

## **Appendix B      NOP Comments**

## Appendices

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**From:** [Kelly Lucia](#)  
**To:** [Benjamin Matlock](#); [Jasmine Osman](#)  
**Cc:** [Nicole Vermilion](#)  
**Subject:** Re: Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)  
**Date:** Tuesday, November 15, 2022 8:21:38 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[COYSECONDARY3\\_7916fdb3-bec5-493a-b982-1609ace2deba.png](#)  
[Outlook-3zsqapli.png](#)

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Thanks so much!



**Kelly Lucia, M. URP**  
**Planning Director**

**Cell 909.809.8778 (preferred)**  
**Office 909.795.9801 ext. 229**  
**Email [klucia@cityofcalimesa.net](mailto:klucia@cityofcalimesa.net)**

---

**From:** Benjamin Matlock <[bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)>  
**Sent:** Tuesday, November 15, 2022 8:15 AM  
**To:** Kelly Lucia <[klucia@cityofcalimesa.net](mailto:klucia@cityofcalimesa.net)>; Jasmine Osman <[josman@placeworks.com](mailto:josman@placeworks.com)>  
**Cc:** Nicole Vermilion <[nvermilion@placeworks.com](mailto:nvermilion@placeworks.com)>  
**Subject:** RE: Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)

Hi Kelly!

The first document will be the SEIR as we have the existing EIR for the Specific Plan.

Thank you,

**Benjamin Matlock**  
Planning Manager / City Planner  
City of Yucaipa  
City Hall • 34272 Yucaipa Blvd • Yucaipa, CA 92399  
Office: [909-797-2489](tel:909-797-2489) Ext. 261  
[www.yucaipa.org](http://www.yucaipa.org)



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**From:** Kelly Lucia <[klucia@cityofcalimesa.net](mailto:klucia@cityofcalimesa.net)>  
**Sent:** Tuesday, November 15, 2022 8:12 AM  
**To:** Jasmine Osman <[josman@placeworks.com](mailto:josman@placeworks.com)>; Benjamin Matlock <[bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)>  
**Cc:** Nicole Vermilion <[nvermilion@placeworks.com](mailto:nvermilion@placeworks.com)>  
**Subject:** Re: Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)

Good morning,

Received. A quick question - was an initial study prepared or will the first document that goes out for public review be the SEIR?

Thank you!



**Kelly Lucia, M. URP**  
**Planning Director**

**Cell 909.809.8778 (preferred)**

**Office 909.795.9801 ext. 229**

**Email**

**[klucia@cityofcalimesa.net](mailto:klucia@cityofcalimesa.net)**

---

**From:** Jasmine Osman <[josman@placeworks.com](mailto:josman@placeworks.com)>  
**Sent:** Tuesday, November 15, 2022 7:28 AM  
**To:** Benjamin Matlock <[bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)>  
**Cc:** Nicole Vermilion <[nvermilion@placeworks.com](mailto:nvermilion@placeworks.com)>  
**Subject:** Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)

Good morning,

On behalf of the City of Yucaipa, I am sending an electronic copy of the Notice of Preparation (NOP) and Scoping Meeting for the Freeway Corridor Specific Plan Draft Subsequent Environmental Impact Report (attached). A hardcopy of the NOP will also be mailed to your agency. The NOP includes information about the proposed project and the scoping meeting for the proposed project.



The end of the public review period is Thursday, December 15, 2022 at 5 PM.

Thank you,

**JASMINE A. OSMAN**

**Associate I**

*she/her*



Offices throughout California

714.966.9220 ext. 2608

[josman@placeworks.com](mailto:josman@placeworks.com) | [placeworks.com](https://placeworks.com)

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**From:** [Jill McCormick](#)  
**To:** [Jasmine Osman](#)  
**Subject:** Re: [EXTERNAL]:Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)  
**Date:** Tuesday, November 15, 2022 9:12:44 AM  
**Attachments:** [image001.png](#)

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This email is to inform you that we do not wish to comment on this project. We defer to the more local Tribes and support their determinations on this matter.

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**From:** Jasmine Osman <josman@placeworks.com>  
**Sent:** Tuesday, November 15, 2022 8:29 AM  
**To:** Benjamin Matlock <bmatlock@yucaipa.org>  
**Cc:** Nicole Vermilion <nvermilion@placeworks.com>  
**Subject:** [EXTERNAL]:Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)

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Thank you,

**JASMINE A. OSMAN**

Associate I

*she/her*



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**From:** [CEQAReview](#)  
**To:** [Jasmine Osman](#)  
**Subject:** RE: Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa) (ID: CEQA-ID-125)  
**Date:** Wednesday, November 16, 2022 6:03:56 AM

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Thank you Jasmine!

DTSC has made note of the project and will distribute for review and any comments! Have a good day!



**Dave Kereazis**

Analyst  
HWMP-Permitting (CEQA Unit)  
916-255-6446  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)  
Department of Toxic Substances  
Control  
California Environmental Protection  
Agency

---

**From:** CEQAReview <ceqareview@dtsc.ca.gov>  
**Sent:** Tuesday, November 15, 2022 10:11 AM  
**To:** Kereazis, Dave@DTSC <Dave.Kereazis@dtsc.ca.gov>  
**Subject:** FW: Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa) (ID: CEQA-ID-125)

FYI



**Meredith Williams** *(she/her/hers)*

Director  
916-322-0504  
[meredith.williams@dtsc.ca.gov](mailto:meredith.williams@dtsc.ca.gov)  
Department of Toxic Substances  
Control  
1001 "I" Street, P.O. Box 806  
Sacramento, California 95812-0806  
California Environmental Protection  
Agency

**Please conserve water!**

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**From:** Jasmine Osman <[josman@placeworks.com](mailto:josman@placeworks.com)>  
**Sent:** Tuesday, November 15, 2022 7:25 AM  
**To:** Benjamin Matlock <[bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)>  
**Cc:** Nicole Vermilion <[nvermilion@placeworks.com](mailto:nvermilion@placeworks.com)>  
**Subject:** Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)

Good morning,

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Thank you,

**JASMINE A. OSMAN**

**Associate I**

*she/her*



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**From:** [Larry Mainez](#)  
**To:** [Jasmine Osman](#)  
**Cc:** [pmatlock@yucaipa.org](mailto:pmatlock@yucaipa.org); [Nicole Vermilion](#); [Kim Stater](#); [Matt Bennett](#)  
**Subject:** FW: Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)  
**Date:** Thursday, November 17, 2022 8:17:19 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[FCSP\\_NOP\\_signed.pdf](#)

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Hello Jasmine,

The City of Highland is in receipt of the subject NOP and Scoping meeting notice. The City has no comments at this time.

We look forward to reviewing the Subsequent EIR when it is ready for public review.

Thanks,



**Lawrence A. Mainez**

Community Development Director /  
Housing Authority Assist Exec Dir.  
(909) 864-6861, ext. 215  
27215 Base Line  
Highland, CA 92346

Email: [lmainez@cityofhighland.org](mailto:lmainez@cityofhighland.org) Web: [www.cityofhighland.org](http://www.cityofhighland.org)

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**From:** Jasmine Osman <[josman@placeworks.com](mailto:josman@placeworks.com)>  
**Sent:** Tuesday, November 15, 2022 7:28 AM  
**To:** Benjamin Matlock <[pmatlock@yucaipa.org](mailto:pmatlock@yucaipa.org)>  
**Cc:** Nicole Vermilion <[nvermilion@placeworks.com](mailto:nvermilion@placeworks.com)>  
**Subject:** Notice of Preparation - Freeway Corridor Specific Plan Project (City of Yucaipa)

Some people who received this message don't often get email from [josman@placeworks.com](mailto:josman@placeworks.com). [Learn why this is important](#)

**EXTERNAL EMAIL: Do not click on links or open attachments unless you know the content is safe.**

Good morning,

On behalf of the City of Yucaipa, I am sending an electronic copy of the Notice of Preparation (NOP) and Scoping Meeting for the Freeway Corridor Specific Plan Draft Subsequent Environmental Impact Report (attached). A hardcopy of the NOP will also be mailed to your agency. The NOP includes information about the proposed project and the scoping meeting for the proposed project.

The end of the public review period is Thursday, December 15, 2022 at 5 PM.

Thank you,

**JASMINE A. OSMAN**  
Associate I

she/her



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[josman@placeworks.com](mailto:josman@placeworks.com) | [placeworks.com](http://placeworks.com)

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# NATIVE AMERICAN HERITAGE COMMISSION

November 14, 2022

Governor's Office of Planning &amp; Research

Benjamin Matlock  
City of Yucaipa  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399

**NOV 21 2022****STATE CLEARING HOUSE****Re: 2006041096, Freeway Corridor Specific Plan Subsequent EIR Project, San Bernardino County**

Dear Mr. Matlock:

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  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

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

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**[Vacant]**

COMMISSIONER  
**[Vacant]**

EXECUTIVE SECRETARY  
**Raymond C. Hitchcock**  
Miwok/Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

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](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

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

Some of SB 18's provisions include:

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

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

### NAHC Recommendations for Cultural Resources Assessments

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

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

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Cameron.Vela@nahc.ca.gov](mailto:Cameron.Vela@nahc.ca.gov).

Sincerely,

*Cameron Vela*

Cameron Vela  
Cultural Resources Analyst

cc: State Clearinghouse

# City of Calimesa

908 Park Avenue, Calimesa, California 92320  
Telephone 909.795.9801 Facsimile 909.795.4399

[www.cityofcalimesa.net](http://www.cityofcalimesa.net)

"Preserving and enhancing the open space atmosphere and quality of life in Calimesa"



November 30, 2022

City of Yucaipa  
Attn: Benjamin Matlock, Planning Manager/City Planner  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399

SUBJECT: NOTICE OF PREPARATION AND SCOPING MEETING FOR THE  
FREEWAY CORRIDOR SPECIFIC PLAN SUBSEQUENT  
ENVIRONMENTAL IMPACT REPORT

Dear Mr. Matlock,

Thank you for providing the City of Calimesa ("City") the Notice of Preparation and Scoping Meeting for the Freeway Corridor Specific Plan ("Specific Plan") Subsequent Environmental Impact Report ("SEIR"). Please find below the City's preliminary comments on the proposed Specific Plan revisions and note that additional comments will be provided for your consideration upon circulation of the SEIR. The City looks forward to continuing our ongoing coordination efforts related to circulation, transportation improvements, fair share analyses, and drainage facilities.

1. The EIR should ensure that the appropriate trip generation rates for the 2,054,000 square feet of warehouse uses in the Pacific Oaks Commerce Center are used in the transportation analysis. Note that there are several types of specific warehouse uses in the Institute of Transportation Engineers (ITE) Trip Generation manual ranging from standard warehouses to high-cube, sort fulfillment centers. The worst-case allowable trip generation scenario should be evaluated.
2. The EIR should include an analysis of traffic operations related to safety and hazards as required by CEQA. This includes potential queuing impacts to the mainline freeway lanes and the local street network created or exacerbated by the Project. This should also include an assessment for consistency with the City of Yucaipa General Plan transportation policies (including applicable Level of Service goals) as well as the City of Calimesa General Plan transportation policies for facilities within the City of Calimesa (including applicable LOS goals).
3. While the project may contribute to TUMF fees (or similar) for these improvements, there may be temporary traffic impacts created by the project. The EIR should discuss temporary operational impacts to the street network that may result in traffic safety hazards (e.g., long

# City of Calimesa

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"Preserving and enhancing the open space atmosphere and quality of life in Calimesa"



- queues, intersection traffic controls, relocated transit, bicycle, and/or pedestrian facilities) until the ultimate buildout of the street network is achieved.
4. The Project should contribute a fair-share contribution towards interim traffic signals or alternative improvements at the interchange of I-10 and County Line Road.
  5. The EIR should clearly delineate any alterations or proposed changes to the original EIR MMRP including any measures anticipated to be deleted, altered or reduced with documentation for such changes.
  6. The EIR should examine all of the same intersections and facilities from the original traffic impact analysis. In addition, the EIR should clearly explain any proposed road connections to the City of Calimesa, the nature of such connections (private property/emergency access/limited use/full access) as well as explaining the proposed conceptual design of such connections in such a manner as to allow the safety and operational aspects to be fully understood and any potential redistribution in traffic caused as a result. Finally, the analysis should consider and include the project to be the entire Freeway Corridor Specific Plan land uses and roadway network with a long-term buildout analysis.
  7. The City of Calimesa should be consulted on any traffic study scoping that may result subsequent, or in addition to, the EIR scoping.
  8. The proposed changes to the Specific Plan appear to impact the previously analyzed drainage pattern. The City of Calimesa requests additional information and coordination regarding potential impacts.

If you have any questions regarding these comments, please do not hesitate to contact me at 909-795-9801, ext. 229, or via e-mail at [klucia@cityofcalimesa.net](mailto:klucia@cityofcalimesa.net)

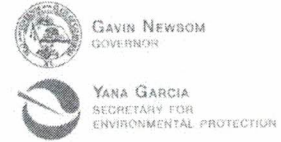
Sincerely,

Kelly Lucia, Planning Director

CC:

Will Kolbow, City Manager  
Bonnie Johnson, Executive Advisor to the City Manager  
Michael Thornton, City Engineer





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## Santa Ana Regional Water Quality Control Board

November 30, 2022

Benjamin Matlock  
City of Yucaipa  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399

### **COMMENTS ON THE NOTICE OF PREPARATION AND SCOPING MEETING FOR THE FREEWAY CORRIDOR SPECIFIC PLAN, SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

Dear Mr. Matlock

Thank you for providing staff of the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) with the opportunity to provide comments on the Notice of Preparation and Scoping Meeting for the Freeway Corridor Specific Plan (NOP). The proposed project is an update to the Freeway Corridor Specific Plan. The update would result in an increase in 25 residential units, 2,786,461 square feet of business park, and a reduction of 2,281,749 square feet of regional commercial space compared to the previously approved Specific Plan. Please accept the following comments.

- 1) Santa Ana Water Board staff concurs with the City's conclusion that the project will have "probable environmental impacts" to hydrology and water quality. We request that the Subsequent Environmental Impact Report (SEIR) identify the receiving waters, their beneficial uses, water quality impairments, and adopted Total Maximum Daily Loads (if any) according to the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan).
- 2) The probable water quality impacts of the project include impacts to the physical and biological integrity of downstream channels and impacts to the chemical integrity of receiving waters. Santa Ana Water Board staff requests that the SEIR include the results of an assessment of the current biological and physical integrity of onsite and downstream channels to establish baseline conditions. The SEIR should also summarize the source control, site design, and structural treatment controls that will be employed to mitigate these impacts. The SEIR should also include an assessment of the expected effectiveness of these controls.

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KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

3737 Main Street, Suite 500, Riverside, CA 92501-3348 | [www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

- 3) Santa Ana Water Board staff requests that the SEIR include an antidegradation analysis so that the cumulative water quality impacts of the whole of the project on receiving waters are assessed. Antidegradation analyses are conducted consistent with State Board Resolution 68-16 and Administrative Procedures Update (APU) 90-004. An antidegradation analysis may be used to support findings in subsequent regulatory actions, such as waste discharge requirements, conditional waivers, or Clean Water Act Section 401 Water Quality Standards Certifications. APU 90-004 is available at:

[www.waterboards.ca.gov/water\\_issues/programs/npdes/docs/apu\\_90\\_004.pdf](http://www.waterboards.ca.gov/water_issues/programs/npdes/docs/apu_90_004.pdf)

- 4) Santa Ana Water Board staff requests that the SEIR include a summary of NPDES requirements to mitigate water quality impacts. Construction phase requirements are found in the State Water Resources Control Board's Construction General Order 2009-0009-DWQ and 2022-0057 (effective September 1, 2023). Overall post-construction requirements are found in the Santa Ana Water Board's Order R8-2010-0033 and its subsequent renewal. Please advise that the tentative requirements of the subsequent renewal are not in effect but are found in the Staff Working Proposal, available at:

[www.waterboards.ca.gov/santaana/board\\_info/agendas/2022/2-4-2022/item\\_12.pdf](http://www.waterboards.ca.gov/santaana/board_info/agendas/2022/2-4-2022/item_12.pdf)

Please also note in the SEIR that certain industrial activity in the non-residential parts of the project may be subject to requirements in the General Industrial Permit Order 2014-0057-DWQ.

- 5) Santa Ana Water Board staff requests that structural treatment controls and controls for hydraulic conditions of concern be integrated into the project as regional or subregional facilities, as opposed to being constructed on a distributed, project-by-project basis. We request that the facilities be constructed as community features, such as open space areas or as part of recreational or non-motorized trails networks. We support this approach because it will allow the facilities to be professionally operated by a community facilities district or similar centralized organization. It will also allow the facilities to provide multiple community benefits and promote water quality education and stewardship.
- 6) The Santa Ana Water Board will require mitigation for direct and indirect impacts to the beneficial uses of waters of the state or waters of the US caused by the fill of those waters. Santa Ana Water Board staff requests that mitigation consist of the restoration of the physical and biological integrity of on-site waters. The level of improvement will be based on the results of baseline assessments requested above and the expected benefits of the restoration work. Please consider mitigation work that provides multiple community benefits. For example, in some situations, the existing condition of a stream may pose a public safety hazard to

visitors and diminish the stream's recreational value. Mitigating public safety risks and improving the physical and biological integrity of the water can be compatible mitigation objectives.

If you have any questions on these comments, please contact me at [adam.fischer@waterboards.ca.gov](mailto:adam.fischer@waterboards.ca.gov) or at 951 320-6363.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Fischer', written in a cursive style.

Adam Fischer, Supervisor  
Municipal Stormwater Unit

cc: City of Yucaipa, Benjamin Matlock – [bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)





State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
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Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



December 1, 2022  
*Sent via email*

Benjamin Matlock  
Planning Manager  
City of Yucaipa  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399  
bmatlock@yucaipa.org

Subject: Notice of Preparation of a Subsequent Environmental Impact Report  
Freeway Corridor Specific Plan Project  
State Clearinghouse No. 2006041096

Dear Benjamin Matlock:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Subsequent Environmental Impact Report (SEIR) from the City of Yucaipa (City) for the Freeway Corridor Specific Plan (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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.

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<sup>1</sup> 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 DESCRIPTION SUMMARY**

The proposed Project is an update to the current Freeway Corridor Specific Plan adopted in November 2008. These updates would result in a total of 2,472 residential units and 5,090,492 square feet of nonresidential uses. The proposed Project would result in an increase in 25 residential units, 2,786,461 square feet of Business Park, and a reduction of 2,281,749 square feet of Regional Commercial.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Yucaipa in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

CDFW recommends that the forthcoming SEIR 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 SEIR 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.

The CDFW recommends that the SEIR 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. 2009). 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 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

Please note that 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 and Game 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 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.

#### 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 recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW's website:

<https://www.wildlife.ca.gov/conservation/survey-protocols>. The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. 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 impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

Within the 2012 Staff Report, the minimum habitat replacement recommendation was purposely excluded as it was shown to serve as a default, replacing any site-specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area. It hypothesized that mitigation for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. If mitigation occurs offsite, it should include (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) be sufficiently large acreage with the presence of fossorial mammals. Furthermore, the report noted that suitable mitigation lands should be based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide.

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

The SEIR 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 SEIR:

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 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. 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 SEIR 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 SEIR 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 SEIR 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 SEIR 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 SEIR 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: northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), pallid San Diego pocket mouse, southern California legless lizard (*Anniella stebbinsi*), western pond turtle (*Emys marmorata*), western spadefoot (*Spea hammondi*), yellow warbler (*Setophaga petechia*), red-diamond rattlesnake (*Crotalus ruber*), western yellow bat (*Lasiurus xanthinus*), yellow-breasted chat (*Icteria virens*), lesser long-nosed bat (*Leptonycteris yerbabuena*), coast patch-nosed snake (*Salvadora hexalepis virgulata*), coastal whiptail (*Aspidoscelis tigris stejnegeri*).

4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the SEIR 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 SEIR 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 SEIR. 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 SEIR 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 the near future 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 except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

CDFW recommends that the SEIR 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 SEIR 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 SEIR, 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 SEIR 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. CDFW must comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the SEIR addresses all Project impacts to listed species and specify a mitigation monitoring and reporting program that will meet the requirements of CESA.

Based on review of CNDDDB, and/or knowledge of the project site/vicinity/general area, CDFW is aware that the following CESA-listed species have the potential to occur onsite/have previously been reported onsite: Crotch bumble bee (*Bombus crotchii*), least Bell's vireo (*Vireo bellii pusillus*), Swainson's hawk (*Buteo swainsoni*), slender-horned spinyflower (*Dodecahema leptoceras*), and tricolored blackbird (*Agelaius*

*tricolor*). Crotch bumble bee is a Candidate Species under review by CDFW for listing. Candidates are given full CESA protection. Fish & G. Code, §2068.

### **Lake and Streambed Alteration Program**

Based on review of material submitted with the NOP and review of aerial photography at least two drainage features traverse the site. 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. It may also apply to work undertaken within the flood plain of a body of water.

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 SEIR 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 package, please go to <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>.

### **ADDITIONAL COMMENTS AND RECOMMENDATIONS**

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). 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

Benjamin Matlock, Planning Manager  
City of Yucaipa  
December 1, 2022  
Page 11

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: <http://saveourwater.com/what-you-can-do/tips/landscaping/>.

## 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 completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## 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 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 SEIR for the Freeway Corridor Specific Plan Project (SCH No. 2006041096) and recommends that the City address CDFW's comments and concerns in the forthcoming SEIR. If you should have any questions pertaining to the comments provided in this letter, please contact June Leanos, Environmental Scientist Aid, at [June.Leanos@wildlife.ca.gov](mailto:June.Leanos@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn-Marquez  
Environmental Program Manager

Benjamin Matlock, Planning Manager  
City of Yucaipa  
December 1, 2022  
Page 12

Enclosures

ec: Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

## REFERENCES

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

**From:** Frost, Erik@DOC Erik.Frost@conservation.ca.gov  
**Subject:** City of Yucaipa Freeway Corridor Specific Plan Project (SCH 2006041096) - CGS comments  
**Date:** December 5, 2022 at 11:42 AM  
**To:** bmatlock@yucaipa.org  
**Cc:** OPR State Clearinghouse State.Clearinghouse@opr.ca.gov, OLRA@DOC OLRA@conservation.ca.gov



Hello Benjamin Matlock,

The California Geological Survey (CGS) has received a Notice of Preparation for a Subsequent Environmental Impact Report (SEIR) for the City of Yucaipa Freeway Corridor Specific Plan. This email conveys the following comments from CGS concerning geologic issues related to the planning area:

1. Fault Rupture Hazards

The CGS has mapped an Alquist-Priolo Earthquake Fault Zone (EFZ) for the Chicken Hills Fault Zone within the planning area. A review of the existing EIR indicates the EFZ for the Chicken Hills Fault Zone is not accurately depicted. When preparing the SEIR, the City should review maps and GIS data at the links below and revise the extent of the Chicken Hills Fault Zone as appropriate:

<https://maps.conservation.ca.gov/cgs/EQZApp/app/>

[https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?  
map=regulatorymaps](https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps)

If you have any additional comments or questions, please feel free to call or email.

Erik

**Dr. Erik Frost**

Senior Engineering Geologist I Seismic Hazards Program

California Geological Survey

715 P Street, MS 1901, Sacramento, CA 95814

(916) 205-8255

[erik.frost@conservation.ca.gov](mailto:erik.frost@conservation.ca.gov)



T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

www.lozeaudrury.com  
rebecca@lozeaudrury.com

*Via Email*

December 5, 2022

Benjamin Matlock  
Planning Manager/City Planner  
City of Yucaipa  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399  
[bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)

Jennifer Crawford  
Assistant City Manager/City Clerk  
City of Yucaipa  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399  
[jcrawford@yucaipa.org](mailto:jcrawford@yucaipa.org)

**Re: CEQA and Land Use Notice Request for Freeway Corridor Specific Plan (SCH 2006041096)**

Dear Mr. Matlock and Ms. Crawford:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Freeway Corridor Specific Plan Project (SCH 2006041096), including all actions related or referring to the proposed update to the Freeway Corridor Specific Plan (FCSP) that would result in an increase in 25 residential units, 2,786,461 square feet of Business Park uses, and a reduction of 2,281,749 square feet of Regional Commercial uses, and which would include the development of the Pacific Oaks Commerce Center Project for the construction of two warehouses totaling 2,054,000 square feet, located generally within the 1,242-acre FCSP area in the southeast corner of the City of Yucaipa (“Project”).

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

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

December 5, 2022

CEQA and Land Use Notice Request for Freeway Corridor Specific Plan (SCH 2006041096)

Page 2 of 2

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

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

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

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

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

Sincerely,



Molly Greene  
Lozeau | Drury LLP

**From:** [Benjamin Matlock](#)  
**To:** [Nicole Vermilion](#)  
**Cc:** [Jasmine Osman](#); [Arabesque Said-Abdelwahed](#); [Fermin Preciado, P.E.](#); [Landon Kern, P.E.](#)  
**Subject:** FW: Freeway Corridor Specific Plan  
**Date:** Wednesday, December 7, 2022 5:56:51 PM  
**Attachments:** [COYSECONDARY3\\_7916fdb3-bec5-493a-b982-1609ace2deba.png](#)  
[20221207073247.pdf](#)

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**Benjamin Matlock**  
Planning Manager / City Planner  
City of Yucaipa  
City Hall • 34272 Yucaipa Blvd • Yucaipa, CA 92399  
Office: [909-797-2489 Ext. 261](tel:909-797-2489)  
[www.yucaipa.org](http://www.yucaipa.org)



---

**From:** Liao, William <WLiao@socalgas.com>  
**Sent:** Wednesday, December 7, 2022 7:52 AM  
**To:** Benjamin Matlock <bmatlock@yucaipa.org>  
**Cc:** Castellanos, David <DCastellanos@socalgas.com>; Lemus, Sergio A <SLemus@socalgas.com>  
**Subject:** Freeway Corridor Specific Plan

Hi Benjamin.

I received the documents for the Freeway Corridor Specific Plan in the mail yesterday. No real concerns at the moment. We don't appear to have a lot of facilities in this general area.

Please make sure to call into Dig Alert/USA for excavations so we get a chance to review and locate/mark. Also, please contact our New Business section via their website to initiate the application process if gas service is needed for any of the proposed developments, at <https://www.socalgas.com/for-your-business/builder-services>.

Please let me know if you have any questions

Sincerely,

**Will Liao**  
Region Planning Supervisor  
Redlands HQ / Southeast Region  
Desk: 213-244-4543  
Mobile: 562-889-1981







## Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

Brendon Biggs, M.S., P.E.  
Director

Noel Castillo, P.E.  
Assistant Director

December 8, 2022

**Transmitted Via Email**

File: 10(ENV)-4.01

City of Yucaipa  
Planning  
Attn: Benjamin Matlock,  
34272 Yucaipa Boulevard,  
Yucaipa, CA 92399  
[bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)

**RE: CEQA – NOTICE OF PREPARATION AND SCOPING MEETING FOR THE  
FREEWAY CORRIDOR SPECIFIC PLAN SUBSEQUENT ENVIRONMENTAL  
IMPACT REPORT**

Dear Mr. Matlock:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on November 18, 2022**, and pursuant to our review, we have the following comments for your consideration and inclusion into public record:

**Flood Control Planning & Water Resources Division (Michael Fam, Chief, 909-387-8120):**

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the Yucaipa MPD, dated September 2011. It is to be used as a guideline for drainage in the area and is available in the City of Yucaipa's Offices. Any revision to the drainage should be reviewed and approved by the jurisdictional agency in which the revision occurs. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the Subsequent EIR before the document is adopted by the Lead Agency.
2. San Bernardino County Flood Control District's (Districts) facilities and right-of-way is within the project area (Wildwood Creek, 3-608-1B and Wilson Creek, 3-601-IC). Please be advised that any encroachments that any encroachments including, but not limited to access for grading, fence removal and installation, side drain connections, utilities, and new street dedications on the District's right-of-way or facilities will require a permit from the District prior to start of construction. The necessity for permits, and any impacts associated with them, should be addressed in the Subsequent EIR prior to its adoption and certification. Please contact the SBCFCD Permit Section at (909) 387-7995 for more information regarding this process.

The Project is within the:

- Comprehensive Storm Drain Plan (CSDP) No. 5 - May 1979

### BOARD OF SUPERVISORS

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Fifth District

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Chief Executive Officer

- Master Plan of Drainage (MPD} - Yucaipa MPD - January 2012
3. The District's recommendations are most often made for site specific conditions. Therefore, the recommendations made here are general in nature until such time as more detailed plans become available.
  4. According to the most recent FEMA Flood Insurance Rate Map, Panel 06071C8740H, dated August 28, 2008, the Project lies within Zones D, AE, AO, X-shaded (500-yr. floodplain), and the Regulatory Floodway. Impacts associated with the occurrence of the project within Zones D, AE, X and Regulatory Floodway and any proposed mitigation for those impacts
  5. One of the benefits of the CSDP/MPD is to identify the alignment of future drainage and flood control facilities. It is recommended that the developer(s) will continue to use this document to protect the alignment of future facilities.
  6. Development in the Regulatory Floodway should not be allowed unless it can be proven through detailed engineering analysis that there will be no rise in base flood elevations. We recommend further review after more complete improvement plans and drainage analysis have been submitted to the District.
  7. We recommend that the City establish adequate provisions for intercepting and conducting the accumulated drainage around or through all construction sites in a manner which will not adversely affect adjacent or downstream properties. Development or changes to drainage should be analyzed for potential environmental impacts and discussed within the Subsequent EIR as well as proposed mitigation for any impacts, prior to the Subsequent EIR being adopted or certified.
  8. Those portions of the Project lying in and abutting the natural drainage course and its overflow areas may be subject to infrequent flood hazard until adequate channel and debris retention facilities are provided to intercept and conduct the flows through and away from the site. The potential for flood hazards and proposed control measures and impacts associated with those measures should be discussed within the Subsequent EIR along with proposed mitigation for any impacts.
  9. We recommend that the City enforces the most current FEMA regulations for development within the Floodway, Special Flood Hazard Area (SFHA; 1% annual chance flood), Zone D areas (undetermined, but possible flooding) and other floodplains.
  10. Other Federal or State approvals may also be required. Information regarding this item can be obtained from the District.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

*Nancy Sansonetti*

**Nancy Sansonetti, AICP**  
Supervising Planner  
Environmental Management Division



DEVELOPMENT SERVICES  
DEPARTMENT

# CITY OF REDLANDS

Incorporated 1888  
35 Cajon Street, Suite 20  
Mailing: P.O. Box 3005  
Redlands, Calif. 92373  
(909) 798 – 7555 ext. 2

BRIAN DESATNIK  
Development Services Director

December 12, 2022

VIA E-MAIL

City of Yucaipa  
Planning Division  
Attn: Benjamin Matlock  
34272 Yucaipa Boulevard  
Yucaipa, CA 92399

**RE: Notice of Preparation of a Subsequent EIR for the Freeway Corridor Specific Plan**

Dear Mr. Matlock,

Thank you for notifying the City of Redlands regarding the above-referenced project. Planning Division staff has received and reviewed the Notice of Preparation regarding a Subsequent EIR for the Freeway Corridor Specific Plan. As the boundary area of the Freeway Corridor Specific Plan is adjacent to the city limits of the City of Redlands, we are submitting these comments pursuant to the California Environmental Quality Act.

1. Transportation

Transportation impacts and mitigations were identified in the original EIR for the Freeway Corridor Specific Plan (SCH 2006041096) which was certified November 2008.

- What items have already been completed?
- What remains to be completed?
- How will the shift of uses impact the previously identified needs?
- What is the impact of VMT under CEQA for this Subsequent EIR for the amendments to the existing Freeway Corridor Specific Plan?
- Specific concerns include safety impacts on Live Oak Canyon Road and San Timoteo Canyon Road southerly and westerly of the project boundary (i.e., road segments and intersections located within the City of Redlands).
- Evaluate and provide detailed discussion for Transportation section criteria "c" pertaining to "Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)" insofar as the proposed project may exacerbate existing conditions along Live Oak Canyon Road.

Please provide Traffic Study scoping and Traffic Study draft report for preliminary commenting.

## 2. Hydrology and Water Quality

The existing drainage channels are typically composed of coarse alluvium which is unstable when subjected to high velocity flow. Yucaipa Creek/Live Oak Canyon already demonstrates evidence of severe erosion and bank instability downstream from the project site.

Following construction, the combination of projects will result in permanent alteration of the project area's drainage patterns through paving and construction of buildings, facilities, and the circulation network. Further, the projects will result in a substantial increase in the amount of impervious surfaces throughout the project area compared to existing conditions, which will increase the rate and amount of surface runoff, which in turn could result in substantial siltation and erosion within Yucaipa Creek and further downstream in San Timoteo Canyon Creek.

The concern is that the proposed mitigation measures should be more specific than a vague phrase such as "to the maximum extent practicable..." Implementation of "standard erosion control measures" will be inadequate for mitigating the increase in runoff within Yucaipa Creek.

Please provide hydrology analysis scoping information and then Hydrology Study draft report for preliminary commenting.

## 3. Land Use and Planning

One part of the required analysis includes sub-section "a" (criteria pertaining to physically dividing an established community), and the EIR should evaluate the appropriateness of the proposed industrial land use (identified as "BP - Business Park" on the Proposed Land Use Plan) to be placed on the westerly end of the Freeway Corridor Specific Plan abutting Live Oak Canyon Road that would be surrounded by existing and future residential land uses both within Yucaipa as well as the City of Redlands.

Within Redlands, the San Timoteo Canyon area and Live Oak Canyon Road corridor have had an agricultural and rural residential character for many decades. Live Oak Canyon Road is a two-lane road with limited line-of-sight in many segments, no street lights or signalized intersections, no storm drain facilities, and is intended to serve the existing agricultural and rural residential land uses in the vicinity. The Redlands *2035 General Plan* identifies the area within Redlands as "Resource Preservation."

Resource Preservation. The Resource Preservation designation limits uses in areas which possess a unique character and fragile ecology which are prime resources for water conservation, wildlife preservation, open space recreation and agriculture. Preservation of such lands is essential to the health, safety and welfare of the community. Limited permitted uses include remote commercial recreational facilities, such as equestrian facilities, as envisioned in Section 4.64; postal offices, public safety facilities, educational facilities and public utilities as envisioned in





Section 4.94; and open space uses described in Section 4.95. Residential uses are permitted but density shall be limited to that allowed by Section 4.42m to protect the character and ecology of such lands.

The concern is that a Business Park development, likely to be one or more large warehouse/distribution facilities with related high numbers of large truck trips, at the westerly end of the project site (with access only from Live Oak Canyon Road) may not be an appropriate land use considering the surrounding residential land uses. Also, as a potential generator of high numbers of large truck trips, an industrial land use should be located closer to the Interstate 10 freeway, and Live Oak Canyon Road through Redlands must not be considered an acceptable alternate truck route to using the Interstate system. The previously Approved Land Use Plan (Figure 5) in the Freeway Corridor Specific Plan shows low density residential land uses at the west end adjacent to Live Oak Canyon Road, which would be consistent with the existing rural residential land uses in the area.

As a Subsequent EIR, it will include an analysis of alternatives (see CEQA Guidelines section 15126.6), and one appropriate and feasible alternative could be retaining the low-density residential land uses at the westerly side of the Freeway Corridor Specific Plan (as per Figure 5, Approved Land Use Plan) abutting the City of Redlands boundary. The Subsequent EIR should evaluate and discuss this alternative.

If you have any questions regarding this letter, please do not hesitate to contact me at (909) 798-7562 or email 'bfoote@cityofredlands.org'. Please send future EIR and project notices to my attention as well.

Thank you,



Brian Foote, AICP  
City Planner/Planning Manager

Attachments:

1. City of Redlands 2035 General Plan Land Use Map online
2. City of Redlands Zoning Map online

CC: B. Desatnik, Development Services Director  
D. Young, Engineering Manager





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

December 12, 2022

Benjamin Matlock, Planning Manager  
City of Yucaipa, Planning and Code Enforcement Division  
34272 Yucaipa Boulevard  
Yucaipa, California 92399  
Phone: (909) 797-2489  
E-mail: [bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)

**RE: SCAG Comments on the Notice of Preparation of a Subsequent Environmental Impact Report for the Freeway Corridor Specific Plan [SCAG NO. IGR6013]**

Dear Benjamin Matlock,

Thank you for submitting the Notice of Preparation of a Subsequent Environmental Impact Report for the Freeway Corridor Specific Plan (“proposed project”) to the Southern California Association of Governments (SCAG) for review and comment. SCAG is responsible for providing informational resources to regionally significant plans, projects, and programs per the California Environmental Quality Act (CEQA) to facilitate the consistency of these projects with SCAG’s adopted regional plans, to be determined by the lead agencies.<sup>1</sup>

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

SCAG staff has reviewed the Notice of Preparation of a Subsequent Environmental Impact Report for the Freeway Corridor Specific Plan in San Bernardino County. The proposed project includes a total of 2,472 residential units and 5,090,491 square feet of non-residential square footage (including Business Park and Regional Commercial uses) on a 1,242-acre site.

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

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

Sincerely,

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

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

**COMMENTS ON THE NOTICE OF PREPARATION OF A  
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE  
FREEWAY CORRIDOR SPECIFIC PLAN [SCAG NO. IGR6013]**

**CONSISTENCY WITH CONNECT SOCIAL**

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

**CONNECT SOCIAL GOALS**

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

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

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



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

**Connect SoCal Strategies**

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

**DEMOGRAPHICS AND GROWTH FORECASTS**

A key, formative step in projecting future population, households, and employment through 2045 for Connect SoCal was the generation of a forecast of regional and county level growth in collaboration with expert demographers and economists on Southern California. From there, jurisdictional level forecasts were ground-truthed by subregions and local agencies, which helped SCAG identify opportunities and barriers to future development. This forecast helps the region understand, in a very general sense, where we are expected to grow, and allows SCAG to focus attention on areas that are experiencing change and may have increased transportation needs. After a year-long engagement effort with all 197 jurisdictions one-on-one, 82 percent of SCAG’s 197 jurisdictions provided feedback on the forecast of future growth for Connect SoCal. SCAG also sought feedback on potential sustainable growth strategies from a broad range of stakeholder groups – including local jurisdictions, county transportation commissions, other partner agencies, industry groups, community-based organizations, and the general public. Connect SoCal utilizes a bottom-up approach in that total projected growth for each jurisdiction reflects feedback received from jurisdiction staff, including city managers, community development/planning directors, and local staff. Growth at the neighborhood level (i.e., transportation analysis zone (TAZ) reflects entitled projects and adheres to current general and specific plan maximum densities as conveyed by jurisdictions (except in cases where entitled projects and development agreements exceed these capacities as calculated by SCAG). Neighborhood level growth projections also feature strategies that help to reduce greenhouse gas emissions (GHG) from automobiles and light trucks to achieve Southern California’s GHG reduction target, approved by the California Air Resources Board (CARB) in accordance with state planning law. Connect SoCal’s Forecasted Development Pattern is utilized for long range modeling purposes and does not supersede actions taken by elected bodies on future development, including entitlements and development agreements. SCAG does not have the authority to implement the plan -- neither through decisions about what type of development is built where, nor what transportation projects are ultimately built, as Connect

SoCal is adopted at the jurisdictional level. Achieving a sustained regional outcome depends upon informed and intentional local action. To access jurisdictional level growth estimates and forecasts for years 2016 and 2045, please refer to the [Connect SoCal Demographics and Growth Forecast Technical Report](#). The growth forecasts for the region and applicable jurisdictions are below.

	Adopted SCAG Region Wide Forecasts				Adopted City of Yucaipa Forecasts			
	Year 2020	Year 2030	Year 2035	Year 2045	Year 2020	Year 2030	Year 2035	Year 2045
Population	19,517,731	20,821,171	21,443,006	22,503,899	58,906	66,706	71,491	75,209
Households	6,333,458	6,902,821	7,170,110	7,633,451	19,638	22,439	24,250	26,068
Employment	8,695,427	9,303,627	9,566,384	10,048,822	11,763	13,500	15,562	17,624

**MITIGATION MEASURES**

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



# South Coast Air Quality Management District

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SENT VIA E-MAIL:

December 15, 2022

[bmatlock@yucaipa.org](mailto:bmatlock@yucaipa.org)

Mr. Benjamin Matlock,  
Planning Manager/City Planner  
34272 Yucaipa Boulevard,  
Yucaipa, CA 92399

## **Notice of Preparation of a Subsequent Environmental Impact Report for the Freeway Corridor Specific Plan (Proposed 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 Subsequent Environmental Impact Report (Subsequent EIR). Please send a copy of the Subsequent EIR upon its completion and public release directly to South Coast AQMD as copies of the Subsequent 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 website<sup>1</sup> as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod<sup>2</sup> 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 thresholds<sup>3</sup> and localized significance thresholds (LSTs)<sup>4</sup> 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. 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

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<sup>1</sup> 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>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> 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>.

<sup>4</sup> 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>.

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 assessment<sup>5</sup>.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants and include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. The Proposed Project will include, among others, several residential development areas and will be located in close proximity to I-10 Freeway, and to facilitate the purpose of an EIR as an informational document, it is recommended that the Lead Agency perform a mobile source health risk assessment<sup>5</sup> to disclose the potential health risks<sup>6</sup>.

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 Subsequent 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.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*<sup>7</sup> is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory<sup>8</sup>.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*<sup>9</sup> includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

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

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<sup>5</sup> 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>.

<sup>6</sup> *Ibid.*

<sup>7</sup> CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

<sup>8</sup> CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

<sup>9</sup> South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

pollution is diesel particulate matter (DPM) emissions<sup>10</sup>. According to the MATES V Carcinogenic Risk interactive Map, the area surrounding the Proposed Project has an estimated cancer risk over 260 in one million<sup>11</sup>. 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,<sup>12</sup> South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2022 Air Quality Management Plan,<sup>13</sup> and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.<sup>14</sup>

Mitigation measures for operational air quality impacts from mobile sources that the Lead Agency should consider in the Subsequent 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 Rule<sup>15</sup> and the Heavy-Duty Low NOx Omnibus Regulation<sup>16</sup>, 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 year<sup>17</sup> 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

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<sup>10</sup> 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>.

<sup>11</sup> South Coast AQMD. MATES V Data Visualization Tool. Accessed at: [MATES Data Visualization \(arcgis.com\)](https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook).

<sup>12</sup> <https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>

<sup>13</sup> 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).

<sup>14</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at:

[https://www.connectsoal.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsoal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

<sup>15</sup> CARB. June 25, 2020. *Advanced Clean Trucks Rule*. Accessed at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks>.

<sup>16</sup> 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>.

<sup>17</sup> 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>.

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 Subsequent EIR may include the following:

- Maximize use of solar energy by installing solar energy arrays.
- 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 (NO<sub>x</sub>) 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 at least two totaling more than 2 million



square-foot warehouse, 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 obligation<sup>18</sup>. 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](mailto:waire-program@aqmd.gov). For implementation guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage<sup>19</sup>.

### **Health Risk Reduction Strategies**

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a study that South Coast AQMD conducted to investigate filters<sup>20</sup>, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the Subsequent EIR. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste that the Lead Agency should evaluate in the Subsequent EIR. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

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](mailto:swang1@aqmd.gov).

Sincerely,

*Sam Wang*

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

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SBC221118-03  
Control Number

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<sup>18</sup> 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>.

<sup>19</sup> South Coast AQMD WAIRE Program. Accessed at: <http://www.aqmd.gov/waire>.

<sup>20</sup> This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.



# Yucaipa Valley Water District

12770 Second Street • Post Office Box 730 • Yucaipa, California 92399-0730  
(909) 797-5117 • Fax: (909) 797-6381 • [www.yvwd.us](http://www.yvwd.us)

December 15, 2022

Benjamin Matlock  
City of Yucaipa  
34272 Yucaipa Boulevard  
Yucaipa, California 92399

RE: California Environmental Quality Act - Notice of Preparation and Scoping Meeting for the Freeway Corridor Specific Plan Subsequent Environmental Impact Report

**SUBJECT: Comments from the Yucaipa Valley Water District for the Freeway Corridor Specific Plan Subsequent Environmental Impact Report (SEIR)**

The Yucaipa Valley Water District has the following comments regarding the above-referenced SEIR.

The Yucaipa Valley Water District (YVWD) owns and operates facilities within the SIER that are not completely identified in **Figure 5 – Approved Land Use Plan** and **Figure 6 – Proposed Land Use Plan** of the Freeway Corridor Specific Plan Subsequent Environmental Impact Report. The concern of YVWD is that by incompletely identifying the parcels used/owned by YVWD and instead designating the areas as open space, the YVWD may be limited in operating, expanding, replacing, or otherwise serving the community on its property.

I have attached an outline of the YVWD owned parcels that should be included as public/institutional parcels. The Assessors Parcel Numbers are 301-211-08, 301-201-36, 301-201-03, 301-211-02, 301-221-01, and 301-201-23. I look forward to working with you on these adjustments as needed.

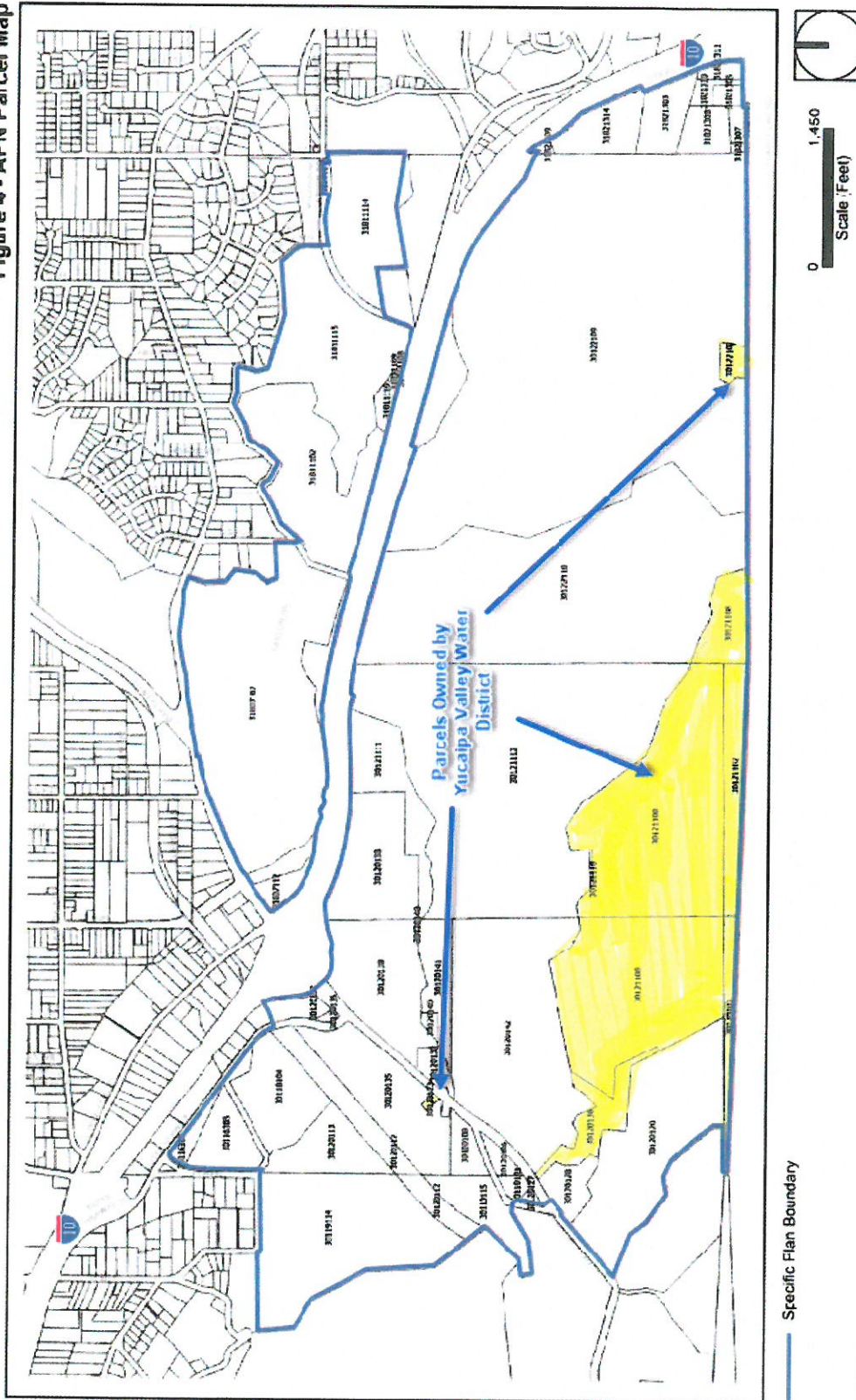
If you have any questions, please contact me by phone at (909) 797-3300 or by email at [mporras@yvwd.us](mailto:mporras@yvwd.us)

Sincerely,

Matthew Porras  
Director of Engineering



Figure 4 - APN Parcel Map



Placematters