

APPENDIX A

NOTICE OF PREPARATION AND SCOPING MEETING NOTICE



NOTICE OF SCOPING MEETING & PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

To: State Clearinghouse, Property Owners, Responsible and Trustee Agencies/Interested Organizations and Individuals

From: City of Menifee

Subject: Notice of Preparation (NOP) and Public Scoping Meeting Notice for a Draft Environmental Impact Report (DEIR) for the Proposed “Compass Northern Gateway” Project. DEV2022-010 – Tentative Parcel Map No. 38389 (PLN22-0060), Plot Plan No. 2022-0058 (PLN22-0058); DEV2022-012 - Plot Plan No. 2022-0100 (PLN22-0100); and DEV2022-018 - Plot Plan No. 2022-0187 (PLN22-0187)

Scoping Meeting: To be held in-person on January 23, 2023 at 6:00 p.m. Additional information provided below.

Comment Period: January 13, 2023 through February 13, 2023

Notice of Preparation of a Draft Environmental Impact Report (DEIR):

The City of Menifee (City) will serve as the Lead Agency under the California Environmental Quality Act (CEQA) and will be responsible for the preparation of a DEIR for the Project’s referenced above. The DEIR will evaluate the potential significant environmental impacts that may result from the Project’s planned industrial warehouse buildings on three separate sites, respectively, totaling 490,393 square feet on approximately 26.23 total gross-acres, as further described below. Reference **Figure 1, Local Vicinity Map.**

Project Site 1 (Corsica Lane) DEV2022-010

Project Site 1 related improvements would occur on four separate accessor parcel numbers [APN: 330-180-010, -046, -029, and -006] bisected by Corsica Lane and generally bounded by a Southern California Edison public utility corridor and McLaughlin Road to the south, single-family residential uses, Aaron Alan Drive, and Ruffian Road to the north, Goetz Road with single family residences beyond to the west, and Wheat Street to the east. Reference **Figure 1.**

Project Site 2 (Wheat Street) DEV2022-012

Project Site 2 related improvements would occur on one parcel [APN: 330-180-012] or more specifically at 26201 Wheat Street in the City of Menifee, County of Riverside, State of California. Project Site 2 is generally bounded by single-family residences to the south, vacant land and Ethanac Road to the north, single family residences and Ruffian Road to the west, and Wheat Street to the east. Reference **Figure 1.**

Project Site 3 (Evans Road) DEV2022-018

Project Site 3 related improvements would occur on one parcel [APN: 331-060-018] southeast of the intersection of Ethanac Road and Evans Road in the City of Menifee, County of Riverside, State of California. Project Site 3 is generally bounded by vacant land to the south, Ethanac Road and the City of Perris to the north, vacant land, Riverside County flood control channel and Barnett Road to the east, and Evans Road and a single-family residence to the west. Reference **Figure 1**.

Project Description:

Project Site 1 (Corsica Lane) DEV2022-010

Project Site 1 consists of vacant undeveloped land and an existing single-family residence. Project 1 proposes the construction of three concrete tilt-up buildings, totaling approximately 265,821 square feet (SF) on four (4) existing parcels, totaling approximately 13.99 gross acres.

Building 1 would total 154,831 SF and proposes a structural height of 41 feet and includes 142 automobile parking spaces and 16 trailer parking spaces. Building 2 would total 80,090 SF and proposes a structural height of 41 feet and includes 83 automobile parking spaces. Lastly, Building 3 would total 30,900 SF and proposes a structural height of 39 feet and includes 35 automobile parking spaces.

Buildings 1 through 3 also include associated facilities and improvements which includes loading dock doors, on-site landscaping, and related on-site and off-site improvements (roadway improvements, sewer, storm drain, utilities). In addition, the four existing parcels would be consolidated into three parcels via a proposed tentative parcel map (TPM No. 38389). Reference **Figure 2, Project Site 1 Conceptual Plan**.

Project Site 2 (Wheat Street) DEV2022-012

Project Site 2 consists of vacant land and proposes the construction of one concrete tilt-up building totaling 86,676 SF, on approximately 4.72 gross acres. The building proposes a structural height of 40 feet and would include a total of 112 automobile parking spaces. Related on-site improvements would include loading and dock doors, paving, landscaping, drainage, and access improvements. Reference **Figure 3, Project Site 2 Conceptual Plan**.

Project Site 3 (Evans Road) DEV2022-018

Project Site 3 consists of vacant undeveloped land and proposes the construction of one concrete tilt-up building totaling 137,896 SF, on approximately 7.52 gross acres. The building proposes a structural height of 43 feet and would include a total of 154 automobile parking spaces. Related on-site improvements would include loading and dock doors, paving, landscaping, drainage and access improvements. Reference **Figure 4, Project Site 3 Conceptual Plan**.

Proposed Entitlements:

The following entitlement applications are associated with the proposed Project:

Project Site 1 (Corsica Lane) DEV2022-010

Tentative Parcel Map No. 38389 (PLN22-0060) proposes to combine four parcels (APNs 330-180-006; 010; 029; and 046) into three new development parcels for a total of 13.99 gross acres.

Plot Plan No. 2022-0058 (PLN22-0058) proposes to construct three concrete tilt-up buildings. Building 1 would total 154,831 SF which includes 149,831 SF of warehouse and 5,000 SF of office space. Building 2 would total 80,090 SF which includes 76,090 SF of warehouse and 4,000 SF of office space. Lastly, Building 3 would total 30,900 SF which includes 28,900 SF of warehouse and 2,000 SF of office space.

Project Site 2 (Wheat Street) DEV2022-012

Plot Plan No. 2022-0100 (PLN22-0100) proposes the development of an 86,676 square foot warehouse of which 9,500 square feet is office space on approximately 4.72 net acres and includes site and architectural review of the proposed warehouse.

Project Site 3 (Evans Road) DEV2022-018

Plot Plan No. 2022-0187 (PLN22-0187) proposes to construct a 137,896 square foot warehouse of which 6,000 square feet is office space and includes site and architectural review of the proposed warehouse.

Potential Environmental Effects:

The following issues are anticipated to be addressed in the EIR: Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, Tribal Cultural Resources, Utilities/Service Systems, and Wildfire.

The Project sites are not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control list of various hazardous sites).

Agency/Public Comments:

This transmittal constitutes the official Notice of Preparation (NOP) for the proposed Project DEIR and serves as a request for environmental information that you or your organization believe should be included or addressed in the proposed DEIR document. Please be sure to address the scope and content of environmental information or issues that may relate to your agency's statutory responsibilities in connection with the proposed Projects.

EIR Public Scoping Meeting:

Notice is hereby given that the City of Menifee, Community Development Department will hold a Scoping meeting for the general public and any interested agencies regarding the proposed EIR

addressing the proposed Projects. The Scoping meeting will be held on **January 23, 2023 at 6:00 p.m.** The scoping meeting will be held at:

City of Menifee, City Council Chambers
29844 Haun Road
Menifee, CA 92586

Purpose of the Notice of Preparation:

The purpose of this NOP is to fulfill legal notification requirements and inform the public, and CEQA Responsible and Trustee Agencies, that an EIR is being prepared for the proposed Project by the City. This NOP solicits agency and interested party concerns regarding the potential environmental effects of implementing the proposed Project at the Project locations. CEQA encourages early consultation with private persons and organizations that may have information or may be concerned with any potential adverse environmental effects related to physical changes in the environment that may be caused by implementing the project. Responses to the NOP that specifically focus on potentially significant environmental issues are of particular interest to the City of Menifee. All comment letters to this NOP will be included in the appendices to the EIR. The content of the responses will help guide the focus and scope of the EIR in accordance with State CEQA Guidelines.

Public Comment Period:

Based on the time limits defined by CEQA, the 30-day public review/comment period on the Notice of Preparation will commence on **January 13, 2023 and conclude on February 13, 2023 at 5:00 p.m.** Materials for the Project may be downloaded from the City's website:

<https://www.cityofmenifee.us/325/Environmental-Notices-Documents>

Materials for the Project are also available for review at:

Menifee City Hall
Community Development Department
29844 Haun Road
Menifee, CA 92586

Any responses must be submitted to the City of Menifee, Community Development Department at the earliest possible date, but no later than the **February 13, 2023** deadline. Comments must be submitted in writing, or via email, to:

Fernando Herrera,
City of Menifee, Community Development Department
29844 Haun Road
Menifee, CA 92586
(951) 723-3718
fherrera@cityofmenifee.us

Figure 1
Local Vicinity Map



Figure 2
Project Site 1 (Corsica Lane) Conceptual Plan

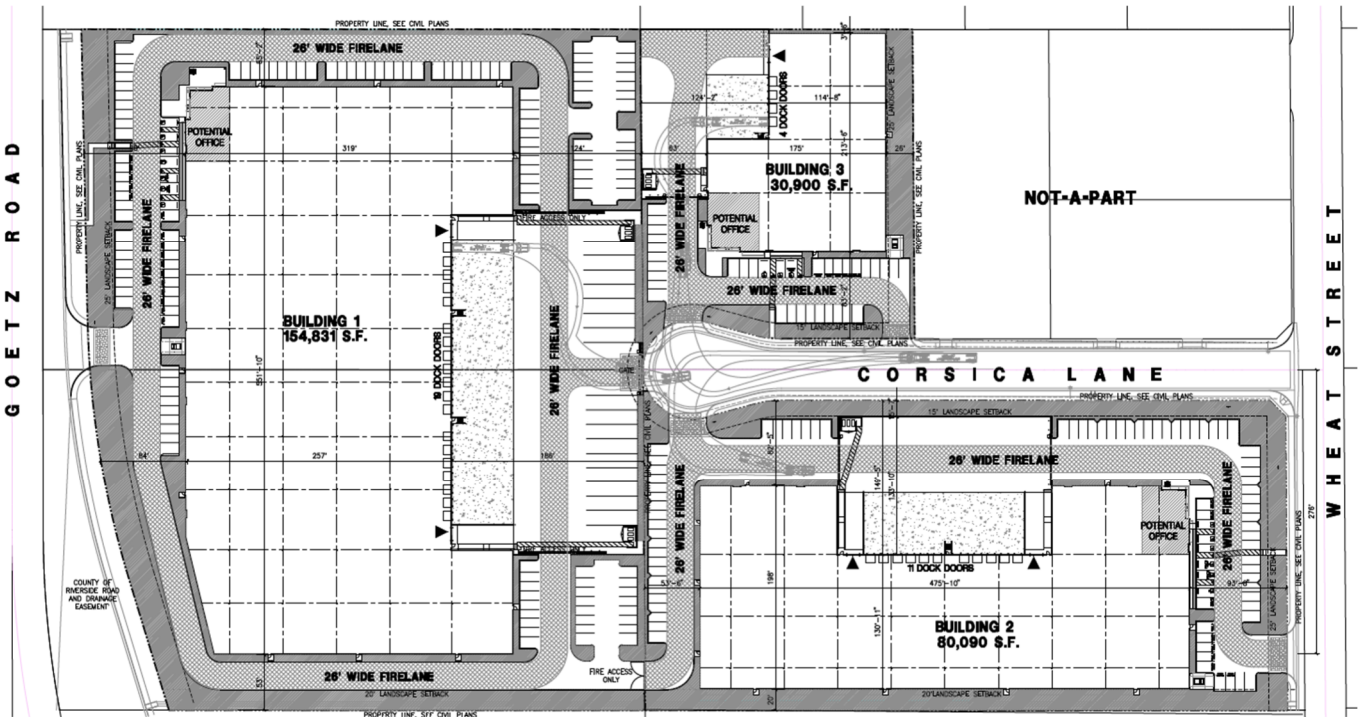


Figure 3
Project Site 2 (Wheat Street) Conceptual Plan

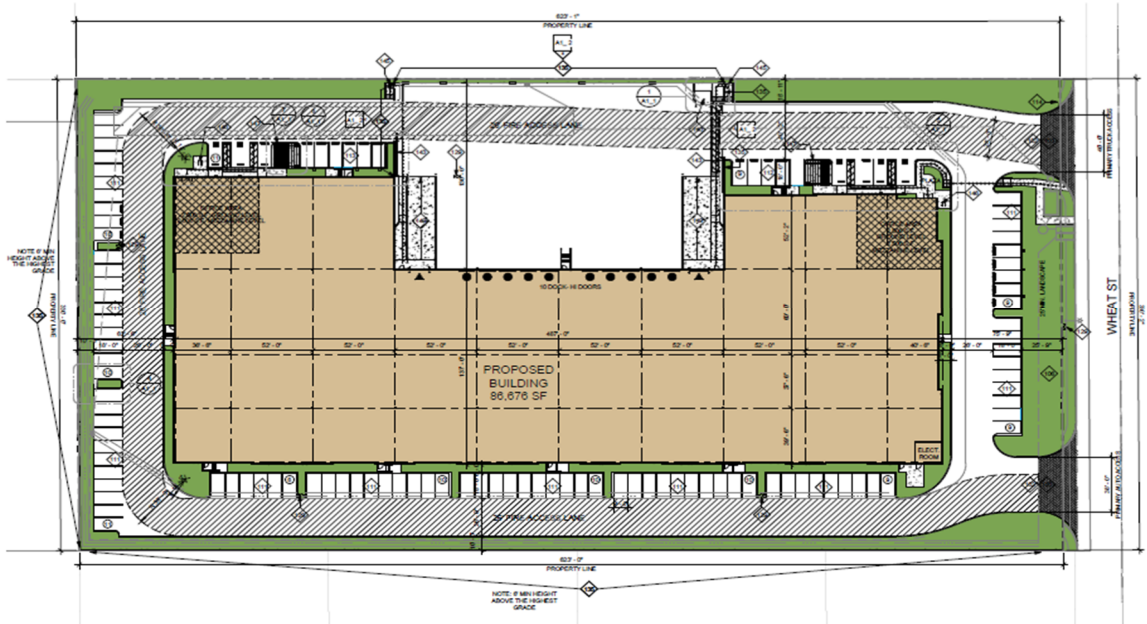
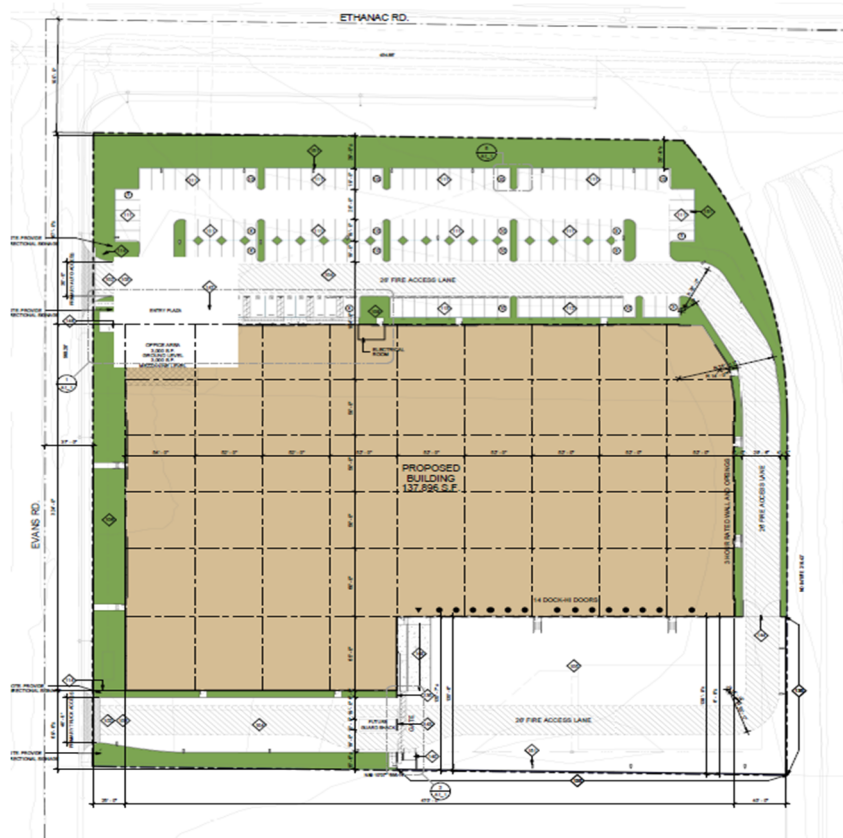


Figure 4
Project Site 3 (Evans Road) Conceptual Plan





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 10, 2022
Sent via email

Fernando Herrera, Associate Planner
City of Menifee
29844 Haun Road
Menifee, CA 92586

Subject: Notice of Preparation of a Draft Environmental Impact Report
Compass Northern Gateway Project
State Clearinghouse No. 2023010225

Dear Mr. Herrera:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Menifee (City) for the Compass Northern Gateway Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT LOCATION

The proposed Project is comprised of three separate locations generally located south of Ethanac Road, east of Goetz Road, west of Barnett Road, and north of McLaughlin Rd within the City of Menifee. The proposed Project is located within Assessor Parcel Numbers 330-180-010, 330-180-046, 330-180-029, 330-180-006, 330-180-012, and 331-060-018. The site is located within the U.S. Geological Survey (USGS) 7.5- Romoland quadrangle; Township 6 South, Range 3 West, Section 16 of the San Bernardino Base and Meridian (SBBM).

PROJECT DESCRIPTION SUMMARY

The Project would consist of a Tentative Parcel Map (TPM 38389) and Plot Plans (2022-0058, 2022-0100, and 2022-0187) for the proposed development of industrial warehouse buildings on three separate sites, totaling 490,393 square feet (SF) on approximately 26.23 acres. Further details for each site are listed below.

- Project Site 1 would include the construction of three concrete tilt-up buildings on approximately 13.99 acres. Additional project activities would include the construction of 16 trailer parking spaces and 260 automobile parking spaces as well as loading dock doors, on-site landscaping, roadway improvements, sewer, storm drain, and utilities installation.
- Project Site 2 would include the construction of one concrete tilt-up building on approximately 4.72 acres. Additional project activities would include the construction of 112 automobile parking spaces as well as loading dock doors, on-site landscaping, roadway improvements, sewer, storm drain, and utilities installation.
- Project Site 3 would include the construction of one concrete tilt-up building on approximately 7.52 acres. Additional project activities would include the construction of 154 automobile parking spaces as well as loading and dock doors, paving, landscaping, drainage and access improvements.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The comments and recommendations are also offered to enable the CDFW to adequately review and comment on the proposed Project with respect to the Project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009²). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov or <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data> to obtain current information on any previously reported sensitive species and habitat, including Significant Natural

² Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California. <http://vegetation.cnps.org/>

Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish & G. Code, § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific/MSHCP surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.
4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018³).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

3 CDFW, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, State of California, California Natural Resources Agency, Department of Fish and Wildlife: March 20, 2018 (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>)

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other Project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to on-site and adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The DEIR should analyze the cumulative effects of the plan's land use designations, policies, and programs on the environment. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would "feasibly attain most of the basic objectives of the Project," and would avoid or substantially lessen any of the Project's significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a "no project" alternative (CEQA Guidelines § 15126.6[e]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The City should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the Project area, including, but not limited to: burrowing owl, coast horned lizard, coastal California gnatcatcher, California glossy snake, red-diamond rattlesnake, western mastiff bat, and western spadefoot toad.
4. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in advance of Project impacts in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance

and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. If pre-construction surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.

8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the Project. It is the policy of CESA to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

Western Riverside County Multiple Species Habitat Conservation Plan

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to: <https://www.wrc-rca.org/>.

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The City of Menifee is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, the City shall ensure the Project implements the following:

1. Pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP.
2. Demonstrates compliance with the HANS process (MSHCP Section 6.1.1) or equivalent process to ensure application of the Criteria and thus, satisfaction of the local acquisition obligation.
3. Demonstrates compliance with the policies for 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, set forth in Section 6.1.2 of the MSHCP; 2) the policies for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP; 3) compliance with the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP; 4) the policies set forth in Section 6.3.2 and associated vegetation survey requirements identified in Section 6.3.1; and 5) compliance with the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

Following this sequential identification of the relationship of the Project to the MSHCP the DEIR should then include an in-depth discussion of the Project in the context of these aforementioned elements, and as mentioned, examine how the Project might contribute to, or conflict with, the conservation criteria of the MSHCP.

Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools.

The procedures described in Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools section (MSHCP Section 6.1.2) are to ensure that the biological functions and values of these areas are maintained throughout the MSHCP area. Additionally, this process helps identify areas to consider for priority acquisition, as well as those functions that may affect downstream values related to Conservation of Covered Species within the MSHCP Conservation Area. The assessment of riparian/riverine and vernal pool resources may be completed as part of the CEQA review process as set forth in Article V of the State CEQA Guidelines. However, the MSHCP identifies that the U.S. Fish and Wildlife Service and CDFW shall be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Wetland Habitats and Species policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11). As required by MSHCP, completion of the DBESP process prior to adoption of the environmental document ensures that the project is consistent with the MSHCP and provides public disclosure and transparency during the CEQA process by identifying the project impacts and mitigation for wetland habitat, a requirement of CEQA Guidelines, §§ 15071, subds.(a)-(e).

The MSHCP identifies that assessment of these areas include identification and mapping of riparian/riverine areas and vernal pools. The assessment shall consider species composition, topography/ hydrology, and soil analysis, where appropriate. The documentation for the assessment shall include mapping and a description of the

functions and values of the mapped areas with respect to the species identified in Section 6.1.2 of the MSHCP. Factors to be considered include hydrologic regime, flood storage and flood-flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife Habitat, and aquatic Habitat.

The MSHCP identifies that for mapped riparian/riverine and vernal pool resources that are not included in the MSHCP conservation area, applicable mitigation under CEQA, shall be imposed by the Permittee (in this case the City). Further, the MSHCP identifies that to ensure the standards in Section 6.1.2 are met, the Permittee shall ensure that, through the CEQA process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands mapped pursuant to Section 6.1.2. If an avoidance alternative is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as through the Determination of Biologically Equivalent or Superior Preservation (DBESP). The City is required to ensure the Applicant completes the DBESP process prior to completion of the DEIR to demonstrate implementation of MSHCP requirements in the CEQA documentation.

Within the Project site, the following MSHCP requirements apply for the Narrow Endemic Plant Species Survey Area (MSHCP Section 6.1.3) and Additional Survey Needs and Procedures (MSHCP Section 6.3.2):

Narrow Endemic Plant Species

Portions of the Project site fall within the MSHCP Section 6.1.3 survey area and have the potential to support the following Narrow Endemic Plant Species: Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), many-stemmed dudleya (*Dudleya multicaulis*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*). Therefore, the DEIR should address any potential impacts to these species.

More specifically the DEIR should include surveys for these species done within the appropriate time of years. Based on rainfall in a given year, surveys for San Diego ambrosia, California Orcutt grass, and spreading navarretia are typically done at peak blooming which can be from April through the end of July. Surveys for Munz's onion should be completed between March to May. In addition, surveys for many-stemmed dudleya should be completed between February and June while surveys for Wright's trichocoronis should be completed between May to September. The survey results and discussion of the findings should be included in the DBESP, pursuant to MSHCP Section 6.1.3. Additionally, the DBESP should be submitted prior to completion/adoption of the DEIR per the City's Resolution No. 08-45. Site specific

surveys for Narrow Endemic Plant Species are required for all public and private projects where appropriate habitat is present.

CDFW recommends that the City follow the recommendations and guidance provided through MSHCP Section 6.1.3 to ensure Narrow Endemic Plant Species requirements are fulfilled.

Burrowing Owl (*Athene cunicularia*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

CDFW recommends that the City follow the survey instructions in the “Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area”⁴. The Survey Instructions specify that first a habitat assessment is conducted. If suitable habitat is not found on site, simply reporting the site is disturbed or under agricultural/dairy use is not acceptable. A written report must be provided detailing results of the habitat assessment with photographs and indicating whether or not the project site contains suitable burrowing owl habitat. If suitable habitat is found, then focused surveys at the appropriate time of year (March 1 to August 31), time of day, and weather conditions must be completed. Surveys will not be accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90 °F. The surveys must include focused burrow surveys and burrowing owl surveys. For the focused burrow surveys, the location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed should be recorded and mapped, including GPS coordinates in the report. The focused burrowing owl surveys include site visits on four separate days. CDFW recommends that the site visits are conducted at least a week apart to avoid missing owls that may be using the site. Finally, CDFW recommends the report also include an impact assessment evaluating the extent to which burrowing owls and their habitat may be impacted, directly or indirectly by Project activities. A final report discussing the survey methodology, transect width, duration, conditions, and results of the Survey shall be submitted to the RCA and the City.

Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be

4 https://www.wrc-rca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf

impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

Additionally, CDFW recommends that the City review and follow requirements for burrowing owl outlined in the MSHCP, specifically Section 6.3.2 (Additional Survey Needs and Procedures) and Appendix E (Summary of Species Survey Requirements). Appendix E of the MSHCP outlines survey requirements, actions to be taken if survey results are positive, and species-specific conservation objectives, among other relevant information.

Stephens' Kangaroo Rat Habitat Conservation Plan

The Project occurs within the Stephens' kangaroo rat (*Dipodomys stephensi*) Habitat Conservation Plan (SKR HCP) fee area boundary, SKR HCP plan area map available here: <https://rchca.us/DocumentCenter/View/200/SKR-Plan-Area>. State and federal authorizations associated with the SKR HCP provide take authorization for Stephens' kangaroo rat within its boundaries, and the MSHCP provides Take Authorization for Stephens' kangaroo rat outside of the boundaries of the SKR HCP, but within the MSHCP area boundaries. The DEIR should identify if any portion of the Project will occur on SKR HCP lands, or on Stephens' kangaroo rat habitat lands outside of the SKR HCP, but within the MSHCP. Note that the SKR HCP allows for encroachment into the Stephens' kangaroo rat Core Reserve for public projects, however, there are no provisions for encroachment into the Core Reserve for privately owned projects. If impacts to Stephens' kangaroo rat habitat will occur from the proposed Project, the DEIR should specifically identify the total number of permanent impacts to Stephens' kangaroo rat core habitat and the appropriate mitigation to compensate for those impacts.

Lake and Streambed Alteration Program

Based on review of material submitted with the NOP, drainage features may traverse some of the parcels within the Project's scope. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources.

CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification, please go to <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Native Landscaping

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more information on native plants suitable for the Project location and nearby nurseries is available at CALSCAPE: <https://calscape.org/>. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/>.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by

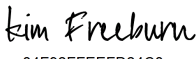
Fernando Herrera, Associate Planner
City of Menifee
February 10, 2023
Page 15 of 15

the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the Compass Norther Gateway Project (SCH No. 2023010225) and recommends that the City of Menifee address the CDFW's comments and concerns in the forthcoming DEIR. Questions regarding this letter or further coordination should be directed to Katrina Rehrer, Environmental Scientist, at katrina.rehrer@wildlife.ca.gov.

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

ec:

Heather Pert, Senior Environmental Scientist Supervisory
Inland Deserts Region
Heather.Pert@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

Tricia Campbell (Western Riverside County Regional Conservation Authority)
Director of Reserve Management and Monitoring
tcampbell@rctc.org



CITY OF PERRIS

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

135 N. "D" Street, Perris, CA 92570-2200
TEL: (951) 943-5003 FAX: (951) 943-8379

February 14, 2023

Fernando Herrera
City of Menifee
Community Development Department
29844 Haun Road
Menifee, CA 92586

SUBJECT: REVISED CITY OF PERRIS COMMENTS – NOP for Draft EIR for the Proposed Compass Northern Gateway Project - Menifee Planning Cases: DEV2022-10, Tentative Parcel Map No. 38389 (PLN22-0060), Plot Plan No. 2022-0058, DEV2022-012, Plot Plan No. 2022-0100 (PLN22-0100), and DEV2022-018 – Plot Plan No. 2022-0187 (PLN22-0187)

Dear Mr. Herrera:

The City of Perris appreciates the opportunity to comment on the three industrial Projects in Menifee totaling 490,393 square feet on approximately 26.23 acres of land located south of Ethanac Road, East of Goetz Road and west of Barnett Road. The Proposed Project is located east of the existing Monument Ranch development in Perris homes and approximately 1,000 feet south of Green Valley Specific Plan (GVSP) in Perris, currently under construction with single-family residences. The GVSP is a master-planned community totaling 1,269 acres of land envisioned to have 3,460 single-family detached homes, 750 multi-family units, 42.3 acres of business and professional office space, 72.7 acres of commercial retail, 108.7 acres of industrial, 24 acres for three school sites, and 51.1 acres of public parks.

Although there are some industrial zones in the GVSP, they are located adjacent to the Perris Valley Airport north of the San Jacinto River, which has land use density limitations. All the development in the GVSP south of the San Jacinto River to Ethanac Road is residential, with some commercial development towards the I-215 Freeway. In addition, there are six residential tracts comprised of 1,241 residential units, which are anticipated to start this year in phases. Therefore, no industrial development in the City of Perris is allowed to utilize Ethanac Road or Goetz Road as a truck route due to the sensitivity of residential land uses along these two roadways.

The City provides the below comments in light of the Project's proximity to the City of Perris residential neighborhood and concerns with potential truck traffic on Ethanac Road:

1. **California Environmental Quality Act (CEQA).** The Project needs to address the cumulative impact of all the proposed projects within a 1.5-mile radius of the proposed site to analyze, mitigate, and disclose all environmental impacts from the Proposed Project pursuant to the California Environmental Quality Act (CEQA). The CEQA document should particularly evaluate how the Project will address mitigating impacts of the Project on being close to residential land uses, land use compatibility, truck circulation, traffic impacts, and noise impacts. In addition, A Health Risk Assessment is required under the *Sierra Club v. City of Fresno* case to evaluate health impacts on nearby residents.

Please provide future notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA") under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law which includes: notices of any public hearing held pursuant to CEQA, and notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

2. **1,400-Foot Property Owners Notification.** Due to nearby sensitive uses, it is requested that property owner notification within at least 1,400 feet of the project site is provided to ensure that all individuals who may be impacted by the proposed industrial development are provided an opportunity to comment.
3. **Land Use Inconsistency with Surrounding Areas/SB 330 Compliance** - The proposed industrial development is incompatible with the residential development in both the City of Perris and Menifee as on the the west side of Goetz Road and the north side of Ethanac Road are all designated for residential development. Further, the Project site is located in the City of Menifee Economic Development Corridor Northern Gateway, intended as an employment center where 5 percent of land is envisioned to be for residential uses. Clarify how the City is compensating for the loss of residences that will be removed as part of this project. Lastly, for compliance with SB 330 provide justifications for the removal of existing residences to facilitate the proposed industrial development and whether there is no net loss in residential capacity citywide.
4. **Good Neighbor Guidelines** – Components of the Project must demonstrate compliance with the City of Perris adopted Good Neighbor Guidelines and City of Menifee Industrial Good Neighbor Policies. Following is a link to the City of Perris Good Neighbor Guidelines <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-327>
5. **Transportation.** Prior to further proceedings, to ensure consistency, the right-of-way widths and alignments of Ethanac Road, Green Valley Parkway/Evans Road and Goetz Road shall be coordinated with the roadway designation as classified per City of Perris' General Plan. The correlation will determine the extent of roadway and intersection improvements at the impacted intersections to accommodate the traffic impacts related to the project's passenger vehicle trips. A Traffic Impact Analysis (TIA) to include analyses of the impacted intersections shall be submitted for review. Listed below are City of Perris' roadway designations for Ethanac Road, Green Valley Parkway/Evans Road and Goetz Road.

- Ethanac Road is classified as an Expressway (184'/134') with a 14 foot wide raised landscaped median.
 - Green Valley Parkway/Evans Road is a specific plan roadway (110'/76') with a 14 foot wide raised landscaped median.
 - Goetz is classified as an Arterial (118'/86') with a 14 foot wide raised landscaped median.
6. **Traffic Impact Analysis/Truck Route.** The City of Perris has concerns related to traffic impacts to the Freeway interchange at I-215 and Ethanac Road. The developer should be required to prepare a Truck Circulation Plan.

To mitigate trailer trucks travel next to residential areas along Ethanac Road and Goetz Road, we recommend that trailer trucks access I-215 from Barnett Road and south to McLaughlin Road. And for trailer truck access to the project site, a collector roadway, with a minimum 66 foot wide right-of-way, shall be provided along the north side of the SCE easement from Barnett Avenue to Wheat Street. Also, the intersection of Ethanac Road and Green Valley Parkway/Evans Road shall be signalized to accommodate ultimate design full turn movements for trailer trucks and passenger vehicles. In addition, it should be noted that the existing median on Ethanac Road is within Perris City limits and is not designed for truck queuing. Finally, Barnett Road at Ethanac Road shall be aligned with Case Road and improved to ultimate design for an efficient full turn signalized intersection.

Upon completion of the Traffic Impact Analysis, please provide the City a copy for review and comments.

7. **Noise.** A Noise Study shall be prepared to mitigate noise impacts from the Project resulting from construction and operation due to the proximity of the project sites to the residential development in the immediate surrounding area, including areas within the City of Menifee and areas within the City of Perris along Goetz Road and Ethanac Road.

The City of Perris thanks you for considering these comments. Please feel free to contact me at (951) 943-5003, ext. 355 or pbrenes@cityofperris.org, if you have any questions or would like to discuss the above concern in further detail.

Sincerely,

Patricia Brenes
Planning Manager

cc: Clara Miramontes, City Manager
Wendell Bugtai, Assistant City Manager
Robert Khuu, City Attorney
Kenneth Phung, Developments Services Director
Stuart McKibbin, City Engineer

JASON E. UHLEY
General Manager-Chief Engineer



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951.788.9965 FAX
www.rcflood.org
249224

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

February 8, 2023

EMAILED THIS DATE TO: fherrera@cityofmenifee.us

Mr. Fernando Herrera, Associate Planner
City of Menifee
Community Development Department
29844 Haun Road
Menifee, CA 92586

Dear Mr. Herrera:

Re: Notice of Scoping Meeting and
Preparation of a Draft Environmental
Impact Report (EIR) for the Compass
Northern Gateway Project

This letter is written in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the "Compass Northern Gateway" Project (Project). The Project consists of three separate partially undeveloped sites that would include an application for the construction of multiple concrete tilt-up buildings. Associated facilities and improvements of the Project sites include loading dock doors, on-site landscaping and related on-site and off-site improvements (roadway improvements, sewer, storm drain, utilities).

The Riverside County Flood Control and Water Conservation District (District) has reviewed the Notice of Preparation and believes existing or proposed flood control facilities may be affected. The following comments have been provided for your consideration.

1. As it appears, the Project may require a storm drain connection to the District's Romoland MDP Line-A Facility. Please be advised that any work involving District right of way, easement or facilities will require an Encroachment Permit from the District. As part of the encroachment permit process, the applicant will be required to submit a series of documents including but not limited to:
 - a. California Environmental Quality Act (CEQA) Compliance documentation - Issuance of an encroachment permit would make the District a Responsible Agency. Upon completion of the final environmental document, please submit a copy of the approved document to the District for consideration. Please be sure to include all appendices that were used to support the conclusions found in the environmental document.
 - b. Regulatory Permits - If work within District rights of way or easements will occur within potentially jurisdictional areas, permits from the United States Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB) may be required to comply with Section 404/401 of the Clean Water Act. Additionally, a Streambed Alteration Agreement may be required to comply with Section 1600 of the California Fish and Game Code.

Mr. Fernando Herrera
Re: Notice of Scoping Meeting and
Preparation of a Draft Environmental
Impact Report (EIR) for the Compass
Northern Gateway Project

-2-

February 8, 2023

Prior to issuance of the encroachment permit the District will need proof of applicable regulatory permits or documentation that these permits are not required to be submitted for review. The District will need to verify that the permits cover temporary construction impacts as well as permanent impacts. Regulatory permits may be submitted as part of your submittal for an encroachment permit. Please be sure to include plans and exhibits that indicate the specific location of where temporary and permanent impacts will occur.

- c. MSHCP Consistency Analysis - The District is a Permittee under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). For purposes of procuring an encroachment permit or other District approval, the Project proponent will need to demonstrate that all Project related activities within the District right of way/easement is consistent with the MSHCP. To accomplish this, the CEQA document should include an MSHCP consistency report with all of its supporting documents and provide mitigation, as needed, in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, Sections 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.3.7, 7.5.3 and Appendix C of the MSHCP.

To obtain further information regarding the encroachment permit application and issuance process, please contact Devraj Oza of the Encroachment Permit Section at 951.955.1266.

2. The alignment of the District's proposed Romoland MDP Line A-14 appears to overlap with the proposed Project's sites 1 and 2. If this facility will be constructed as part of the Project, then it should be noted that the District would consider accepting ownership and maintenance responsibility for the facility after it has been constructed upon written request from the City. In order to be accepted by the District, facilities must be 36-inches or larger, constructed to District standards, complete the District's plan check and inspection process and pay any applicable administrative fees. To obtain further information regarding the design requirements for the District to accept developer-built facilities, please contact the District at 951.955.1200 and speak with the Plan Check Section.

Thank you for the opportunity to review the NOP. If you have any questions or need additional information regarding the comments on this letter, please contact Heath Sawyer at 951.955.3134 or hsawyer@rivco.org, or me at 951.955.1526 or kcunning@rivco.org.

Very truly yours,



KEVIN CUNNINGHAM
Environmental Project Manager

cc: Ruddy Argueta
Devraj Oza
Kevin Cunningham
Heath Sawyer

HS:rlp

From: Vega, Jaqueline <JaVega@RIVCO.ORG>
Sent: Tuesday, January 24, 2023 12:37 PM
To: Fernando Herrera <fherrera@cityofmenifee.us>
Subject: DEV22-010, DEV22-012, DEV22-018

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Fernando,

Thank you for transmitting the above referenced project to ALUC for review. Please note that the proposed projects (3sites) are located within zone E of Perris Valley, and review by ALUC is not required because the City of Menifee is consistent with the Perris Valley Airport compatibility plan, and I do not see a legislative action being proposed.

Should you have any questions, please contact me.

Jackie Vega

Urban Regional Planner I



Riverside County Airport Land Use Commission

4080 Lemon Street, 14th Floor
Riverside, Ca 92501
(951) 955-0982
Javega@RIVCO.ORG
www.rcaluc.org

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County of Riverside California

From: Jonathan Montano <jonathan@mitchtsailaw.com>
Sent: Friday, January 27, 2023 10:39 AM
To: Fernando Herrera <fherrera@cityofmenifee.us>
Cc: Info Mitchtsailaw <info@mitchtsailaw.com>
Subject: SWMSRCC - [City of Menifee, Compass Norther Gateway Project] - Inquiry/Notice List Request

You don't often get email from jonathan@mitchtsailaw.com. [Learn why this is important](#)

[CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I would like to inquire on the Compass Norther Gateway Project (SCH# 2023010225).

Are there any upcoming deadlines or hearings associated with this project?

Additionally, we request that the following emails be placed on the project noticing list:

info@mitchtsailaw.com
jonathan@mitchtsailaw.com

Thank you for your time.

--

Jonathan Montano
Paralegal
Mitchell M. Tsai, Attorney At Law
139 South Hudson Avenue Suite 200
Pasadena, CA 91101
Phone: (626) 314-3821
Fax: (626) 389-5414
Email: jonathan@mitchtsailaw.com
Website: <http://www.mitchtsailaw.com>

*** Our Office Has Recently Moved. Please Note New Mailing Address ****

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages accompanying it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED and may violate applicable laws including the Electronic Communications Privacy Act. If you have received this transmission in error, please immediately notify us by reply e-mail at jonathan@mitchtsailaw.com or by telephone at (626) 381-9248 and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.



TEAMSTERS JOINT COUNCIL 42

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

"TO PROTECT AND SERVE AMERICA'S WORKFORCE"

February 10, 2023

Fernando Herrera,
City of Menifee, Community Development Department
29844 Haun Road
Menifee, CA 92586

fherrera@cityofmenifee.us
(951) 723-3718

RE: Notice of Preparation (NOP) and Public Scoping Meeting Notice for a Draft Environmental Impact Report (DEIR) for the Proposed "Compass Northern Gateway" Project.

Mr. Herrera,

Teamsters Joint Council 42 represents twenty-four Teamsters Union Locals located in Southern California, Southern Nevada, Guam, Saipan and Hawaii. Nearly 250,000 working Teamsters and retirees are affiliated with the JC 42 family. It is part of the 1.4 million-members strong International Brotherhood of Teamsters.

The above-referenced project proposes to construct three different warehouses, on three different properties, amounting to approximately 490,000 square feet.

Identity of Applicant or Intended User/Operator

As an initial matter, we would like to gain some understanding as to how this constitutes a single project to be evaluated at once in a single EIR process. Are the three warehouses to be built by the same developer, or operated by the same operator? Is there otherwise some operational connection between the facilities? Have permit applications been submitted, and if so, by whom? This information does not seem to appear in the Notice of Preparation (NOP). This information is critical to supplying adequate comments, in this the NOP comment period, because it could contour the nature of the project in particular ways. We request the identities of the entitlement applicants, and the intended operators of the facility.

This is relevant for purposes of comment because within the warehouse use are a wide variety of operations that can have differential environmental impacts, depending on the types of goods or materials being stored, the frequency of deliveries, hours of operation, the types of delivery vehicles used, whether personal vehicles will be used, the number of on-site and off-site employees (and therefore vehicle miles traveled), etc. As it is currently related, it is unclear what connection there is between these facilities, if any, and there is no information whatsoever about the intended type of operation, or if indeed there are any prospective tenants at all.

It is additionally relevant to know if there *are* no tenants currently intended, or under contract for these facilities: if they are being built speculatively, there is a risk that after construction they will remain unused, which can contribute to urban decay as well as give rise to safety concerns, particularly if the site(s) are not monitored and properly secured. In either case, the City should disclose these facts to the public to allow for more comprehensive comment.

Areas of Study

The NOP anticipates that there may significant impacts from, or a requirement to study: “Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, Tribal Cultural Resources, Utilities/Service Systems, and Wildfire.” We would ask that, particularly if the facilities are being built speculatively, the City direct its consultant or staff to study the potential for urban decay resulting from an inoperative or abandoned facility. This is of specific concern because of the risk of a glut of warehouse square footage in California, over-production and thus a glut of inventory, or both.


Sensitive Receptors and Health Analysis

It is of great importance that the Draft EIR (“DEIR”) take particular care to study the wide variety of potential impacts with particular reference to human health and human sensitive receptors and animal life as well as, potentially plant life. The three facilities comprising this single Project are situated near to rural and residential areas, in some cases butting right up against residential areas. As it is not yet known what kind of operations will be going on at these facilities, it is difficult to give more particularized comments at this stage. Nevertheless, there is inherently a higher potential for significant impacts due to the proximity of the facilities to these residential areas.

The DEIR must evaluate the air quality and health impacts of the proposed project on these sensitive receptors, with adequate specificity as to existing health conditions and the particular type and occurrence of sensitive receptors (for example, seniors, children, persons with relevant disabilities, etc). In fact, CEQA requires an EIR to discuss the *specific* human health effects that would occur as a result of a project’s significant air pollutant emissions. Sierra Club v. County of Fresno (2018) 6 Cal.5th 502, 517-522.

We also ask that the City keep us informed, at the contact information provided in this letter, as to the progress of the DEIR and any relevant dates and deadlines. Thank you for your attention to this matter.

Sincerely,



Randy Cammack
President
Teamsters Joint Council 42



INLAND EMPIRE BIKING ALLIANCE

15 February 2023

City of Menifee, Community Development Department

Attn: Fernando Herrera

29844 Haun Road

Menifee, CA 92586

Submitted via email to fherrera@cityofmenifee.us.

Re: Compass Northern Gateway Notice of Preparation (SCH #2023010225)

Dear Mr. Herrera,

This letter is being submitted on behalf of the Inland Empire Biking Alliance in response to the NOP for the proposed Compass Northern Gateway (“Project”) which is to be studied for construction there in the city.

After reviewing the documents, there are three items which need to be studied as part of the EIR process. The first and most important is to make sure that the appropriate bikeways for a low-stress environment are provided. There are a number of resources on this topic from the likes of Caltrans¹ and the FHWA² so it vital that the City to simply look at the charts that have been developed and apply them to the frontages of the Project as well as to any other areas around the community which would be deemed necessary to be built/modified as mitigation for traffic impacts. This ensures that the Project is beneficial, **not** creating more situations which would have to be undone and rebuilt in the future to provide actual low-stress infrastructure. Additionally, the parcel identified as Project Site 3 directly fronts a drainage channel so it would be ideal to ensure that the Project constructs a trail on that portion that would be expanded in the future.

Finally, it is vital to ensure that bicycles be considered as part of the solution to air quality & GHG emissions issues which often plague these types of projects, due both to the use of trucks to serve them but also due to all the car trips made by visitors and employees. Bicycles, especially electric,³ can provide a viable alternative to driving for people, but most are apprehensive about doing so in the

¹ Flournoy, M. (2020). Contextual guidance for bike facilities. Caltrans. Retrieved from <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/office-of-smart-mobility-and-climate-change/planning-contextual-guidance-memo-03-11-20-a11y.pdf>.

² Schultheiss, B., Goodman, D., Blackburn, L., Wood, A., Reed, D., & Elbech, M. (2019). Bikeway selection guide (FHWA-SA-18-077). US Department of Transportation, Federal Highway Administration. Retrieved from https://safety.fhwa.dot.gov/ped_bike/tools_solve/docs/fhwas18077.pdf.

³ Fitch, D. (2019). Electric Assisted Bikes (E-bikes) Show Promise in Getting People out of Cars. *UC Office of the President: University of California Institute of Transportation Studies*. Retrieved from <https://escholarship.org/uc/item/3mm040km>.



INLAND EMPIRE BIKING ALLIANCE

existing environment.⁴ While it would not necessarily be reasonable to expect that this one Project would provide an entire bikeway network for the community, they can at least design and build it in a way that makes it easy for people to make that choice and support other future efforts at building out a network.

Thank you for your time and attention to this matter. If there are any additional questions or comments about these concerns, please do not hesitate to reach out for clarification.

Sincerely,

Marven E. Norman, Executive Director

About IEBA The Inland Empire Biking Alliance is advocating for making the Inland Empire a better place for people from all rolls of life. From the children just learning how to ride to the mountain bikers to those headed back and forth to work, school, or their preferred shopping center and beyond, we speak up to make sure they all have safe and convenient place to ride.

⁴ Fitch, D., Carlen, J., & Handy, S. (2020). *Making Bicycling Comfortable: Identifying Minimum Infrastructure Needs by Population Segments Using a Video Survey*.

NATIVE AMERICAN HERITAGE COMMISSION

January 18, 2023

Fernando Herrera
City of Menifee
29844 Haun Road
City of Menifee, CA 92586

Re: 2023010225, Compass Northern Gateway Project, Riverside County

Dear Mr. Herrera:

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

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

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

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

[AB 52](#)



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

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

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

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
- c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
- e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
- f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

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

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

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

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

If you have any questions or need additional information, please contact me at my email address:
Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

cc: State Clearinghouse



02/10/2023

VIA EMAIL ONLY

Fernando Herrera,
City of Menifee, Community Development Department
29844 Haun Road
Menifee, CA 92586
fherrera@cityofmenifee.us

RE: NOP Comments for Compass Northern Gateway Project

Dear Mr. Herrera,

On behalf of Californians Allied for a Responsible Economy ("CARE CA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the "Compass Northern Gateway" Project (the "Project"). The proposed Project will be the construction of five concrete tilt-up buildings on three separate sites totaling 490,393 square feet and associated facilities and improvements. The Project requires approval for Plot Plan and Tentative Parcel Map.

The Initial Study ("IS") identifies the Project's potentially significant impacts under CEQA to include Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, Tribal Cultural Resources, Utilities/Service Systems, and Wildfire. CARE CA respectfully requests, under CEQA complete analysis of these impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives, including at least two environmentally superior alternatives to the Project.

The City should also consider the following comments:

i) Project Description: The Project description contains a statement of the project objectives, that the lead agency uses to determine a reasonable range of alternatives. (CEQA Guidelines, § 15124.) The City should avoid developing objectives that are so narrow as to exclude any meaningful alternative other than the Project. Such a narrow approach for describing project

objectives ensures that the alternatives analysis is essentially useless and foregone conclusion. In *We Advocate Through Envotl. Review v. City of Mount Shasta*, the court found that the project objectives were unreasonably narrow and impacted analysis of the no-project alternative.

ii) Unspecified Industrial Uses: The DEIR should clearly articulate assumptions regarding the type and mix of warehouse uses¹ that would likely occupy the massive warehouse space to ensure that the unique impacts of each use (i.e., both truck and vehicular trips, air quality, GHG emissions, public health risk and other environmental effects) are comprehensively evaluated and disclosed to the public and City decision makers throughout the CEQA process.

If the Project will not include cold storage, then the City must include California Air Resources Board (CARB) recommended design measures in the DEIR. CARB recommends requiring contractual language in tenant lease agreements or restrictive covenant over parcel to prohibit use of transport refrigeration units (TRU).

iii) Public Health: Some of the project sites are close to residences. We all know that the proposed uses will bring in hundreds and hundreds of diesel emitting trucks into the neighborhood. No doubt, this will affect the public's health and we must not ignore the unjust consequences of toxic pollution on surrounding communities and workers.

The City must ensure that the DEIR is not deficient in its informational discussion of air quality impacts as they connect to adverse human health effects. Therefore, estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health. In addition, the DEIR must include a mobile source Health Risk Assessment that includes both construction and operational diesel PM emissions and cancer risk assessment.

Thank you for the opportunity to submit NOP comments. CARE CA respectfully urges the City to take this opportunity to protect the environment and the community to the maximum extent feasible. We look forward to reviewing and commenting on subsequent environmental review documents when these documents are released for public review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Modrzejewski', with a long horizontal flourish extending to the right.

Jeff Modrzejewski
Executive Director

¹ <http://newpromisefarms.com/files/2018/07/HighCube-Warehouse-Oct-2016-Study-ITE.pdf>



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

January 30, 2023

fherrera@cityofmenifee.us

Fernando Herrera, Associate Planner
City of Menifee
Community Development Department
29844 Haun Road
Menifee, California 92586

Notice of Preparation of a Draft Environmental Impact Report for the Compass Northern Gateway Project

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated.

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

South Coast AQMD staff is concerned about potential public health impacts of siting warehouses within close proximity of sensitive land uses, especially in communities that are already heavily affected by the existing warehouse and truck activities. The South Coast AQMD's Multiple Air Toxics Exposure Study (MATES V), completed in August 2021, concluded that the largest contributor to cancer risk from air pollution is diesel particulate matter (DPM) emissions⁶. According to the MATES V Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 285 in one million⁷. Operation of warehouses generates and attracts heavy-duty diesel-fueled trucks that emit DPM. When the health impacts from the Proposed Project are added to those existing impacts, residents living in the communities surrounding the Proposed Project will possibly face an even greater exposure to air pollution and bear a disproportionate burden of increasing health risks.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook,⁸ South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,⁹ and Southern California Association of

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ South Coast AQMD. August 2021. *Multiple Air Toxics Exposure Study in the South Coast Air Basin V*. Available at: <http://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v>.

⁷ South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/air-quality/air-quality-studies/health-studies/mates-v).

⁸ <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

⁹ South Coast AQMD's 2022 Air Quality Management Plan can be found at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan> (Chapter 4 - Control Strategy and Implementation).

Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.¹⁰

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Draft EIR may include the following:

- Require zero-emissions (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible. Given the state's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks such as the Advanced Clean Trucks Rule¹¹ and the Heavy-Duty Low NOx Omnibus Regulation¹², ZE and NZE trucks will become increasingly more available to use. The Lead Agency should require a phase-in schedule to incentive the use of these cleaner operating trucks to reduce any significant adverse air quality impacts. South Coast AQMD staff is available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency. At a minimum, require the use of 2010 model year¹³ that meet CARB's 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. Include environmental analyses to evaluate and identify sufficient electricity and supportive infrastructures in the Energy and Utilities and Service Systems Sections in the CEQA document, where appropriate. Include the requirement in applicable bid documents, purchase orders, and contracts. Operators shall maintain records of all trucks associated with project construction to document that each truck used meets these emission standards, and make the records available for inspection. The Lead Agency should conduct regular inspections to the maximum extent feasible to ensure compliance.
- Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final CEQA document. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.
- Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Mitigation measures for operational air quality impacts from other area sources that the Lead Agency should consider in the Draft EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at:

https://www.connectsocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

¹¹ CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

¹² CARB has recently passed a variety of new regulations that require new, cleaner heavy-duty truck technology to be sold and used in state. For example, on August 27, 2020, CARB approved the Heavy-Duty Low NOx Omnibus Regulation, which will require all trucks to meet the adopted emission standard of 0.05 g/hp-hr starting with engine model year 2024. Accessed at: <https://ww2.arb.ca.gov/rulemaking/2020/hdomnibuslownox>.

¹³ CARB adopted the statewide Truck and Bus Regulation in 2010. The Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. More information on the CARB's Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

- Use light colored paving and roofing materials.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low VOC cleaning products that go beyond the requirements of South Coast AQMD Rule 1113.

Design considerations for the Proposed Project that the Lead Agency should consider to further reduce air quality and health risk impacts include the following:

- Clearly mark truck routes with trailblazer signs, so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, day care centers, etc.).
- Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.
- Design the Proposed Project such that any check-in point for trucks is inside the Proposed Project site to ensure that there are no trucks queuing outside.
- Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.
- Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, and Rule 316 – Fees for Rule 2305. Rules 2305 and 316 are new rules that will reduce regional and local emissions of nitrogen oxides (NOx) and particulate matter (PM), including diesel PM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 square feet. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt in to earn Points on behalf of their tenants if they so choose because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of three warehouses on three separate sites totaling 490,393 square feet, the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation¹⁴. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage¹⁵.

¹⁴ South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf>.

¹⁵ South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at swang1@aqmd.gov.

Sincerely,

Sam Wang

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation

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