

Appendices

Appendix A Notice of Preparation Comment Letters

NATIVE AMERICAN HERITAGE COMMISSION

February 20, 2024

Governor's Office of Planning & Research

Feb 23 2024**STATE CLEARINGHOUSE**John Della Monica
221 West Pine Street
Lodi CA 95240

Re: 2024020668, 2024 Lodi General Plan Update Project, San Joaquin County

Dear Mr. Della Monica:

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.

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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: Pricilla.Torres-Fuentes@NAHC.ca.gov.

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

cc: State Clearinghouse

California Department of Transportation

AERONAUTICS PROGRAM
DIVISION OF TRANSPORTATION PLANNING
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March 7, 2024

John Della Monica
Community Development Director
City of Lodi, Community Development Department
221 West Pine Street
Lodi, CA 95240
Electronically Sent <jdellamonica@lodi.gov>

SCH # 2024020668

Dear Mr. Della Monica:

The California Department of Transportation (Caltrans), Aeronautics Program has reviewed the Notice of Preparation (NOP) for a Draft Subsequent Environmental Impact Report for the City of Lodi General Plan 2024 General Plan Update. One of the goals of the California Department of Transportation (Caltrans), Aeronautics Program, is to assist cities, counties, and Airport Land Use Commissions (ALUC) or their equivalent, to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including Caltrans Aeronautics in the review of the NOP.

Please be aware that portions identified in the NOP and project sites may be located within an Airport Influence Area (AIA), or safety zone of an Airport Land Use Compatibility Plan (ALUCP) formed by the ALUC pursuant to the PUC, Section 21674. Density and Intensity compatibility around airports should also be considered as a potential impact given the long-range nature of the plan. Given the anticipated amount of development and increased pressures of housing in the state approaching to 2050, increased density surrounding airports can lead to adverse impacts on communities and should be reviewed for potential consequences to health and safety. Sensitive land uses such as residential areas, schools, hospitals, senior homes, and other facilities should also be reviewed for airport land use compatibility.

Per the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act, Section 21676(b) prior to the amendment of a general plan, within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. Any proposed development in the defined safety zones, therefore, must adhere to the safety criteria and

Mr. John Della Monica, Community Development Director

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restrictions defined in the Airport Land Use Compatibility Plan(s) adopted by the ALUC pursuant to the PUC, Section 21674.

Proposed projects may also be subject to 14 CFR Part 77 Conical Surface standards and CNEL contours noise compatibility of an airport, which may require noise reduction measures. Please be aware, Public Utilities Code, Section 21659, "Hazards Near Airports Prohibited" prohibits structural hazards near airports. To ensure compliance with Federal Aviation Regulation, Part 77, "Objects Affecting Navigable Airspace," submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. In addition, any proposed projects identified as hazardous material sites compiled pursuant to Government Code Section 65962.5, compatibility restrictions should be reviewed per the ALUCP of an airport.

Please consider the regional scale of the environmental impact analysis and ensure impacts to airport-related noise and safety hazards are fully mitigated, therefore project-level agencies should consider project-level mitigation measures and adherence to the local ALUCP of an airport for compatibility guidelines and restrictions.

An ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development of airports, as declared by the California Legislature. A responsibility of the ALUC is to assess potential risk to aircraft and persons in airspace and people occupying areas within the vicinity of the airport. Additional detail and background can be found in the California Airport Land Use Planning Handbook <https://dot.ca.gov/programs/aeronautics/airport-land-use-planning>.

The Aeronautics Program commends the City of Lodi and encourages the continued collaboration with aviation stakeholders on regional aviation planning issues.

If you have any questions or need additional information, please contact me by email at ingrid.mcroberts@dot.ca.gov.

Sincerely,



Ingrid McRoberts
Aviation Planner
Caltrans Aeronautics Program

c: State Clearinghouse



State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
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March 8, 2024

John Della Monica
Community Development Director
City of Lodi
221 West Pine Street
Lodi, CA 95240
jdellamonica@lodi.gov

Subject: City of Lodi General Plan 2024 General Plan Update
Notice of Preparation
SCH No. 2024020668

Dear John Della Monica:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Preparation of an Environmental Impact Report (EIR) from City of Lodi for the, City of Lodi General Plan 2024 General Plan Update (Project), in San Joaquin County pursuant the California Environmental Quality Act (CEQA) statute and guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. 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 provides, 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 may also act 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 DESCRIPTION SUMMARY

The Project site is located throughout the City of Lodi (City), an incorporated city in the San Joaquin Valley. The City is located between Stockton to the south; Sacramento to the north, and unincorporated San Joaquin Valley lands in the east and west. The City is bisected by State Route (SR) 99 and the main line of the Union Pacific Railroad. Regional access to the City is also provided by SR-12 and Interstate 5.

The Project consists of minor adjustments to designations on the General Plan Land Use Map, in many cases for land that is already developed but not identified as the correct designation on the Land Use Map. Additionally, the proposed project recognizes the 2023 expansion of the City's Sphere of Influence (SOI) to include an additional area of approximately 850 acres located south of Kettleman Lane and east of Highway 99. The City is also updating its Vehicle Miles Traveled (VMT) model and is amending the Transportation Element to reflect the results of this VMT analysis. Separately, the City is preparing to adopt General Plan updates to its Housing Element and Safety Element as well as adopt policies to address Environmental Justice. The Housing Element, Safety Element and Environmental Justice provisions will be adopted prior to the 2024 General Plan update described in this NOP.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the City of Lodi in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to impacts on biological resources. CDFW recommends that the forthcoming EIR and Project consider incorporating the following principles to promote the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species within the City:

1. The City shall promote the preservation and restoration of contiguous areas of natural habitat throughout the city and support their integration with existing and future preserves;
2. The City shall retain plant and wildlife habitat areas where there are known sensitive resources (e.g., sensitive habitats, special-status, threatened, endangered, candidate species, and species of concern). Particular attention

shall be focused on retaining habitat areas that are contiguous with other existing natural areas and/or wildlife movement corridors;

3. The City shall preserve the ecological integrity of creek corridors, canals, and drainage ditches that support riparian resources by preserving native plants and, to the extent feasible, removing invasive nonnative plants. If not feasible, adverse impacts on riparian habitat shall be mitigated by the preservation and/or restoration of this habitat in compliance with state and federal regulations in perpetuity;
4. The City shall preserve and protect wetland resources including creeks, rivers, ponds, marshes, vernal pools, and other seasonal wetlands, to the extent feasible. If not feasible, the mitigation of all adverse impacts on wetland resources shall be required in compliance with state and federal regulations protecting wetland resources, and if applicable, special-status species such as: steelhead (*Oncorhynchus mykiss irideus*), Swainson's hawk (*Buteo swainsoni*), Burrowing Owl (*Athene cunicularia*), and Tricolored Blackbird (*Agelaius tricolor*). Additionally, the City shall require either on- or off-site permanent preservation of an equivalent amount of wetland habitat to ensure no net loss of value and/or function;
5. The City shall preserve and protect native grasslands and vernal pools that provide habitat for rare and endangered species. If not feasible, the mitigation of all adverse impacts on annual grasslands shall comply with state and federal regulations protecting foraging habitat for those species known to utilize this habitat;
6. The City shall preserve and protect oak woodlands, heritage oaks, and/or significant stands of oak trees in the city that provide habitat for common native, and special-status wildlife species;
7. The City shall preserve, protect, and avoid impacts to natural, undisturbed habitats that provide movement corridors for sensitive wildlife species. If corridors are adversely affected, damaged habitat shall be replaced with habitat of equivalent value or enhanced to enable the continued movement of species;
8. The City shall consider the potential impact on sensitive plants and wildlife for each project requiring discretionary approval. If site conditions are such that potential habitat for sensitive plant and/or wildlife species may be present, the City shall require habitat assessments, prepared by a qualified biologist, for sensitive plant and wildlife species. If the habitat assessment determines that suitable habitat for sensitive plant and/or wildlife species is present, then either (1) protocol-level surveys shall be conducted (where survey protocol has been established by a resource agency), or, in the absence of established survey protocol, a focused survey shall be conducted consistent with industry recognized best practices; or (2) suitable habitat and presence of the species shall be assumed to occur within all potential habitat locations identified on the Project site. Survey Reports shall be prepared and submitted to the City and

CDFW or the United States Fish and Wildlife Service (depending on the species) for further consultation and development of avoidance and/ or mitigation measures consistent with state and federal law;

9. The City will thoroughly analyze future projects potential direct, indirect and cumulative impacts on biological resources. To ensure these impacts are fully analyzed, the City will define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The City shall analyze potential direct impacts from lighting, noise, human activity, and wildlife-human interactions created by development activities especially those adjacent to natural areas, exotic and/or invasive species occurrences, and drainages, as well as analyze potential indirect impacts including resources in areas adjacent to the Project footprint, such as nearby public lands, open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands. Additionally, the City shall analyze a project's cumulative impacts and determine if that contribution would result in a significant impact;
10. The City will adopt appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of construction and long-term operation and maintenance of projects. Mitigation will be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (Guidelines § § 15126.4(a)(4)(B), 15064, 15065, and 16355);
11. The City shall support active habitat restoration and enhancement to reduce impact of climate change stressors and improve overall resilience of habitat within existing parks and open space in the city;
12. The City shall support educational programs for residents and visitors about the uniqueness and value of the natural resources, plants, and wildlife in the region, and how to manage development to preserve native wildlife populations, to the extent they are consistent with habitat protection requirements; and
13. The City shall comply with all applicable laws related to nesting birds and birds of prey. Potential habitat for nesting birds and birds of prey is present throughout the City of Lodi. The City shall analyze all potential activities that may incur a direct or indirect take to nongame nesting birds within the city and provide appropriate avoidance, minimization, and/or mitigation measures to avoid take. 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 City shall also include specific avoidance and minimization measures that will be implemented should a nest be located within a project site. In addition to larger, protocol level survey efforts and scientific assessments, final preconstruction surveys may be required no more than fifteen (15) days prior to vegetation clearing or ground

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disturbance activities, as instances of nesting could be missed if surveys are conducted earlier.

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 CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

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

Pursuant to Public Resources Code sections 21092 and 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the Project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Notice of Preparation of the EIR for the City of Lodi General Plan 2024 General Plan Update and recommends that the City of Lodi address CDFW's comments and concerns in the forthcoming EIR. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

If you have any questions regarding the comments provided in this letter, or wish to schedule a meeting and/or site visit, please contact Zach Kearns, Environmental Scientist at (916) 358-1134 or zachary.kearns@wildlife.ca.gov.

Sincerely,

DocuSigned by:

1ABC45303752499...

Tanya Sheya
Environmental Program Manager

City of Lodi General Plan 2024 General Plan Update

March 8, 2024

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ec: Billie Wilson, Senior Environmental Scientist (Supervisory)
Zach Kearns, Environmental Scientist
Department of Fish and Wildlife

Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

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/>



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

March 13, 2024

John Della Monica
Community Development Director
City of Lodi
221 West Pine Street
Lodi, CA 95240
jdellamonica@lodi.gov

RE: NOTICE OF PREPARATION (NOP) / NOTICE OF SCOPING MEETING FOR A DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SUB EIR) FOR THE CITY OF LODI GENERAL PLAN 2024 GENERAL PLAN UPDATE, DATED FEBRUARY 16, 2024 STATE CLEARINGHOUSE # [2024020668](#)

Dear John Della Monica,

The Department of Toxic Substances Control (DTSC) received a NOP of a SUB EIR for the City of Lodi General Plan 2024 General Plan Update. The proposed project is a focused update to certain portions of the adopted General Plan. The General Plan is a state-required legal document that provides guidance to decision makers regarding the allocation of resources and determining the future physical form and character of development in the City and its Sphere Of Influence. The proposed project focuses primarily on minor adjustments to designations on the General Plan land use map, in many cases for land that is already developed but not identified as the correct designation. The City is also updating its Vehicle Miles Traveled (VMT) model and is amending the Transportation Element to reflect the results of this VMT analysis. Based

on our project review, we request consideration of the following comments:

1. The proposed Project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this Project. This may restrict what construction activities are permissible in the proposed Project areas in order to avoid any impacts to human health and the environment.
2. Due to the broad scope of the Project, DTSC is unable to determine the locations of the proposed sites, whether they are listed as having documented contamination, land use restrictions, or whether there is the potential for the sites to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends providing further information on the proposed project and areas that may fall under DTSC's oversight within the SUB EIR. Once received, DTSC may provide additional comments on the SUB EIR as further information becomes available. Please review the project area in [Envirostor](#); DTSC's public-facing database.

DTSC believes the City of Lodi must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC recommends the department connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered. Please refer to the [City of Lodi EnviroStor Map](#) for additional information about the areas of potential contamination

DTSC appreciates the opportunity to comment on the proposed project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

Dave Kereazis

Dave Kereazis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Tamara Purvis
Associate Environmental Planner
HWMP – Permitting Division - CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Scott Wiley
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Appendices

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