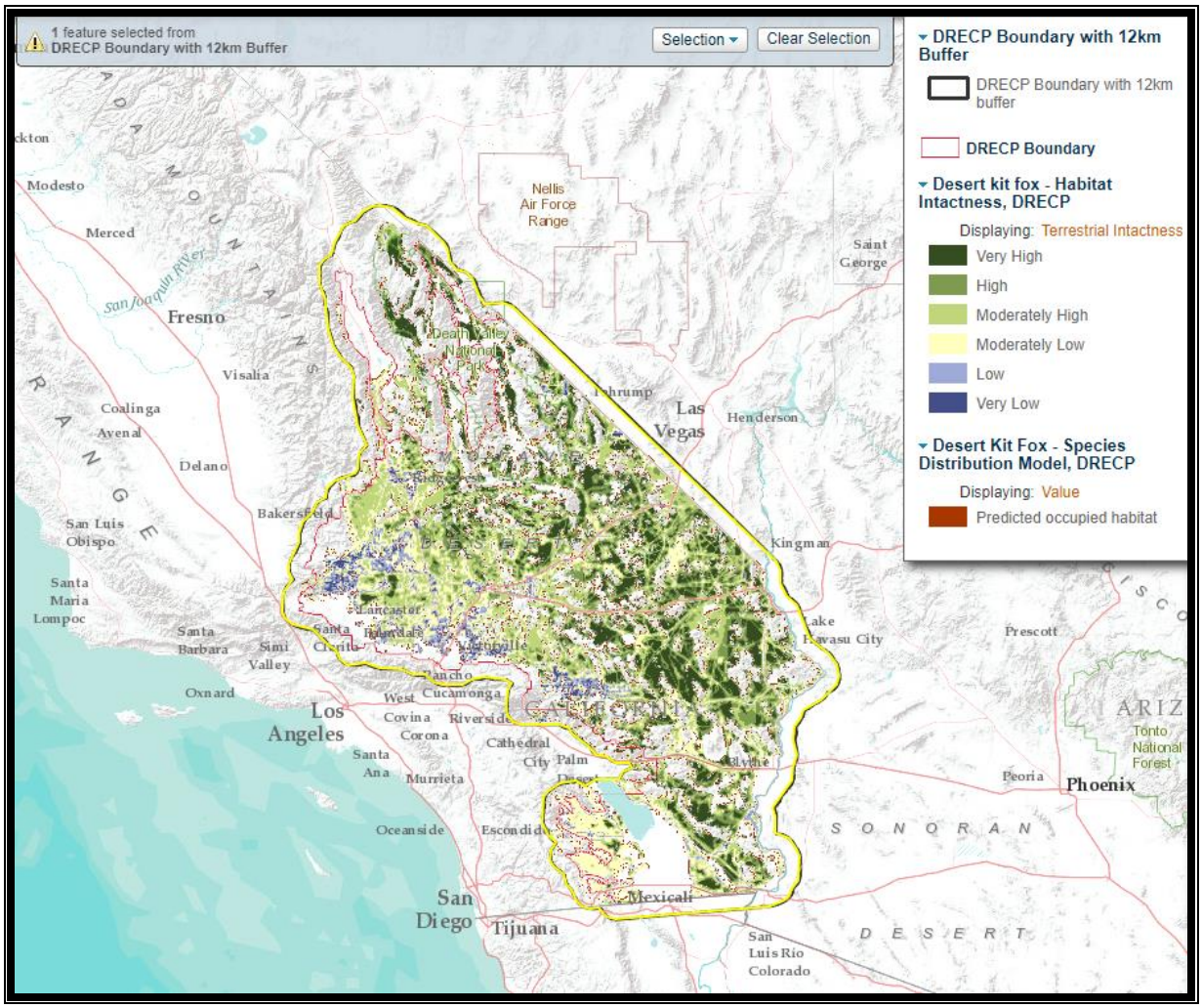
MAMMALS (Example 3)

Desert Kit Fox *(Vulpes macrotis arsipus)*: No kit fox or active/potentially active burrows were encountered on the Site and 500-foot buffer during the field survey. Also, no other signs (e.g., fur, fossorial bones, or middens) were found, which would indicate habitat or other historic or recent utilization of the Site. Desert Kit Fox have no designated status, but are protected under California Code of Regulations, Title 14, Section 460 *Protected Furbearing Animals*.

CONCLUSION, Discussion and Recommendation: No Desert Kit Fox or active/potentially active burrows or their habitat were located during site surveys and 500-foot buffer during the field survey. Also, no other signs (e.g., fur, fossorial bones, or middens) were found, which would indicate habitat or other historic or recent utilization of the Site or buffer areas. Therefore, no additional surveys are required.

Regardless, if Desert Kit Fox are observed on the Site in the future, all activities shall be stopped and USFWS and CDFW contacted to discuss potential mitigation measures.



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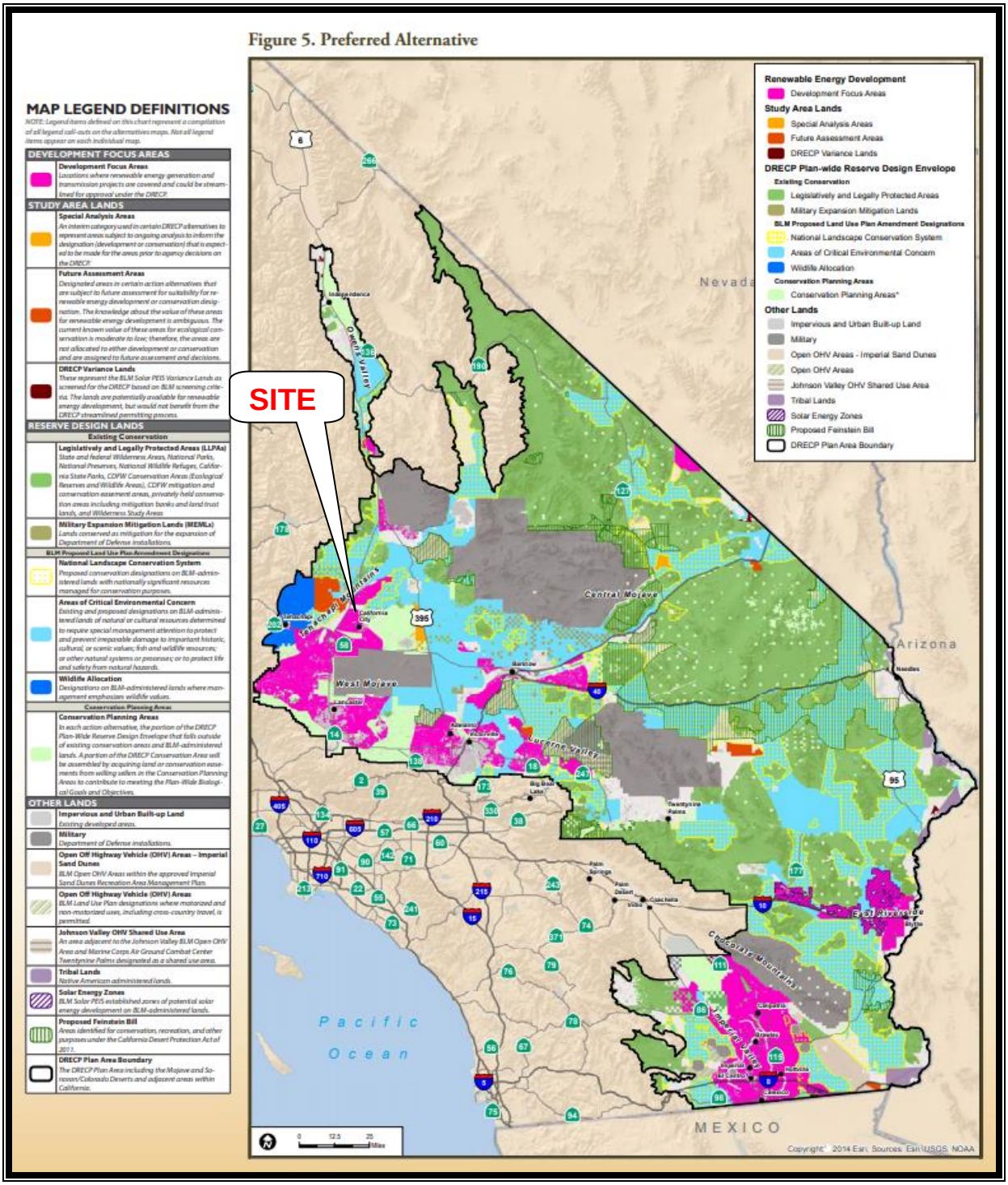
DRAFT DESERT RENEWABLE ENERGY CONSERVATION PLAN DRECP – INFO.



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BIOLOGICAL & ENVIRONMENTAL RESUME SUMMARY – RANDY COLEMAN, AICP CEP, CCIM, LS, MIRM, PE

PROFESSIONAL MEMBERSHIPS & DESIGNATIONS:

LIFE MEMBER: International Society of Arboriculture, The Wildlife Society- Western Chapter, Desert Tortoise Council, Society for the Conservation of Bighorn Sheep (SCBS), Sierra Club, NRA Patriot Life Endowment

CERTIFIED ARBORIST #WE-8024A (2007 - original and updated*2 to 12/31/2023)

- **TREE RISK ASSESSMENT QUALIFIED** (**2014** - Original SoCal group and 1st Updated 03/07/2024)

CERTIFIED WILDLIFE BIOLOGIST #43090 (2010) & Professional Development Certificate (2015 & 2020)
SCIENTIFIC COLLECTING PERMIT #11586 - (**2011** & Updated - California Department of Fish & Wildlife)

CERTIFICATES: University of California RIVERSIDE (2001-2012)

- **Botany, Desert Ecology, Field Ecology, Ornithology, Geology,** GIS, GPS, Educational Facility Planning

School Business Management: CSU San Bernardino (2000 - Dr. Arthur Townley)
Environmental Leadership Academy: CSU San Marcos (2012 - Dr. Matt Rahm)
Master Naturalist: Joshua Tree National Park Desert Institute – (8 courses with UC Riverside)

EDUCATION: Bachelor of Science Civil & Environmental Engineering: University of California IRVINE, 1980

EXPERIENCE:

Mr. Coleman is an independent Certified Arborist and owner of ALTEC Land Planning since 1990 providing comprehensive consulting for a large variety of land planning projects; acquisitions; environmental compliance, native plants and endangered/threatened species protocol surveys; monitoring, mitigation and recommendations; including for re-establishment of native and locally endemic plant species for Mojave Desert, Mojave River riparian corridor and other Mojave and Sonoran Desert micro-environments; expert witness and litigation services, bird nesting studies and clearances, and jurisdictional entitlements, governmental compliance and permitting.

These experiences and expertise have included expert witness services and native re-landscaping plans for the Mojave River riparian corridor for a 175 felony count criminal litigation by Agency District Attorney requiring approval from US Fish & Wildlife Services, Army Corp of Engineers, California Department of Fish and Wildlife, County Flood Control District, and local city agencies. Additionally, expert witness services and prepared reports and testimony for a $100,000 Fine ($1,000 per tree -100+ native trees for a City); Black Walnut, Palm and Oak Tree Reports for southern California cities, tree and landscaping post-fire valuations, wildland urban interface fire (fuel) mitigation plans, market studies, community relations and fiscal analysis; native tree and plant assessments, preservation and relocations services; diagnosis of desert tree growth and relocation issues, construction impact mitigation and monitoring; preparation of landscaping assessment district plans; landscaping and irrigations plans and associated inspections and monitoring; right-of-way services, E-220 Multi-modal High Desert freeway corridor between I-15 and I-14, expert witness services, hazardous waste, Federal Bankruptcy, Airport master planning and approvals by state agencies for runway expansion issues & hazards evaluation; Fuel Modification Reports and Mapping for planned residential developments in fire-prone chaparral at the wildland-suburban interface; prepared approved Specific Plans with landscaping recommendations and native plant selection and monitoring/bonding programs.

Mr. Coleman is also President and founded BCA Engineering Corp. in 1981 where he has been providing professional Civil Engineering, Land Planning, Land Surveying, Project/Construction Management, Design-Build and community relations for non-profits/private/public sectors and public/private/charter schools.

Mr. Coleman has consulted for USDA Rural Utilities for water systems in disadvantage communities, state agencies, San Bernardino County and cities throughout SoCal, redevelopment agencies, special and school districts, banks, FDIC/RTC, insurance companies, national & local developers, homeowners' associations, theme park, homeowners, architects, landscape architects/contractors, property managers, NGOs/non-profits, and attorneys.

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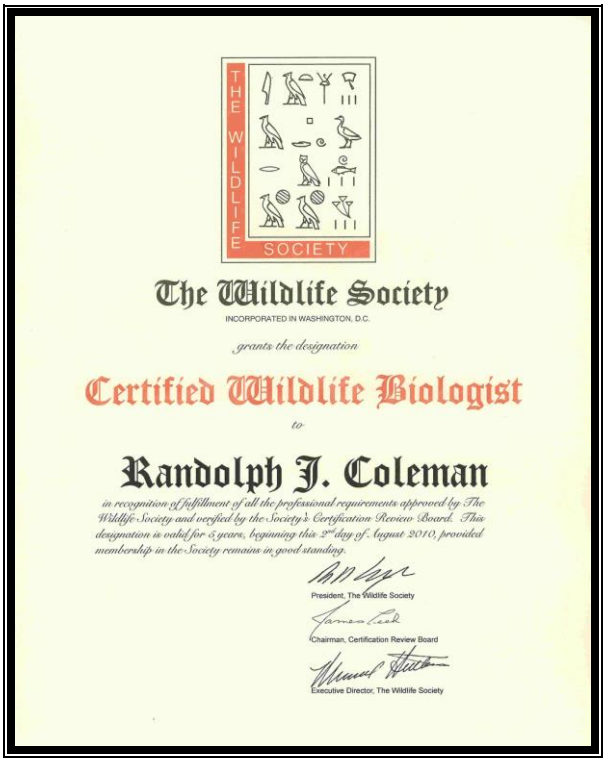

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What Does the Future Hold for the Joshua Tree?

The beloved desert denizen is feeling the heat

Usha Lee McFarling

November 2021

A starlit night at Joshua Tree National Park. Getty Images

As the legend goes, it was 19th-century Mormon settlers who gave the Joshua tree its name, inspired by the plant's bent and clubbed branches, which recall the biblical Joshua raising his arms in prayer. The etymology is apocryphal, but given the threats posed by climate change, these eccentric plants, and the California park named after them, might well need divine intervention—as well as new legal protections and conservation measures.

Ringed by mountains and covering parts of the Mojave and Colorado deserts, Joshua Tree National Park's rugged landscape features granite boulders, miles of cactus-filled flats, animals like the darkling beetle that can go a lifetime without a sip of water and the park's namesake plant in all its twisted glory.

Now completely arid, the land cradling the park once contained grasslands where mammoths and saber-toothed cats roamed; during the last ice age, giant ground sloths fed on Joshua trees, dispersing their seeds. The earliest known people in the area, the Pinto culture, were big-game hunters whose spear points have been found across today's park. Even as the area warmed and dried, it has remained home to Native peoples—the Serrano, the Mojave, the Chemehuevi and the Cahuilla—who have drawn water from lush palm oases, gathered acorns and mesquite pods for food and used the tough leaves of the Joshua tree, which the Cahuilla call *humwichawa,* to weave baskets and sandals. By the mid-1800s, Native inhabitants were partly displaced by Western cowboys, ranchers and miners, whose long-abandoned homesteads are now disappearing under the sand.

Among the park's long history of defenders, Minerva Hamilton Hoyt—a wealthy Southerner who moved from Mississippi to California in the late 1890s and grew to love the desert—is foremost. She spent two decades seeking to protect the area from cactus poachers, leading Franklin Delano Roosevelt to designate it a national monument in 1936; it became a national park in 1994. (Hoyt is celebrated in a 5,405-foot-high mountain named after her, and in *Mammillaria hamiltonhoytea*, a species of cactus.)

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Minerva Hamilton Hoyt worked with Secretary of the Interior Harold Ickes and others to protect the Joshua Tree region. National Park Service

Today, driving past teddybear cholla cacti, one glimpses jackrabbits, roadrunners and coyotes. Surprisingly, cozy campsites sit tucked amid giant monzogranite boulders that beckon rock climbers, and a short hike can bring you to a shady palm oasis perched atop an earthquake fault.

The Joshua tree, *Yucca brevifolia*, is a succulent—some botanists don't consider it a tree. There are two distinct species: one with a tall, trunklike stem, one bushier. The plant's contortions have won generations of fans. As author Jeannette Walls writes, "It's the Joshua tree's struggle that gives it its beauty."

Able to live for hundreds of years and rise more than 40 feet, the plants provide some of the park's scarce shade. A keystone species supporting the area's wildlife, Joshua trees—pollinated by a special species of moth—reproduce by bearing seeds. They offer shelter for pack rats and sharp leaves on which loggerhead shrikes impale their prey, and are a hallmark of the Mojave, which stretches across the park's western half. To the east lies the Colorado Desert, a land of creosote, kangaroo rats and wildflowers that bloom after winter rains.

In August 2020, a 43,000-acre fire killed more than a million Joshua trees in the nearby Mojave National Preserve. Though the plants have existed for some 2.5 million years, ecologists warn that they could be nearly eliminated in the park that bears their name by 2100 unless global warming is curbed soon.

Already, botanists are seeing fewer juvenile Joshua trees, which need moister ground to survive. They've also seen "fairy rings"—circles of baby Joshua trees that sprouted not through pollination but as clones, unable to disperse; the plants' unique pollinators, yucca moths, face an uncertain future as the climate warms. One conservationist calls the Joshua tree "a symbol of our utter failure as a society to address climate change." The plant's loss could mean the collapse of the Mojave's high-desert ecosystem.

Nearly three million people visit the park each year, and entering vehicles back up for miles on busy days. With limited spots for camping and parking, many visitors flout regulations and camp or park on delicate lands. During a 35-day government budget shutdown in 2018 and 2019, vandals cut down Joshua trees and carved new roads through protected areas.

Meanwhile, smog from Los Angeles flows east through the San Gorgonio Pass, bringing ozone and soot. Nitrogen borne by smog fertilizes invasive grasses, which fuel wildfires that kill Joshua trees.

Last year, California began debating whether the Joshua tree should become the state's first plant protected by law because of climate change. Conservationists continue to remove invasive grasses, to bank seeds and to grow seedlings to replace Joshua trees lost in fires or windstorms. They're also buying land so that Joshua trees can expand into cooler, higher pockets. The 19th-century explorer John Frémont may have called the plant "the most repulsive tree in the vegetable kingdom," but those who love these gnarled treasures aren't giving up on them, or on the park they call home.

To the Rescue

Working to preserve the unique life-forms and ancient heritage of the Joshua tree's habitat

By Rebecca Worby

Mojave Desert Land Trust Seed Bank

*(Mojave Desert Land Trust)*Since 2016, this organization has collected seeds and spores from more than 500 Mojave Desert species to provide an insurance policy against the plants' extinction. Specimens are harvested, cleaned, documented, and stored in refrigerators. The group has already deployed seeds from the depository in restoration projects, including in places where wildfires have destroyed wide swaths of vegetation.

Native American Land Conservancy

*(Native American Land Conservancy)*This group works to protect and restore sacred sites within the ancestral territories of the Cahuilla, Chemehuevi, Mojave and Serrano peoples of Southern California. Recently the conservancy acquired a petroglyph-filled area at the northwestern edge of the park that has been continuously occupied by Indigenous peoples for thousands of years.

The Joshua Tree Genome Project

*(The Joshua Tree Genome Project)*As climate change threatens to eliminate the Joshua tree, these scientists are working to sequence the plant's genome. With help from citizen scientists and local conservation organizations, the project has also planted thousands of Joshua trees at four different sites that represent the climatic range spanning the Mojave. By monitoring these plants, scientists hope to pinpoint the genes that help seedlings survive.

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Joshua tree one step closer to federal Endangered Species Act listing

We issued this *press release* at WildEarth Guardians today. September 22, 2021, by Matthew Koehler Los Angeles, CA

WildEarth Guardians scores groundbreaking legal win for the Joshua tree - Court rules that the federal government cannot ignore impact of climate change on iconic—and imperiled—Joshua trees

A federal district court in Los Angeles has ruled that the U.S. Fish and Wildlife Service (the "Service") violated the law when they failed to list the imperiled Joshua tree under the Endangered Species Act ("ESA").
The Service disregarded overwhelming scientific evidence showing that climate change poses a major threat to the Joshua tree's survival when the agency denied listing the species as threatened under the Act. The decision stems from a 2019 lawsuit filed by WildEarth Guardians, challenging the Service's decision that the desert icon did not warrant federal protection, despite all the available scientific evidence pointing to the same conclusion: Joshua trees will be in danger of extinction throughout most of their current range by century's end from climate change driven habitat loss, invasive grass fueled wildfire, and other stressors.

"The Court's decision represents a monumental step forward for the Joshua tree, but also for all climate-imperiled species whose fate relies upon the Service following the law and evaluating the best scientific data available with respect to forecasting future climate change impacts," said Jennifer Schwartz, staff attorney for WildEarth Guardians and lead attorney on the case. "The Court's unequivocal holding—that the Service cannot summarily dismiss scientific evidence that runs counter to its conclusions—will force the federal government to confront the reality of climate change and begin focusing on how to help species adapt."
WildEarth Guardians first filed a petition to list the Joshua tree as "threatened" under the ESA in 2015 and the Service found the listing "not warranted" in August 2019. Under the Trump administration, the Service ignored every available peer-reviewed study to model future climate impacts to Joshua tree—all of which agree that the vast majority (roughly 90%) of the species' current range will be rendered unsuitable by the end of the 21st century. The Court lambasted the Service's decision in the ruling stating that "[i]n concluding that climate change will not affect Joshua trees at a population- or species level, the Service relies on speculation and unsupported assumptions."

Notably, while the decision was issued by the Service under the Trump administration, the Service refused to budge from its indefensible position—or even consider taking a fresh look at the finding—even under the Biden administration. In addition to the litigation, Guardians filed emergency petitions to protect two species of Joshua tree in May 2021, following the release of even more conclusive climate change findings and the large Cima Dome fire that swept through the Mojave National Preserve and killed an estimated 1.3 million Joshua trees. But the Service has failed to respond to the renewed petitions.
"While we are grateful to the Court for this positive decision, we are very disappointed that the Biden administration failed at several junctures to do what's right by these iconic Joshua trees," said Lindsay Larris, wildlife program director for WildEarth Guardians. "The time and money the federal government spent defending a decision that the Court could clearly see was wrong—instead of using these funds to conserve species and determine how to mitigate massive biodiversity loss from climate change—is tragic and, unfortunately, telling. We need this administration to take swift action to protect species and habitat, not just deliver nice messages about the importance of fighting climate change while defending the damaging actions of the prior administration."
The Court order now directs the Service to reconsider its decision, taking into account the best available science, including climate change models, in issuing a new decision for the Joshua tree. Pursuant to the ESA, this decision is required to be issued within the next 12 months, though the Service will now have 60 days to decide whether or not to appeal the decision.
"For the sake of the Joshua tree and the overwhelming majority of the public who believe in conservation, science, and protection of species and habitat, we are optimistic that the Service will use this opportunity to quickly issue a decision to protect the Joshua tree," said Schwartz. "Our climate-imperiled species—plants and animals alike—do not have time for political gamesmanship that questions unambiguous science. Now is the time for action to preserve what we can of the natural world before it is too late."

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Couple fined $18,000 for bulldozing dozens of Joshua trees to make way for home.

June 28, 2021

Los Angeles Times


An image provided by the California Dept. of Fish and Wildlife shows some of the bulldozed Joshua trees. (California Dept. of Fish and Wildlife)

A couple who bulldozed and buried 36 Joshua Trees to make way for a home were recently fined $18,000 — a punishment authorities hope will deter others from destroying the iconic trees.

"I would hope that the person that would otherwise take, remove, bulldoze a Joshua tree would understand that they are facing fairly significant criminal liability for doing so," said Douglas Poston, supervising deputy district attorney with the San Bernardino County district attorney's office.

An investigation into the destruction began Feb. 11, when a Morongo Basin resident saw his neighbors using a tractor to mow down dozens of the twisted, bristled trees and reported it to the California Department of Fish and Wildlife through a tip line, wildlife officials said.

Not long before, the neighbor — who was not identified — noticed the trees were marked for removal and warned Jeffrey Walter and Jonetta Nordberg-Walter not to take them out.

The western Joshua tree is a candidate for protection under the California Endangered Species Act. It is illegal to cut down, damage or remove the sensitive desert tree without a permit while they are under review for more lasting protection.

According to Poston, the couple believed that small trees, under a certain diameter, could legally be removed. The two own the land where the trees were and planned to build a home on the lot.

"But that's not accurate, obviously," he said. "It doesn't matter if it's a foot tall or 20 feet tall, it's under that protection."

By the time a state wildlife officer arrived at the scene, three dozen Joshua trees were buried in a "giant hole" that was freshly covered over, according to Patrick Foy, a captain with the state Department of Fish and Wildlife's law enforcement division.

Ultimately, the owner-developer couple rehired the backhoe operator who had buried the trees to dig them back up.

The county district attorney's office filed 36 misdemeanor charges against Walter and Nordberg-Walter, one for each destroyed tree. Each charge carried a fine up to $4,100 and/or six months in jail. On Tuesday, a judge placed the couple in a diversion program. As part of their agreement, each agreed to pay $9,000 in fines.

A portion of the overall fine has been paid, and the Walter family can earn credit toward it by completing volunteer work for Joshua Tree National Park or the Mojave Desert Land Trust, according to a news release.

Poston said he sees a few cases a year involving threatened or endanger species, "but usually it's wildlife." This is the first case he has prosecuted involving Joshua trees. The flora has enjoyed legal protection for nearly a year.

In September, the California Fish and Game Commission granted the trees temporary endangered species status after environmentalists petitioned for its protection. Supporters say the species faces the threat of extinction amid climate change, wildfires and habitat destruction from urban sprawl.

A yearlong review process is underway, and a final decision by the commission is expected this year.

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Incidental Take Permit (ITP) Information

March 11, 2021

Candidacy

Western Joshua tree became a candidate species under the California Endangered Species Act (CESA) on October 9, 2020. As a candidate species, western Joshua tree has full protection under CESA and any take of the species, including removal or relocation of western Joshua tree or similar actions, require authorization under CESA. In addition, the exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act do not apply to western Joshua tree in any manner.

Take

Any activity that results in the removal or relocation of a western Joshua tree, or any part thereof, or impacts the seedbank surrounding one or more western Joshua trees may result in "take" of the species which is prohibited by State law unless otherwise authorized. Therefore, the California Department of Fish and Wildlife (CDFW) recommends that CESA authorization be obtained from CDFW prior to such impact. For projects where "take" is incidental to carrying out an otherwise lawful activity, an Incidental Take Permit (ITP) may be obtained from CDFW.

I do not have western Joshua tree or will not impact western Joshua tree; I need to inform my (town/city/county) that no permit is required from CDFW.

It is the obligation of project proponent to ensure that "take" of western Joshua tree does not occur or to obtain appropriate CESA authorization. CDFW does not provide written determinations that a permit is not required.

Permitting/Mitigation Process

Details of the application process and requirements to obtain a California Endangered Species Act (CESA) ITP from CDFW are described here: https://wildlife.ca.gov/Conservation/CESA/Permitting. As a brief summary, the ITP process requires preparation of an application and payment of fees. The application requires several elements described in regulation including analysis of project impacts, mitigation measures, funding, and other elements. Preparation of an application and related mitigation often requires biological studies and professional consultation services. Mitigation will vary from project to project but could include project revisions to reduce or minimize impacts on-site, and compensatory off-site mitigation to acquire, conserve, and manage western Joshua trees and their associated habitat. Before CDFW may issue an ITP, compliance with the California Environmental Quality Act is required.

What is the timeline to obtain a permit (ITP)?

The timelines to obtain an incidental take permit (ITP) are described in California Code of Regulations Title 14 (14 CCR) Section 783.5 titled "Incidental Take Permit Process". The regulatory timelines provide 30 days for the California Department of Fish and Wildlife (CDFW) to review an application for completeness. Once an application is deemed complete by CDFW, regulations provide an additional 90 days to 150 days to issue an ITP. In practice, the timeline for obtaining an ITP can range anywhere from 4-6 months or longer. CDFW must comply with the California Environmental Quality Act (CEQA) when issuing an ITP. The CEQA process has timelines separate from those for issuance of an ITP.

Thank you, Julia Karo, *Environmental Scientist* - Inland Deserts Region - Julia.Karo@wildlife.ca.gov

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Court Upholds Protection for California's Western Joshua Trees

Judge Rejects Effort to Strip State Endangered Species Act Safeguards

February 22, 2021 – Brendan Cummings (951) 768-8301; bcummings@biologicaldiversity.org

FRESNO,*CA*.- A Fresno County Superior Court judge has rejected an effort by construction & real estate interests, along with the city of Hesperia, to strip away legal protections that currently apply to the imperiled western Joshua tree. "This is a critical victory for these beautiful trees and their fragile desert ecosystem," said Brendan Cummings, the Center for Biological Diversity's conservation director, and a Joshua Tree resident. "If Joshua trees are to survive the inhospitable climate, we're giving them, the most important thing we must do is protect their habitat, and this decision ensures recent protections will remain in place."

On Sept. 22, 2020, the California Fish and Game Commission unanimously voted to grant western Joshua trees candidate status under the California Endangered Species Act, giving them legal protection during a yearlong review to determine whether the species should be formally protected. The commission's protection decision came in response to a petition from the Center. On October 21, 2020, a coalition of interests opposed to protection of the Joshua tree filed a lawsuit in Fresno County Superior Court seeking to overturn the commission's decision and moved to set aside the tree's candidate status. In her ruling last week rejecting the stay request, Judge Kristi Culver Kapetan found that "it is clear to the court that a stay would be against the public interest."

In rejecting arguments that threats to the species are not immediate, the court found "that the Joshua tree is under a real, significant and immediate threat from development, fire, drought, and climate change."

The growing popularity of Joshua Tree National Park has spurred a building boom in Joshua Tree and adjacent communities, resulting in the widespread cutting down of the namesake trees to make way for vacation rentals and second homes. Recent state protection makes killing Joshua trees illegal absent special permits. Among the entities seeking to overturn state protection of western Joshua trees is the High Desert Association of Realtors.

"It's a sad irony that the very real estate agents marketing the iconic beauty of Joshua trees are also leading the charge to kill them," said Cummings. "Fortunately, their misguided and selfish lawsuit was not successful."

The Fish and Game Commission is scheduled to make a final decision on listing the western Joshua tree as a threatened species by the end of the year. If the species wins permanent protection, state and local agencies will have to manage threats to them, including developing a recovery plan outlining a strategy to protect the species in the face of climate change and other threats.

Background

While the direct killing of western Joshua trees by developers is the most visible threat, climate change and fire are also pushing the species towards extinction. Recent studies show Joshua trees are dying off because of hotter, drier conditions, with very few younger trees becoming established. Even greater changes are projected over the coming decades. Scientists in 2019 projected that the Joshua tree will be largely gone from its namesake national park by the end of the century.

Prolonged droughts are projected to be more frequent and intense over the coming decades, shrinking the species' range and leading to more tree deaths. Higher elevations, where Joshua trees might survive increasing temperatures and drying conditions, are at risk of fire due to invasive non-native grasses.

Approximately 40% of the western Joshua tree's range in California is on private land, with only a tiny fraction protected from development. Current projections show that virtually all this habitat will be lost without stronger legal protections for the trees.

Joshua trees comprise two distinct species, the western Joshua tree (*Yucca brevifolia*) and eastern Joshua tree (*Y. jaegeriana*). The two species occupy different areas of the desert, are genetically and morphologically distinguishable, and have different pollinating moths. Only the western species is currently protected under the California Endangered Species Act.

"Before state protections went into effect, developers were bulldozing Joshua trees by the thousands to build roads, powerlines, strip malls and vacation rentals," said Cummings. "If these beautiful plants are to have any hope of surviving in a warming world, we have to stop killing them. The California Endangered Species Act may be the only hope for saving these iconic symbols of the Mojave Desert."

The lawsuit was filed by the California Construction and Industrial Materials Association, California Business Properties Association, California Cattlemen's Association, California Farm Bureau Federation, California Manufacturers and Technology Association, High Desert Association of Realtors, and the city of Hesperia. The Center and the solar company Terra-Gen separately intervened in the lawsuit to defend the commission's decision.

The case is California Business Properties Association v. California Fish and Game Commission, Case # 20CECG03125

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California Commission OKs Petition Protecting Joshua Trees Under State's Endangered Species Act

Iconic Desert Plant Legally Protected During Yearlong Review - by **Center for Biological Diversity** September 23, 2020.

SACRAMENTO, Calif. September 22, 2020— The California Fish and Game Commission agreed today to accept a petition protecting western Joshua trees under the state's Endangered Species Act, granting legal protection to the iconic trees for at least a year. Joshua trees are threatened by climate change, fire and habitat destruction from urban sprawl and other development in their Mojave Desert home.

"This is a huge victory for these beautiful trees and their fragile desert ecosystem," said Brendan Cummings, the Center for Biological Diversity's conservation director, and a Joshua Tree resident. "If Joshua trees are to survive the inhospitable climate, we are giving them, the first and most important thing we can do is protect their habitat. This decision will do that across most of their range." Today's vote grants Joshua trees candidate status under the California Endangered Species Act, giving them legal protection during a yearlong review to determine whether the species should be formally protected under the state law.

The vote affirms the California Department of Fish and Wildlife's April recommendation, which came in response to a petition from the Center.

Commissioners also agreed to give developers of 15 shovel-ready industrial solar projects in Kern and San Bernardino counties so-called "take authorization," allowing them to kill Joshua trees. In exchange the developers must pay into a state fund that will be used to purchase and permanently preserve Joshua tree habitat. This exemption applies only during the review period and requires developers to pay approximately $10,000 an acre, based on a ratio of 1.5 acres for every acre of occupied habitat that is destroyed. "This summer's raging wildfires, heatwaves and hurricanes confirm our dire climate crisis and the need to urgently achieve 100% renewable energy," said Cummings. "But the best places to put solar panels are on rooftops, parking lots and degraded farmland, not pristine desert habitats. We disagree that these exemptions are needed, but we understand the commission's decision."

Recent studies show Joshua trees are dying off because of hotter, drier conditions, with very few younger trees becoming established. Even greater changes are projected over the coming decades. Earlier this year scientists projected that the Joshua tree will be largely gone from its namesake national park by the end of the century.

Last year the U.S. Fish and Wildlife Service denied federal protection to the species. "Joshua trees face extinction in the wild and there's not much time left to save them. Human-caused climate change is making matters worse," said Cummings. "It's critical that the state stood up for these spectacular trees, because the federal government, local officials and for-profit corporations are facilitating their destruction."

Climate change could wipe out western Joshua trees, which already are failing to reproduce at drier, lower elevations. Prolonged droughts are projected to be more frequent and intense over the coming decades, shrinking the species' range and leading to more tree deaths. Higher elevations, where Joshua trees might survive increasing temperatures and drying conditions, are at risk of fire due to invasive grass and plant species.Habitat loss and degradation are also major threats. Outside of Joshua Tree National Park, off-road vehicle use, cattle grazing, powerlines and pipelines and large-scale energy projects are destroying habitat. Approximately 40% of the western Joshua tree's range in California is on private land, with only a tiny fraction protected from development. Current projections show that virtually all of this habitat will be lost without stronger legal protections for the trees.

"Developers are bulldozing Joshua trees every day to build roads, powerlines, strip malls and vacation rentals," said Cummings. "If these beautiful plants are to have any hope of surviving in a warming world, we have to stop killing them. The California Endangered Species Act may be the only hope for saving these iconic symbols of the Mojave Desert."

The Joshua tree has recently been recognized as composed of two distinct species, the western Joshua tree (*Yucca brevifolia*) and the eastern Joshua tree (*Y. Jaegeriana*). The two species occupy different areas of the desert, are genetically and morphologically distinguishable, and have different pollinating moths.

Today's vote addresses the western species. The western Joshua tree has a boomerang-shaped range stretching from Joshua Tree National Park westward along the northern slopes of the San Bernardino and San Gabriel Mountains, through the Antelope Valley, northward along the eastern flanks of the southern Sierra Nevada and eastward to the edges of Death Valley National Park and into Nevada. The eastern Joshua tree's range in California is centered in the Mojave National Preserve and extends east into Nevada, Arizona, and Utah.

If Joshua trees win protection under California's Endangered Species Act, state and local agencies will have to manage threats to them, including developing a recovery plan outlining a strategy to protect the species in the face of climate change.

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Mojave Desert fire in August destroyed the heart of a beloved Joshua tree forest

September 6, 2020, BETTINA BOXALL -LOS ANGELES TIMES

J.T. Sohr, fire engine captain in the Mojave National Preserve, walks in the charred Cima Dome Joshua tree forest.

The first day of California's lightning siege, thunderstorms rolled across the Mojave National Preserve, slicing the afternoon sky with dry strikes. Smoke rose from the top of Cima Dome, marking the start of a wildfire that would ravage the heart of one of the world's largest Joshua tree forests. A drive down Cima Road that only weeks ago was a trip through a magical landscape is now a tour of the world's biggest Joshua tree graveyard. Most of the charred trees are still standing. In the evening light, their leaves, bleached with scorch, take on an eerie beauty. But they are doomed, and the 43,273 acres of the Dome fire are forever transformed.

"That stand with that many big trees were developing for thousands of years, said Todd Esque, a U.S. Geological Survey research ecologist who has studied the forest. "We won't replace that. The Aug. 15 Dome fire was not a surprise. In 2005, roughly 1 million acres of the Mojave burned, including part of the preserve to the southeast of Cima Dome. "We were expecting this to happen. We've been talking about this for years, said Debra Hughson, the preserve's science, and resource chief.

Fire has emerged as the top threat to the Mojave in recent decades. The relentless spread of invasive grasses across the desert is making it more flammable, increasing the number and size of wildfires in ecosystems that rarely burned and are ill-adapted to survive flames. When preserve fire captain J.T. Sohr and a handful of engine crews reached the source of smoke rising above Cima Dome that Saturday afternoon, winds were pushing the roughly 70-acre blaze in all directions. The temperature was in the mid-90s — hot for the dome's 5,000-foot elevation. Relative humidity was in the mid-teens. The summer monsoon season, which normally delivers about half the area's rainfall, had been a bust. Vegetation was dry.

The fire chewed into wilderness areas that firefighters couldn't reach. A little more help arrived Saturday evening. But with lightning fires erupting all over California, Sohr's initial requests for additional support went unfilled. He pulled back the small band of 16 firefighters and they bedded down for the night. By noon the next day, the fire had ballooned to 15,000 acres. Winds gusting to 20 mph continued to drive flames through Joshua trees and an understory of native shrubs and grass peppered with red brome, an ubiquitous invader.

On Sunday, a team of six smoke jumpers arrived from Redding, along with a helicopter, more engines and a couple of air tankers. The fire began to peter out on the third day, when winds died down and the flames hit rocky areas. On Aug. 20, half an inch of rain fell on the burn. The 68-square-mile fire was contained on Aug. 24.

An old adobe bunkhouse at Valley View Ranch burned when the Dome fire swept through part of the Mojave National Preserve. The fire burned more than 1.3 million Joshua trees, an old adobe bunkhouse at Valley View Ranch and a historic ranch house and outbuildings at Kessler Springs Ranch. "It could have been a lot worse, said preserve superintendent Mike Gauthier, noting that vast expanses of the Joshua tree woodland were untouched.

Preserve botanist Drew Kaiser estimated that about a quarter of the sprawling Cima Dome Joshua tree forest — which extends beyond the preserve boundaries north of Interstate 15 — was destroyed. But that quarter is a place that some desert lovers call one of their favorite spots on the planet. "I lost the center of my world last week. I'm feeling a kind of vertigo of the soul, Chris Clarke of the National Parks Conservation Assn. wrote in a blog post in the fire's aftermath.

COLEMAN OBSERVATION: Annual rainfall is highly-variable, and this 2011/22 season (October thru April) is higher than normal at this point in the season, but this can mean little like previous years where a statistically high precipitation in October 2019 was then followed by very minimal rainfall for the remainder of the season, therefor overall was considered a drought year.

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'Fires of hell': How dry lightning has sparked some of California's biggest infernos Aug. 23, 2020

He recounted how he had camped on the dome for more than two decades, shedding the stress of urban life and personal problems while stars paraded across the desert sky. "There's something about that landscape that taps into something really primal with people, Esque said. "I get a rush when I see it. It will be "a little bit scary, he added, to see the fire's devastation firsthand when he checks his research plots. Although the Cima Dome Forest is known as the world's largest Joshua tree woodland, Esque and another researcher have documented a bigger stand and a thicker one elsewhere in the Mojave.

The dome forest nonetheless stands out for its size and a density that preserve scientists suspect may not be wholly natural. "This dense Joshua tree forest might actually be an artifact of cattle grazing, Hughson said. She cites two photographs that were taken in the same spot. There are no Joshua trees in the first one, from the early 1900s. There are many in the 2000 photo. Debra Hughson, science chief of the Mojave National Preserve, talks about the ecological effects of the Dome fire.

Cattle grazing, which started in the area in the late 1800s and continued until after the preserve was established by the 1994 California Desert Protection Act, left a lasting mark on the desert.

Hooves disturbed the soil. What the animals liked or didn't like to eat changed the vegetation. Seeds of alien annual grasses that were deliberately and accidentally introduced by settlers hitched rides on cattle who carried them across the range. On the dome, cattle munched on native perennial bunch grasses but left native blackbrush, one of the desert's most flammable plants, alone. Blackbrush also acts as an important nursery plant for Joshua tree seeds by shading them and hiding them from hungry rodents.

In that way, preserve scientists theorize that cattle grazing helped create the dome's unusually thick Joshua tree stands — but also set the stage for last month's conflagration. Hughson and Kaiser don't have early accounts to prove it, but they believe that grazing changed the dome from a more open savanna of native grasses studded with big old Joshua trees to a dense Joshua woodland that was undergrown by a mixture of native shrubs, bunch grasses and invasive red brome. "The fire would not have burned so hot had it not been overgrazed and didn't have an increased fuel load, Kaiser said. A less intense fire would have been less disastrous. As it is, of the estimated 1.33 million burned Joshua trees, Kaiser says fewer than 200,000 are topped by green leaves and have any chance of survival.

"The Joshua tree forest was not sustainable, Hughson said. Now, she added," what we are afraid of and want to avoid is seeing the charred desert floor turn into a permanent carpet of red brome that fuels more and more fire. Drew Kaiser checks for red brome, an invasive grass, in an unburned portion of the Joshua tree forest. Kaiser stood among piles of ash — all that was left of incinerated Joshua trees and yuccas in an area where the blaze was especially hot, consuming the vegetation and even the root systems of native grasses and shrubs. "This is the area I'm most concerned about, he said. But he spied a little patch of hope: a small, unburned spot with cholla, blackbrush and Mormon tea.

It was a place where the preserve could plant a few baby Joshua trees and hope they survived long enough to produce seeds that rodents would cache, slowly seeding the surrounding area. Recovery plans will focus on doing small Joshua tree plantings in selected areas and keeping the red brome from running wild, Kaiser said. "I know there has been a lot of heartbreak and distress and people want it to come back. But we don't create artificial gardens, he said. "We restore the ecological processes that drive the native vegetation

A Joshua tree sprouts in an area that burned in the 2005 Hackberry Complex fire. Regardless, Joshua tree restoration efforts are very much in the experimental stages and have yet to succeed on a large scale. Seeds blow away in the wind or get eaten by rodents. Plantings have to be watered for the first couple of years and caged to protect them from nibbling rabbits. A few years of drought can kill youngsters. "The environmental conditions that have to line up for a Joshua tree to make it are somewhat remarkable, Esque said. Fortunately, the vast majority of the Dome burn was of moderate severity, leaving the root systems of many native shrubs and grasses intact. With some luck, Kaiser said, next year nature will launch its own recovery as big galleta, black grama and other native perennial grasses start poking through the ashen ground. Resprouting banana yucca, paper bag bush, California buckwheat and other natives will follow, keeping the red brome in check. Wood rats and mice will spread Joshua tree seeds from unburned patches. But more fire and drought could abort that rebirth. Meanwhile, global warming is shrinking the range of Joshua trees and accentuating the swings between wet years that produce bumper crops of grassy invaders and drought that stresses the natives. "Where is this going and what is the new state we can expect to be in? Hughson wondered. Still, she said, "we're not going to give up. The Dome fire, one of hundreds of wildfires that erupted during California's lightning siege, scorched 43,000 acres in the Mojave National Preserve.

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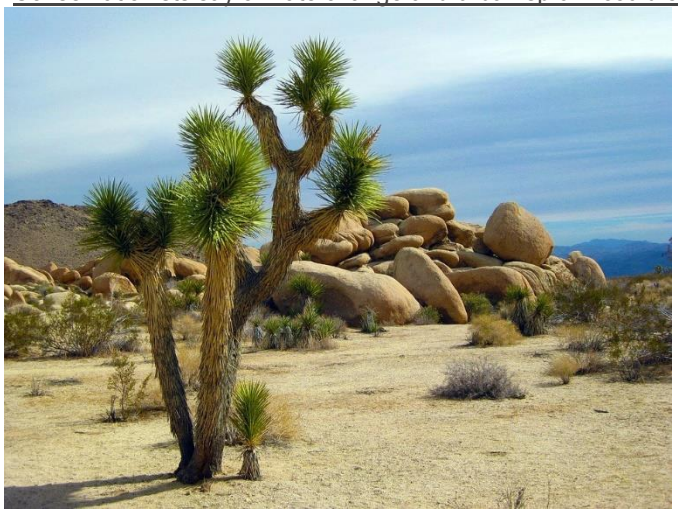
California Looks at Protections for Iconic Joshua Tree

April 13, 2020 NATHAN SOLIS

Conservationists say climate change and urban sprawl could erase the Joshua tree from California's deserts by the end of the century.



The iconic Joshua tree in California's Mojave Desert.

(CN) — The Joshua trees of the Mojave Desert may get a lifeline from California following the Trump administration's refusal to give them federal endangered species protection last year.

The emblematic species of the West face threats from urban sprawl on undeveloped wilderness and the unrelenting effects of climate change. Researchers estimate with more frequent drought and wildfires in California, most or all of the Joshua trees in the Golden State could be gone in the next 80 years.

This past October, the Center for Biological Diversity petitioned California Fish and Game Commission to list the Joshua tree as threatened, which would require state and local agencies to mitigate harm to the species' habitat and slow down the destruction of undeveloped land.

On Monday, the California Department of Fish and Wildlife wrote in summary memo there is "sufficient scientific information available to indicate that the petitioned action may be warranted and recommends that the petition be accepted and considered.

In its 39-page report, the California Department of Fish and Wildlife writes that the petitioners provide enough evidence on the western Joshua tree (Yucca brevifolia) that "identifies predation, invasive species, wildfires, climate change, and habitat loss to human development as the factors affecting the ability of western Joshua tree to survive and reproduce, stating that these factors are often related, synergistic, and collectively threaten the continued viability of the species.

Drought will likely lead to higher deaths of Joshua trees along with invasive grass species which will lead to more frequent fires according to the report's findings.

Later this summer, the state's Fish and Game Commission could take up the petition and determine if they will accept Fish and Wildlife's recommendation to consider the western species of the Joshua tree as a candidate for protection under California's Endangered Species Act.

We are elated that Joshua trees are a step closer to protection," said Brendan Cummings, the center's conservation director and a Joshua Tree resident. "These beautiful trees face huge threats that could drive them extinct in the wild. We urge the state to finalize these protections quickly so Joshua trees can survive and thrive in California for generations to come.

According to the Center for Biological Diversity, approximately 40% of the Joshua tree range in California is located on private land. Joshua Tree National Park spans an area larger than the state of Rhode Island across portions the Mojave and Colorado deserts.

The Joshua tree was identified as one species until recently, when botanists determined there are two distinct species. The petition seeks to address the species in the national park westward toward the northern slopes of the San Bernardino and San Gabriel mountains, through the Antelope Valley, north toward the southern Sierra Nevada and east to the edges of Death Valley National Park and into Nevada.

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Drought hastens decline of the Joshua tree, California's desert symbol

JUNE 6, 2015The setting sun silhouettes a dried-up Joshua tree. The trees grow only in the Mojave Desert and have become mainstays for movies, fashion shoots, advertising campaigns and more.

By LOUIS SAHAGUN

The current drought has hastened the decline of the Joshua tree, regarded as the symbol of California deserts If drought conditions continue, modeling suggests Joshua trees will lose 90% of range in 800,000-acre park.

]\Wildlife officials are trying to assess effects of climate change on Joshua trees and the species they harbor Under canopies of dead angular branches and drooping fronds, UC Riverside ecologist Cameron Barrows made his way across a forest of skeletal Joshua trees that have not reproduced in decades.

As Barrows explained, it's a tough time to be a Joshua tree. Climate change is taking an enormous toll, and the current drought has hastened the decline of a species that is regarded as the symbol of California deserts. "For Joshua trees, hotter, drier conditions are a problem — but a bigger problem is that what little rainfall occurs evaporates faster," Barrows said. "So, seedlings shrivel up and die before they can put down strong roots."

UC Riverside ecologist Cameron Barrows inspects a drought-stricken Joshua tree. He and others are trying to assess the effects of drought and climate change on the trees, which are regarded as the symbol of California's deserts.

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The region, including nearby Joshua Tree National Park, has not reached average precipitation rates of about 4 inches in several years. So far this year, it's gotten 1.71 inches of rain.

If warmer, drier conditions continue in the coming decades, scientific modeling suggests the trees will lose 90% of their current range in the 800,000-acre park by the end of the century.

With funding from federal wildlife officials, Barrows is trying to find ways to assess the effects of climate change on Joshua trees and the many species they shelter: yucca moths, skipper butterflies, termites, ants, desert night lizards, kangaroo rats and 20 species of birds including Scott's orioles, ladder-backed woodpeckers and great horned owls.

There is more at stake than the fate of the park's estimated 2.5 million Joshua trees, said biologist Rebecca R. Hernandez, a post-doctoral fellow at UC Berkeley. "Beyond its importance as a critical refuge for desert species, the Joshua tree is a cultural signature of California's desert landscape," Hernandez said.

Joshua trees, which grow in the Mojave Desert and nowhere else, have become mainstays for movies, fashion shoots, advertising campaigns and wedding ceremonies. The one that adorned the cover of U2's 1987 album "The Joshua Tree" became a pilgrimage site for fans from around the world until it was blown over by strong winds in 2000.

The species scientists know as *Yucca brevifolia* isn't actually a tree; it's a succulent. Joshua trees grow to 40 feet high, live more than 200 years and bloom sporadically. In 2013, extensive stands were festooned with yellow and white bell-shaped blossoms that drew tourists eager to take in the scenery before the bloom wilted in the harsh desert sun.

Since they grow for about 200 years, we won't see massive die-offs in our lifetime. But we will see less recruitment of new trees.- David Smith, superintendent of Joshua Tree National Park

They were named for the biblical figure Joshua by members of a band of Mormons traveling through the Cajon Pass back to Utah in 1857. They imagined the trees as shaggy prophets, their outstretched limbs pointing the way to their promised land.

During the 1980s, development in desert boom towns such as Lancaster and Palmdale replaced about 200,000 Joshua trees with housing tracts and shopping centers. Many more were removed over the last decade to make way for renewable energy facilities.

In the 1990s, moist El Niño conditions triggered explosive growth of exotic grasses among the trees. Feeding off nitrogen-laden smog wafting in from Los Angeles, the grasses have established themselves, leaving Joshua tree forests vulnerable to large-scale brush fires such as one that charred 14,000 acres in 1999.

Now, the biggest threat is climate change, which most of the trees may not be able to overcome. The globe's average temperature is expected to rise roughly by an additional 5 degrees to 7 degrees Fahrenheit by the end of the century, scientists say.

Computer models depicting the distribution of suitable habitat after a roughly 5-degree Fahrenheit rise show Joshua trees retaining just 2% to 10% of their current range, according to studies led by Barrows and published in the scientific journal Biological Conservation.

In a collaborative effort launched this year, the park, the U.S. Fish and Wildlife Service and a research team led by Barrows organized the first long-term project designed to monitor the Joshua trees' responses to climate change and drought.

The data, collected with help from volunteer citizen scientists from the nonprofit group Earthwatch, will create baseline information to help guide conservation decisions as Joshua trees retreat to cooler and wetter higher elevations. The group has also established monitoring stations to gauge changes in the distributions of Joshua trees and species they support.

Will the region have to change its name one day to, say, "Creosote National Park"?

"Nah," Barrows said with a smile. "There's still going to be enough Joshua trees around here and there."

Barrows scanned the drought-stricken Joshua tree woodlands for signs of new life. Minutes later, he spotted a knee-high bouquet of dagger-like leaves. "Look here, a baby," he said, smiling down on the Joshua tree he estimated was about 10 to 15 years old. "Will it survive. Depends on how much rain we get."

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Section 749.11 Title 14, CCR, is added to read:

749.11 Special Order Relating to Take of Western Joshua Tree (*Yucca brevifolia*) During Candidacy Period.

The commission authorizes the take of western Joshua tree during the candidacy period for each of the activities described in this section, subject to the terms and conditions specified for each activity.

(a) Definitions.

(1) Desert native plant specialist means:

(A) An arborist certified by the International Society of Arborists; or

(B) An individual with a four-year college degree in ecology or fish and wildlife related biological science from an accredited college and at least two years of professional experience with relocation or restoration of native California desert vegetation; or

(C) An individual with at least five years of professional experience with relocation or restoration of native California desert vegetation.

(2) Western Joshua tree means an individual western Joshua tree (*Yucca brevifolia*) that has emerged from the ground, regardless of age or size, including all stems that have emerged from the ground within a one-meter radius measured from a single point at the base of the largest stem.

(b) The department may issue a permit to authorize either the removal of a dead western Joshua tree or the trimming of a western Joshua tree. The project proponent or its agent may remove a detached dead western Joshua tree or detached limb of a western Joshua tree. All other removals and all trimming of western Joshua trees authorized by permits issued pursuant to this subsection shall be completed by a desert native plant specialist. The department may issue permits pursuant to this subsection, without payment of mitigation fees or other mitigation, provided that the dead western Joshua tree or any limb(s) to be removed:

(1) Has fallen over and is within 30 feet of a structure; or

(2) Is leaning against an existing structure; or

(3) Creates an imminent threat to public health or safety.

(c) Permit Process.

(1) A property owner seeking a permit pursuant to subsection (b) shall submit a permit request to the Department by emailing to WJT@wildlife.ca.gov, or mailing to California Department of Fish and Wildlife, Habitat Conservation Planning Branch, Attention: Western Joshua Tree Permitting, P.O. Box 944209, Sacramento, CA 94244-2090 the following information:

(A) The name, telephone number, mailing address, and email address of the property owner seeking the permit.

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(B) The street address of the property on which the western Joshua tree to be removed or trimmed is located. If no street address is available, the property owner may include the assessor's parcel number.

(C) Photographs of the western Joshua tree that visually depict either:

1. That the tree is dead and meets one or more of the three requirements of subsection (b); or

2. The specific limb or limbs to be trimmed and that the limb or limbs to be trimmed meet one or more of the three requirements of subsection (b).

(2) Within thirty days of receipt of a request for a permit pursuant to subsection (c)(1), the department shall either issue a permit allowing for the removal or trimming or deny the request if the request does not demonstrate a permit can be issued pursuant to this section.

(A) If the department issues the permit, it shall do so by email, or by U.S. mail if the permit request was received by mail, and it will provide the property owner sixty days in which to complete the removal or trimming.

(B) If the department denies the permit request, the property owner may resubmit the request with additional information and photographs. Resubmissions pursuant to this subsection shall be processed as new permit requests.

(3) Within thirty days of completing the removal of a dead western Joshua tree or trimming one or more limbs from a western Joshua tree in accordance with a permit issued pursuant to this section, to demonstrate compliance with this section the property owner shall by mail or email photographs of the site at which the dead western Joshua tree was removed or the western Joshua tree that was trimmed pursuant to the permit.

(d) Limitations.

(1) Nothing in this section is intended to be or shall be construed to be a general project approval. It shall be the responsibility of each project proponent receiving take authorization pursuant to this section to obtain all necessary permits and approvals and to comply with all applicable federal, state, and local laws.

(2) Nothing in this section is intended to or shall be construed to limit the terms and conditions, including those relating to compensatory mitigation, the department includes in incidental take permits for western Joshua tree issued pursuant to Fish and Game Code section 2081, subdivision (b).

Note: Authority cited: Sections 399 and 2084, Fish and Game Code. Reference: Sections 399 and 2084, Fish and Game Code.

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Emergency Regulatory Language

Section 749.10 Title 14, CCR, is added to read:

749.10 Special Order Relating to Take of Western Joshua Tree (*Yucca brevifolia*) During Candidacy Period.

The commission authorizes the take of western Joshua tree during the candidacy period for each of the activities described in this section, subject to the terms and conditions specified for each activity.

(a) Incidental take associated with development of solar energy projects in Kern and San Bernardino counties.

(1) Project list.

(A) Aratina Solar Farm, 8minute Solar Energy/64NB 8ME LLC, Kern County.

(B) Bellefield Solar Farm, 8minute Solar Energy/50LW 8ME LLC, Kern County.

(C) Big Beau Solar, EDF Renewables, Inc./Big Beau Solar, LLC, Kern County.

(D) Camino Solar, Avangrid Renewables, LLC/Aurora Solar, LLC, Kern County.

(E) Chaparral Solar, First Solar, Inc./Chaparral Solar, LLC/Chaparral Springs, LLC, Kern County.

(F) Edwards AFB Solar, Terra-Gen Power Holdings II, LLC/Edwards Solar, LLC, Kern County.

(G) Kudu Solar Farm, 8minute Solar Energy/69SV 8ME LLC, Kern County.

(H) Rabbitbrush Solar, First Solar, Inc./Rabbitbrush Solar, LLC, Kern County.

(I) RE Gaskell West 2, Recurrent Energy, LLC/ RE Gaskell West 2 LLC, Kern County.

(J) RE Gaskell West 3, Recurrent Energy, LLC/ RE Gaskell West 3 LLC, Kern County.

(K) RE Gaskell West 4, Recurrent Energy, LLC/ RE Gaskell West 4 LLC, Kern County.

(L) RE Gaskell West 5, Recurrent Energy, LLC/ RE Gaskell West 5 LLC, Kern County.

(M) Rubita Solar, SF Rubita, LLC, San Bernardino County.

(N) Willow Springs Solar 3, First Solar, Inc./Willow Springs Solar 3, LLC/Chaparral Springs, LLC, Kern County.

(O) Windhub Solar B, First Solar, Inc./Windhub Solar B, LLC, Kern County.

(2) Definitions.

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(A) Project impact area means all areas in which there will be permanent or temporary impacts to an individual western Joshua tree and the area around each western Joshua tree, defined by a radius, as measured from a single point at its trunk, of:

1. 40 feet for western Joshua trees five meters or greater in height.

2. 12 feet for western Joshua trees one meter or greater but less than five meters in height.

3. 6 feet for western Joshua trees less than one meter in height.

If the areas around individual western Joshua trees overlap, the area of overlap shall be counted only once to avoid over-counting in assessing the project impact area.

(3) Take authorization.

The commission authorizes each solar project listed in subsection (a)(1) to take western Joshua tree on the project site, in accordance with the project specifications provided to the department pursuant to this section and subject to the terms and conditions set forth in subsection (a)(4).

(4) Take of western Joshua tree.

(A) Prior to removing any western Joshua tree or engaging in ground-breaking activities within a project site, each project proponent shall conduct a complete census (count) of all western Joshua trees within the project site.

1. The census shall be conducted by one or more qualified biologist(s), approved in advance in writing by the department, which approval shall not be unreasonably withheld or delayed.

2. The census shall be conducted by walking transect surveys so that 100 percent visual coverage of the project impact areas is achieved.

3. For purposes of calculating the number of acres to be mitigated and for purposes of providing information for the department's status review of western Joshua tree to be prepared pursuant to Fish and Game Code Section 2074.6, the census shall count and classify western Joshua trees by height into the following three categories: trees less than one meter in height, trees one meter or greater but less than five meters in height, and trees five meters or greater in height.

(B) Within six months of the effective date of this section and prior to removing any western Joshua tree or engaging in ground-breaking activities within project impact areas, the qualified biologist shall prepare, and the project proponent shall submit to the department, a Tree Census Report for department review and approval. Within 15 days of receipt, the department shall either approve the Tree Census Report or inform the project proponent in writing of any additional information required for its approval. The Tree Census Report shall contain, at a minimum, the following:

1. The name(s) and affiliation of the qualified biologist(s) who conducted the census.

2. The date(s) of the census.

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3. A map of the project site, indicating the total project footprint and all project impact areas.

4. The number of acres in the census area.

5. The distance between transects.

6. A map of the census area that depicts the number and location of western Joshua trees visually identified.

7. Photographs of the project impact area, including at a minimum two photographs per acre depicting different aspects, such as east and south orientation, and a visual representation of the scale of the height of the trees in the photographs.

8. The number of western Joshua trees in each of the three height categories defined in subsection (a)(4)(A)3.

9. The total number of acres to be mitigated, as calculated pursuant to subsection (a)(4)(F).

(C) The project proponent shall limit herbicide use for invasive plant species and shall use herbicides only after it has documented that hand or mechanical efforts are infeasible and submitted that documentation to the department. To prevent drift, the project proponent shall apply herbicides only when wind speeds are less than seven miles per hour. All herbicide application shall be done by a licensed applicator in accordance with this subsection and all applicable federal, state, and local laws and regulations.

(D) The project proponent shall submit as-built development plans in portable document format (PDF) to the department at CESA@wildlife.ca.gov within 90 days of completing all construction and ground-disturbing activities. The as-built plans shall:

1. Delineate and quantify the extent of permanent project features, including roads, utilities, and all other facilities associated with the project.

2. Include an estimate of the permanent disturbance area.

3. Be at a scale of 1":250' (one inch to 250 feet) or smaller.

4. Be derived from survey data acquired after project construction has been completed and shall be verified by the project proponent and the qualified biologist(s).

(E) Compensatory mitigation ratios for impacts to western Joshua tree shall be determined by the functional quality of the habitat based on the size and reproductive class of trees within the project impact area as confirmed in the department-approved census. The compensatory mitigation ratio for impacts to western Joshua tree shall be at 1.5:1 of the project impact area as confirmed in the department-approved census.

(F) The number of acres to be mitigated shall be calculated by multiplying the total number of acres of the project impact area by the applicable mitigation ratio set forth in subsection (a)(4)(E).

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(G) To satisfy the compensatory mitigation requirement, prior to commencing any project activities in areas that may contain western Joshua trees, the project proponent shall pay a mitigation fee to be deposited into the Western Joshua Tree Mitigation Fund established pursuant to subsection (a)(5). The fee for each project shall be $10,521.95 per acre to be mitigated, as calculated pursuant to subsection (a)(4)(F).

(5) The department shall establish a Western Joshua Tree Mitigation Fund to receive project fees required by subsection (a)(4)(G). The department shall ensure the fund is expended for the purpose of addressing threats to western Joshua tree, including but not limited to, acquiring and conserving western Joshua tree mitigation lands to offset impacts of the projects listed in subsection (a)(1). Prior to removing any western Joshua tree or engaging in ground-breaking activities within project impact areas, each participating project listed in subsection (a)(1) shall contribute the sum of $10,000 to cover the account fees and the cost of retaining a land acquisition specialist to assist the department in locating, acquiring, and conserving the mitigation lands.

(6) Credit for existing mitigation.

(A) If a project listed in subsection (a)(1) has already completed or is legally obligated to complete compensatory mitigation for take of or impacts to western Joshua tree woodlands, the project proponent may elect to provide the department with information about the project impacts, the mitigation obligation, and all compensatory mitigation land acquired and conserved. The department shall assess this information and, if it determines in its reasonable discretion that the mitigation land has comparable western Joshua tree density as the density in the project impact area or is otherwise reasonably comparable in western Joshua tree habitat quality to the project impact area and is subject to a conservation easement or reasonably comparable instrument with adequate management funding, the department shall credit the project at a 1:1 ratio for all such mitigation lands acquired by the project proponent.

(B) If a project listed in subsection (a)(1) has already completed or is legally obligated to complete compensatory mitigation for take of or impacts to a species other than western Joshua tree, the project proponent may elect to provide the department with information about the project impacts, the mitigation obligation, all compensatory mitigation acquired and conserved, and the existence of suitable habitat for and individual western Joshua trees on the mitigation land. The department shall assess this information and, if it determines in its reasonable discretion that the mitigation land has comparable western Joshua tree density as the density in the project impact area or is otherwise reasonably comparable in western Joshua tree habitat quality to the project impact area and is subject to a conservation easement or reasonably comparable instrument with adequate management funding, the department shall credit the project at a 1:1 ratio for all such mitigation lands acquired by the project proponent.

(7) Limitations.

(A) Nothing in this section is intended to be or shall be construed to be a general project approval. It shall be the responsibility of each project proponent receiving take authorization for a project listed in subsection (a)(1) to obtain all necessary permits and approvals and to comply with all applicable federal, state, and local laws.

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(B) Nothing in this section is intended to be or shall be construed to prohibit any of the projects listed in subsection (a)(1) from electing to obtain incidental take coverage through Fish and Game Code Section 2081, subdivision (b).

(C) Nothing in this section is intended to or shall be construed to limit the terms and conditions, including those relating to mitigation ratios and compensatory mitigation, the department includes in incidental take permits for western Joshua tree.

(b) Ongoing research and monitoring.

(1) Public agencies and private parties.

(A) Take of western Joshua tree in the course of ongoing research and monitoring for this species by public agencies other than the department and by private parties is authorized provided that a written, detailed project progress report describing objectives, methods (gear, sampling schedules and locations), efforts to minimize adverse effects to the species, and estimated level of take of the species shall be provided to the department's Habitat Conservation Planning Branch chief.

(B) Take of western Joshua tree incidental to the course of research and monitoring by public agencies other than the department and by private parties is authorized subject to the restrictions in subsection (b)(1)(A).

(C)Research and monitoring activities not addressed by the procedures in subsections (b)(1)(A) and (B) may receive separate authorization for take of western Joshua tree pursuant to Fish and Game Code Section 2081.

Note: Authority cited: Sections 399 and 2084, Fish and Game Code. Reference: Sections 399 and 2084, Fish and Game Code.