

Appendix A

**Notice of Preparation and Responses
to the NOP**



CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES DEPARTMENT
NOTICE OF PREPARATION

FROM: CITY OF SAN BERNARDINO
RESEARCH
Development Services Department
300 North "D" Street, 3rd Floor
San Bernardino, CA 92418

TO: OFFICE OF PLANNING &
1400 Tenth Street, Room 121
Sacramento, CA 95814

COUNTY CLERK
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

The City of San Bernardino will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency and the public as to the scope and content of the environmental information that should be considered in connection with the proposed project.

A brief description of the proposed project is presented below. The topics that have been identified for analysis in the Draft EIR include Transportation/Traffic, Air Quality, Hydrology & Water Quality, Aesthetics, and Public Services. The project description, location, and the probable environmental effects are contained in the attached materials. Pursuant to CEQA Guidelines Section 15063(a), the Lead Agency has determined that an EIR will clearly be required for the project, and an Initial Study is not necessary.

Due to the time limits mandated by State law, your response must be send at the earliest possible date, but not later than 30 days after receipt of this notice. Please send written comments to the Development Services Department at the address noted above, attention: Brian Foote, Associate Planner. Please include your name and address with your comments.

In accordance with state requirements, a public scoping meeting will be held on **Wednesday, August 15, 2007**, at **2:00 p.m.** in the Economic Development Agency Board Room located at 201 North 'E' Street, 3rd Floor, San Bernardino, California.

Project Title: Palm/Industrial Distribution Center (Development Permit Type 2 No. 06-28)

Project Applicant: Palm Avenue SB, LLC

Project Description: The proposed project will result in the construction of one warehouse/distribution facility for a total of 682,408 square-feet on 33 acres. The project site is located at the southeast corner of Palm Avenue and Industrial Parkway, and southwest of the Interstate 215/ Palm Avenue interchange, in the City of San Bernardino, County of San Bernardino.

Signature: _____

Date: _____

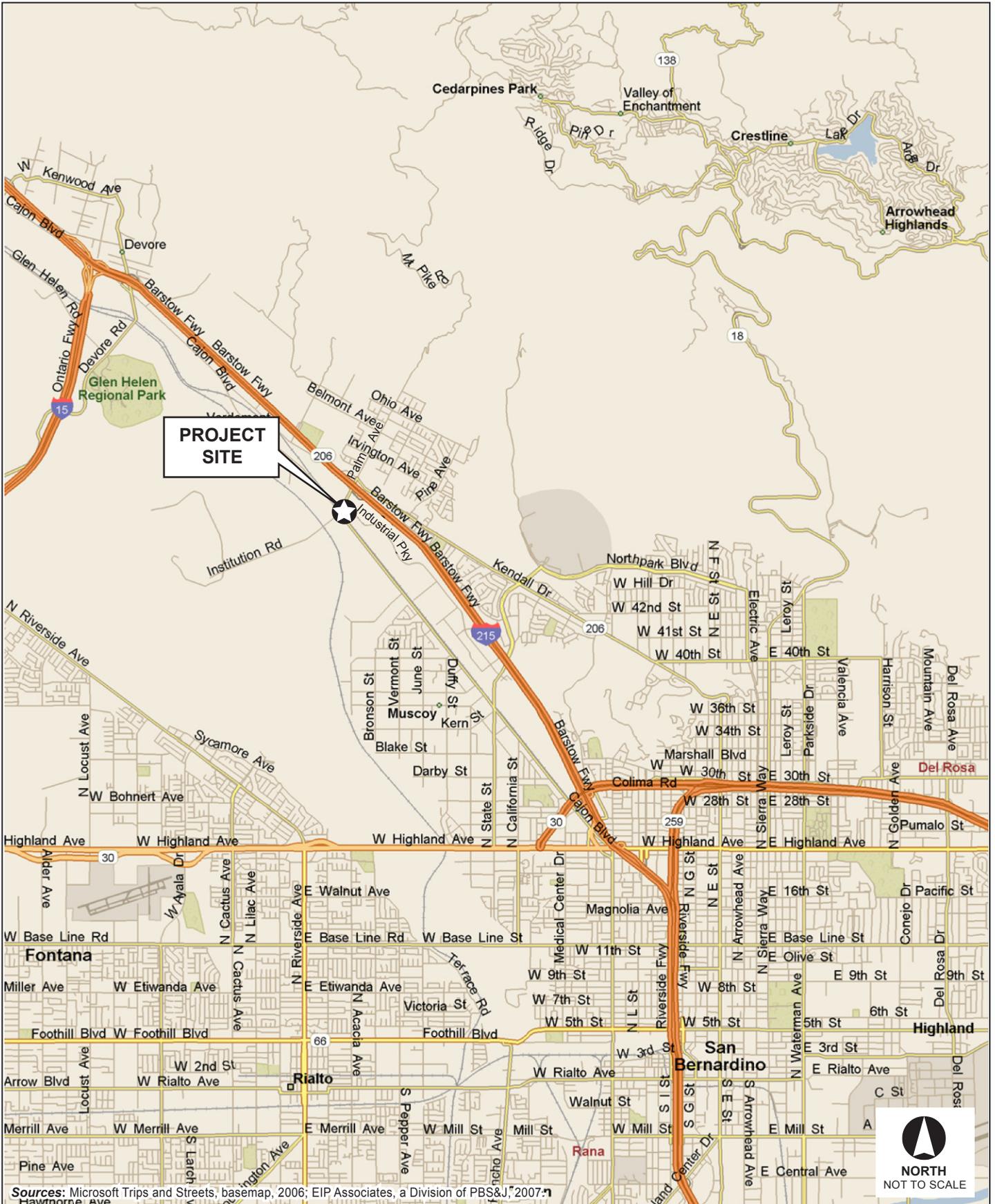
Title: Brian Foote, Associate Planner

Phone: (909) 384-5057 ext. 3338

**Attachment 1 to the Notice of Completion for the
Palm/Industrial Distribution Center EIR**

Project Description: The proposed project includes the construction of a warehouse/distribution facility consisting of a single building totaling 682,408 square feet. The approximately 33-acre project site is located at the southeast corner of Palm Avenue and Industrial Parkway, southwest of the Interstate 215/ Palm Avenue interchange (see Project Location Map), Assessor's Parcel No. 266-041-62.

The project site and a large contiguous area to the west are currently zoned Industrial. Some commercial uses exist along the Interstate 215 frontage and on Palm Avenue, and single-family residential occurs north of Kendall Drive on the northeast side of Highway 215. Building height would not exceed 40 feet. The project could include three small office areas, with a cross-dock loading configuration. Entrance to the site would be from Industrial Parkway on the south side of the project. The existing hills would be leveled and all soil exported. Lot coverage would be 47 percent and the development would include 522 standard and 93 trailer parking spaces, for a total of 615 spaces. Approximately 12 percent of the site would be landscaped. The development would include an 8-foot wrought-iron fence around the perimeter. The proposed project would fall within the Industrial Light (IL) land use category as established in the City's General Plan. The project site is adjacent to, and immediately north of, the Northwest Redevelopment Area.



Sources: Microsoft Trips and Streets, basemap, 2006; EIP Associates, a Division of PBS&J, 2007.

EIP
ASSOCIATES

A division of **PBS&J**

FIGURE 1
Regional Location Map

D21331.00

Palm/Industrial Distribution Center

07 | CS-1-00080

Potential Environmental Effects
Palm/Industrial Distribution Center EIR

Aesthetics

- Potential effects to the existing visual character of the project site and its surroundings
- Potential changes in sources of light or glare

Air Quality

- Consistency with adopted air quality plans
- Potential to violate any air quality standard or contribute substantially to an existing projected air quality violation
- Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment
- Potential effects to sensitive receptors
- Potential to create objectionable odors

Biological Resources

- Potential to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species
- Potential to have a substantial adverse effect on any riparian habitat or other sensitive natural community
- Potential to have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act
- Potential effects on any native resident or migratory wildlife corridors
- Potential to conflict with any local policies or ordinances protecting biological resources

Cultural Resources

- Potential effects on archaeological or paleontological resources
- Potential effects on human burials

Geology and Soils

- Potential effects involving earth movement (cut and/or fill) on slopes of 15% or more and suitability and stability of soils for future development
- Potential effects as a result of erosion, dust, or the loss of topsoil

- Potential to be located within an area subject to landslides, mudslides, subsidence or other similar hazards
- Potential to be located within an area subject to liquefaction
- Potential to result in erosion, dust, or unstable soil conditions from excavation, grading, fill, or other construction activities

Hazards and Hazardous Materials

- Potential to create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials
- Potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment
- Potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5
- Potential to impair implementation of or physically interfere with an emergency response plan or emergency evacuation plan

Hydrology and Water Quality

- Potential to violate any water quality standards or waste discharge requirements
- Potential to substantially deplete groundwater supplies or interfere substantially with groundwater recharge
- Potential to substantially alter the existing drainage pattern of the site or area
- Potential to result in a significant change in the flow velocity or volume of storm water runoff
- Potential to substantially alter the existing drainage pattern of the site or area
- Potential to create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of post-construction polluted runoff
- Potential to substantially degrade water quality or beneficial uses

Mineral Resources

- Potential to result in the loss of availability of known mineral resource that would be of value to the region and the residents of the state
- Potential to result in the loss of locally important mineral resource recovery site delineated on a local general plan or other land use plan

- Location in relation to a Mineral Resource Zone as adopted by the State Mining Geology Board and identified in the City's General Plan

Noise

- Potential to expose persons to, or generation of, noise levels in excess of established standards
- Potential to expose persons to, or generation of, excessive ground borne vibration or ground borne noise
- Potential to create a substantial permanent increase in ambient noise level in the project vicinity above existing without the project
- Potential to create a substantial or periodic increase in ambient noise levels in the project vicinity above existing without the project

Public Services

- Potential to cause an adverse, increased demand on: police and fire protection, medical aid, solid waste disposal, and maintenance of public facilities

Transportation and Traffic

- Potential to cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system
- Potential to exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways
- Potential to substantially increase hazards due to design feature (e.g., sharp curves of dangerous intersections) or incompatible uses (e.g., farm equipment)
- Potential to result in inadequate emergency access
- Potential to result in inadequate parking capacity
- Potential to conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks) supporting alternative transportation

Utilities and Service Systems

- Potential to exceed wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board
- Potential to require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects

- Potential to require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed
- Potential to result in determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs
- Consistency with adopted regulations related to solid waste generation

Wind

- Consistency of the project design with wind-resistant design standards of the City
- Potential wind effects of the proposed project on adjacent properties

Environmental Effects Expected Not to be Significant

Palm/Industrial Distribution Center EIR

Aesthetics and Visual Resources

- Potential to have a substantial adverse effect on a scenic vista as identified in the City's General Plan
- Potential to substantially damage scenic resources

The proposed project site is not located in an area designated as part of a scenic vista or view corridor in the City's General Plan. The topography of the site is generally flat, with a large hilly area that blocks views of the distant mountains from most vantage points on the site. No significant publicly held views of the mountains would be obstructed by the proposed project. Additionally, the proposed height of the building, approximately 40 feet, plus the additional 12-foot high berm, as well as the bulk and scale of the project, would not block a scenic vista. Proposed setbacks from the public right-of-way and adjacent property lines, as well as the removal of some existing above-ground utilities and their placement underground will enhance the aesthetics of the area. Therefore, there would be no impacts on scenic vistas, and no further analysis of this issue is required in the EIR.

Agricultural Resources

- Potential to convert Prime Farmland, Unique Farmland of Statewide Importance (Farmland) to a non-agricultural use
- Potential to conflict with agricultural zoning, and existing use, or Williamson Act Conservation Contract
- Potential to involve other changes in the existing environment which could result in conversion of Farmland, to non-agricultural uses

The project site is not listed as a candidate for prime farmland and no prime farmland of Statewide Importance or other agricultural land exists on the project site. The site is located in an urbanized area and is zoned for industrial uses. There are no *Williamson Act* contracts applicable to the site. No impacts to agricultural resources would occur. Therefore, no further analysis of this issue is required in the EIR.

Biological Resources

- Potential to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

There is no habitat conservation plan applicable to the project site. Therefore, there would be no conflicts with an adopted habitat conservation plan, and no further analysis is required in the EIR.

Cultural Resources

- Potential to cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of CEQA

There are no historical resources or structures on the project site. Therefore, there would be no impact to a historical resource, and no further analysis is required in the EIR.

Geology and Soils

- Potential to expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving development within the Alquist-Priolo Special Studies Zone
- Potential to be located within and Alquist-Priolo Earthquake Fault Zone
- Potential to modify any unique geologic or physical feature based on field review
- Potential to modify a channel, creek or river based on a field review or review of USGS Topographic Map

The proposed project site is not located within an Alquist-Priolo Special Studies Zone or Earthquake Fault Zone. Therefore, no impacts would occur, and no further analysis of this issue is required in the EIR.

The project site also contains no unique geologic resource or physical feature, and no channels, creeks, or rivers are contained within the site. Therefore, there would be no impacts and further analysis is not required in the EIR.

Hazards and Hazardous Materials

- Potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
- For a project located with an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, potential to result in a safety hazard for people residing or working in the project area
- For a project within the vicinity of a private airstrip, potential to result in a safety hazard for people residing or working in the project area
- Potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

The project site is not located within one-quarter mile of an existing or proposed school. The area containing and surrounding the project site is zoned for industrial use. Therefore, there would be no impact from hazardous emissions or handling, use, disposal, or transport of hazardous materials within one-quarter mile of a school. No further analysis is required in the EIR.

The nearest public or private airport/airstrip to the project site is the Rialto Municipal Airport, located approximately 4 miles from the project site. There would be no hazard to construction workers or employees of the project as a result of proximity to an airport. No further analysis is required in the EIR.

Hydrology and Water Quality

- Potential to expose people or property to flood hazards as identified in the Federal Emergency Management Agency's Flood Insurance Rate Map
- Potential to place within a 100-year flood hazard area structures, which would impede or redirect flood flows
- Potential for inundation by seiche, tsunami, or mudflow

The project site is located in a designated 500-year flood zone and no large bodies of water are proximate enough to pose a risk of seiche, tsunami, or mudflow. No further analysis is required in the EIR.

Land Use and Planning

- Potential to physically divide an established community
- Potential to conflict with the land use as designated based on the review of the General Plan Land Use Plan/Zoning Districts Map
- Potential to develop within Foothill Fire Zones A & B, or C as identified on the Land Use Districts Zoning Map
- Potential to conflict with any habitat resource conservation resource plan

The proposed project would not create a physical barrier to or division of an established community. The site is zoned industrial, and an industrial distribution facility is proposed, which would not conflict with the land use designated on the General Plan Land Use Plan/Zoning Districts Map. The site is not located within Foothill Fire Zones A & B or C as identified on the Land Use Plan/Zoning Districts Map. There is no habitat resource conservation plan applicable to the project site. Therefore, these issues require no further analysis in the EIR.

Noise

- For a project located within an airport land use plan or Airport Influence area, potential to expose people residing or working in the project area to excessive noise levels
- For a project within the vicinity of a private airstrip, potential to expose people residing or working in the project area to excessive noise levels

The project site, as noted, is approximately 4 miles distant from the nearest airport, and employees of the proposed project would not be exposed to excessive airport noise levels. There would be no impact and this issue need not be analyzed further in the EIR.

Population and Housing

- Potential to induce substantial growth in an area either directly or indirectly
- Potential to remove existing housing
- Potential to create a significant demand for additional housing based on the proposed use and evaluation of project size

The proposed project consists of a distribution facility of approximately 682,408 square feet, employing several hundred workers. Currently, there is a high unemployment rate in the Inland Empire, and a large jobs-housing imbalance. The Inland Empire, of which San Bernardino is a part, needs significantly more jobs to help address the high unemployment rate, as well as the high imbalance between jobs and existing housing. As a result of the high unemployment rate, and the jobs/housing imbalance, the project will add needed jobs to the area, but is not large enough to induce substantial population growth in the area, either directly or indirectly. Labor jobs of the type that would be provided by the project are generally filled by a local employment pool, as the wage scale is not sufficient to justify long commute times. It is anticipated that the jobs provided by the proposed project would be filled by current residents of the City of San Bernardino and/or by residents of the immediately adjacent communities, and there would be no substantial population increase (new residents of the City) as a result of the project. Infrastructure to accommodate the project, such as extension of sewer or water lines, would not be constructed in an area not currently developed and would not act as an impetus for additional population or housing growth (leapfrog development). The proposed project, therefore, would not induce either direct or indirect substantial growth in the area, which is zoned for industrial use, and would not create a significant demand for additional housing based on the proposed use and project size. These issues require no further analysis in the EIR.

Public Services

- Potential to cause an adverse, increased demand on schools or recreational facilities

Because there would be no substantial population increase as a result of the proposed project, there would be no increased adverse demand on schools or recreational facilities. These issues require no further analysis in the EIR.

Recreation

- Potential to increase the demand for neighborhood or regional parks or other recreational facilities
- Potential to include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment

There are no neighborhood parks, regional parks, or other recreational facilities in proximity to the project site. Employees of the project would not be anticipated to substantially increase the demand for parks and recreational facilities elsewhere in the City, as they are anticipated to be primarily current residents who already may utilize such facilities, and no substantial population growth would occur as a result of the project. There are no recreational facilities included in the proposed project, the construction of which that could cause adverse environmental effects. Therefore, these issues require no further analysis in the EIR.

Transportation and Traffic

- Potential to result in a change in air traffic patterns, including an increase in traffic levels or a change in location that results in substantial risks

The proposed project is not located within an airport land use plan; the closest airport to the project site is Rialto Municipal Airport, 4 miles distant. The project will not cause an increase in air traffic levels, as the primary mode of transit to move the goods into and out of the project will be through trucking operations; there will be no air service to the project. The proposed project would have no adverse impacts on air traffic. This issue requires no further analysis in the EIR.



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

Notice of Preparation

August 3, 2007

RECEIVED
AUG 05 2007

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES DEPARTMENT

To: Reviewing Agencies

Re: Palm/ Industrial Distribution Center (Development Permit Type 2 No. 06-28)
SCH# 2007081029

Attached for your review and comment is the Notice of Preparation (NOP) for the Palm/ Industrial Distribution Center (Development Permit Type 2 No. 06-28) draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Brian Foote
City of San Bernardino, Development Services Department
300 North D Street, 3rd Floor
San Bernardino, CA 92418

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

for 
Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Ba**

SCH# 2007081029
Project Title Palm/ Industrial Distribution Center (Development Permit Type 2 No. 06-28)
Lead Agency San Bernardino, City of

Type NOP Notice of Preparation
Description The proposed project includes the construction of a warehouse/ distribution facility consisting of a single building totaling 682,408 sq. ft. The approx. 33 acre project site is located at the southeast corner of Palm Avenue and Industrial Parkway, southwest of the Interstate 215/ Palm Avenue interchange.

Lead Agency Contact

Name Brian Foote
Agency City of San Bernardino, Development Services Department
Phone (909) 384-5057 ex. 3338 **Fax**
email
Address 300 North D Street, 3rd Floor
City San Bernardino **State** CA **Zip** 92418

Project Location

County San Bernardino
City San Bernardino
Region
Cross Streets Palm Avenue and Industrial Parkway
Parcel No. 266-041-62
Township **Range** **Section** **Base**

Proximity to:

Highways I-215
Airports
Railways ATSF, UPRR, SPRR
Waterways
Schools
Land Use Zoning: Industrial, Commercial, Single Family Residential.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply

Reviewing Agencies Air Resources Board, Major Industrial Projects; Caltrans, District 8; California Highway Patrol; Department of Conservation; Department of Water Resources; Department of Fish and Game, Region 6; Office of Historic Preservation; Native American Heritage Commission; Department of Parks and Recreation; Regional Water Quality Control Board, Region 8; Resources Agency; State Water Resources Control Board, Division of Loans and Grants; Department of Toxic Substances Control

Date Received 08/03/2007 **Start of Review** 08/03/2007 **End of Review** 09/04/2007

Resources Agency
 Fish & Game Region 2
Banky Curtis
 Fish & Game Region 3
Robert Floerke
 Fish & Game Region 4
Julie Vance
 Fish & Game Region 5
Don Chadwick
Habitat Conservation Program
 Fish & Game Region 6
Gabrina Gatchel
Habitat Conservation Program
 Fish & Game Region 6 IM
Inyo/Mono, Habitat Conservation Program
 Dept. of Fish & Game M
George Isaac
Marine Region
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Dept. of Food and Agriculture
 Dept. of General Services
Public School Construction
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Robert Slepoy
Environmental Services Section
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Veronica Malloy
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 Governor's Office of Planning & Research
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Debbie Treadway

Brian

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AUG 20 2007

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT



South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

August 10, 2007

Mr. Brian Foote
Associate Planner
City of San Bernardino, Development Services Dept.
300 North "D" Street, 3rd Floor
San Bernardino, CA 92418

Dear Mr. Foote:

**Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the
Palm/Industrial Distribution Center**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft environmental impact report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files. Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, the lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2007 Model. This model is available on the SCAQMD Website at: www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the 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 mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), 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, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM2.5 emissions from construction and operational activities and processes. In connection with developing PM2.5 calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM2.5 emissions and compare the results to the recommended PM2.5 significance thresholds. Guidance for calculating PM2.5 emissions and PM2.5 significance thresholds can be found at the following internet address:
http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

It is recommended that lead agencies for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles, perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/agguide/agguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:LI
SBC070803-03AK
Control Number

PUBLIC UTILITIES COMMISSION

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

September 4, 2007

RECEIVED
SEP 04 2007CITY OF SAN BERNARDINO
DEVELOPMENT SERVICESBrian Foote
City of San Bernardino, Development Services Department
300 North D Street, 3rd Floor
San Bernardino, CA 92418

Dear Mr. Foote:

Re: SCH# 2007081029; Palm/ Industrial Distribution Center (Development Permit Type 2 No.06-28)

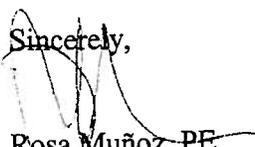
As the state agency responsible for rail safety within California, we recommend that the development project at Palm Avenue and Industrial Parkway (lat= 34.189405, long= -117.362931) planned adjacent to the Union Pacific Railroad Company rights-of-way be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way. Commission staff is particularly concerned with increased congestion at the nearby grade crossing at Palm Avenue (DOT 026105N, lat= 34.187273, long= -117.363714).

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians.

Please advise us on the status of the project. If you have any questions in this matter, please contact me at (213) 576-7078 or at rxm@cpuc.ca.gov.

Sincerely,



Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Dan Miller, UPPR

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013RECEIVED
SEP 06 2007

September 4, 2007

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

Brian Foote
City of San Bernardino, Development Services Department
300 North D Street, 3rd Floor
San Bernardino, CA 92418

Dear Mr. Foote:

Re: SCH# 2007081029; Palm/ Industrial Distribution Center (Development Permit Type 2 No.06-28)

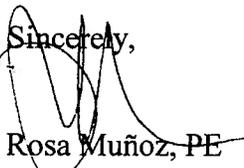
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Sincerely,



Rosa Muñoz, PE
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: Dan Miller, UPPR

Brian



Department of Toxic Substances Control



Linda S. Adams
Secretary for
Environmental Protection

Maureen F. Gorsen, Director
5796 Corporate Avenue
Cypress, California 90630

RECEIVED
AUG 27 2007

Arnold Schwarzenegger
Governor

August 22, 2007

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

Mr. Brian Foote
City of San Bernardino
Development Services Department
300 North D Street, 3rd Floor
San Bernardino, California 92418

NOTICE OF PREPARATION (NOP) FOR PALM/INDUSTRIAL DISTRIBUTION CENTER PROJECT (SCH# 2007081029)

Dear Mr. Foote:

The Department of Toxic Substances Control (DTSC) has received your submitted document for the above-mentioned project. As stated in your document: "The proposed project includes the construction of a warehouse/ distribution facility consisting of a single building totaling 682,408 square feet. The approximately 33 acre project site is located at the southeast corner of Palm Avenue and Industrial Parkway, southwest of the Interstate 215/ Palm Avenue interchange."

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should identify and determine whether current or historic uses at the project site may have resulted in any release of hazardous wastes/substances.
- 2) The EIR should identify any known or potentially contaminated sites within the proposed project area. For all identified sites, the EIR should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
 - Site Mitigation Program Property Database (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control.

- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 3) The project construction may require soil excavation and soil filling in certain areas. Appropriate sampling is required prior to disposal of the excavated soil. If the soil is contaminated, properly dispose of it rather than placing it in another location. Land Disposal Restrictions (LDRs) may be applicable to these soils. Also, if the project proposes to import soil to backfill the areas excavated, proper sampling should be conducted to make sure that the imported soil is free of contamination.
- 4) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. A study of the site overseen by the appropriate government agency might have to be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 5) If during construction/demolition of the project, soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil and/or groundwater exist, the EIR should

Mr. Brian Foote
August 22, 2007
Page 3

identify how any required investigation and/or remediation will be conducted, and the appropriate government agency to provide regulatory oversight.

- 6) Envirostor (formerly CalSites) is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489 for the VCA.

If you have any questions regarding this letter, please contact Ms. Eileen Khachatourians, Project Manager, at (714) 484-5349.

Sincerely,



Greg Holmes
Unit Chief
Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Mr. Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CEQA # 1790

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
www.nahc.ca.gov
ds_nahc@pacbell.net



RECEIVED
AUG 13 2007

August 9, 2007

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
DEPARTMENT

Mr. Brian Foote

CITY OF SAN BERNARDINO DEVELOPMENT SERVICES DEPARTMENT

300 North D Street, 3rd Floor
San Bernardino, CA 92418

Re: SCH# 20007081029: CEQA Notice of Preparation (NOP) Development Permit Type 2 No. 06-28 and draft Environmental Impact Report (DEIR) for Palm/Industrial Distribution Center, City of San Bernardino, San Bernardino County, California.

Dear Mr. Foote:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE),' and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the 'Information Center' nearest you is available from the State Office of Historic Preservation in Sacramento (916/653-7278). The record search will determine:
 - If a part or the entire (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ 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.
 - 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.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF.
 - Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

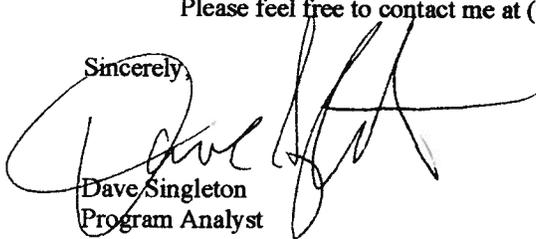
√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigations plans.

- CEQA Guidelines §15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American groups, identified by the NAHE, to ensure the appropriate and dignified treatment of Native American human remains and any associated grave goods.
- Health and Safety Code §7050.5, Public Resources Code §5097.98 and CEQA Guidelines §15064.5(d) mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in CEQA Guidelines §15370 when significant cultural resources are discovered during the course of project planning or execution.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Singleton', written over a printed name and title.

Dave Singleton
Program Analyst

Attachment: Native American Contact List

Native American Contacts

San Bernardino County

August 9, 2007

Cahuilla Band of Indians
Anthony Madrigal, Jr., Interim-Chairperson
P.O. Box 391760 Cahuilla
Anza, CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

Ramona Band of Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105

(951) 763-4325 Fax

San Manuel Band of Mission Indians
Henry Duro, Chairperson
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933
(909) 864-3370 Fax

Chemehuevi Reservation
Charles Wood, Chairperson
P.O. Box 1976 Chemehuevi
Chemehuevi Valley, CA 92363
chemehuevit@yahoo.com
(760) 858-4301
(760) 858-5400 Fax

Gabrieleno/Tongva Tribal Council
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel, CA 91778
ChiefRBwife@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

AhaMaKav Cultural Society, Fort Mojave Indian Tribe
Linda Otero, Director
P.O. Box 5990 Mojave
Mohave Valley, AZ 86440
ahamakav@citlink.net
(928) 768-4475
(928) 768-7996 Fax

Morongongo Band of Mission Indians
Britt W. Wilson, Cultural Resources-Project Manager
49750 Seminole Drive Cahuilla
Cabazon, CA 92230 Serrano
britt_wilson@morongo.org
(951) 755-5206
(951) 755-5200/323-0822-cell
(951) 922-8146 Fax

San Manuel Band of Mission Indians
Ann Brierty, Environmental Department
101 Pure Water Lane Serrano
Highland, CA 92346
abrierty@sanmanuel-nsn.gov
(909) 863-5899 EXT-4321
(909) 862-5152 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007081029; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) and Development Permit Type 2 No. 06-28 for Palm/Industrial Distribution Center; City of San Bernardino, California.

Native American Contacts
San Bernardino County
August 9, 2007

Serrano Band of Indians
Goldie Walker
6588 Valaria Drive
Highland, CA 92346
(909) 862-9883

Serrano

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007081029; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) and Development Permit Type 2 No. 06-28 for Palm/Industrial Distribution Center; City of San Bernardino, California.

January 19, 2011

Attn: Jenifer M. Sanka, Associate Project Manager/Archaeologist
PBS&J
650 East Hospitality Lane, Suite 450
San Bernardino, CA 92405



Re: The Palm Avenue Distribution Project located on a 33-acre site in the City of San Bernardino, San Bernardino County, California

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. This project location is in close proximity to known village sites and is a shared use area that was used in ongoing trade between the Luiseno and Cahuilla tribes. Therefore it is regarded as highly sensitive to the people of Soboba.

Soboba Band of Luiseño Indians is requesting the following:

1. **Government to Government** consultation in accordance to Section 106. Including the transfer of information to the Soboba Band of Luiseno Indians regarding the progress of this project should be done as soon as new developments occur.
2. Soboba Band of Luiseño Indians continue to be a lead consulting tribal entity for this project.
3. Working in and around traditional use areas intensifies the possibility of encountering cultural resources during the construction/excavation phase. For this reason the Soboba Band of Luiseño Indians requests that Native American Monitor(s) from the Soboba Band of Luiseño Indians Cultural Resource Department to be present during any ground disturbing proceedings. Including surveys and archaeological testing.
4. Request that proper procedures be taken and requests of the tribe be honored (Please see the attachment)

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Ontiveros". The signature is stylized and extends to the right.

Joseph Ontiveros
Soboba Cultural Resource Department
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137

Cell (951) 663-5279
jontiveros@soboba-nsn.gov

Cultural Items (Artifacts). Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer should agree to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. When appropriate and agreed upon in advance, the Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

The Developer should waive any and all claims to ownership of Native American ceremonial and cultural artifacts that may be found on the Project site. Upon completion of authorized and mandatory archeological analysis, the Developer should return said artifacts to the Soboba Band within a reasonable time period agreed to by the Parties and not to exceed (30) days from the initial recovery of the items.

Treatment and Disposition of Remains

A. The Soboba Band shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods shall be treated and disposed of with appropriate dignity.

B. The Soboba Band, as MLD, shall complete its inspection within twenty-four (24) hours of receiving notification from either the Developer or the NAHC, as required by California Public Resources Code § 5097.98 (a). The Parties agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes.

C. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The Soboba Band, as the MLD in consultation with the Developer, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains.

D. All parties are aware that the Soboba Band may wish to rebury the human remains and associated ceremonial and cultural items (artifacts) on or near, the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The Developer should accommodate on-site reburial in a location mutually agreed upon by the Parties.

E. The term "human remains" encompasses more than human bones because the Soboba Band's traditions periodically necessitated the ceremonial burning of human remains. Grave goods are those artifacts associated with any human remains. These items, and other funerary remnants and their ashes are to be treated in the same manner as human bone fragments or bones that remain intact.

Coordination with County Coroner's Office. The Lead Agencies and the Developer should immediately contact both the Coroner and the Soboba Band in the event that any human remains are discovered during implementation of the Project. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c).

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

Ceremonial items and items of cultural patrimony reflect traditional religious beliefs and practices of the Soboba Band. The Developer agrees to return all Native American ceremonial items and items of cultural patrimony that may be found on the project site to the Soboba Band for appropriate treatment. In addition, the Soboba Band requests the return of all other cultural items (artifacts) that are recovered during the course of archaeological investigations. Where appropriate and agreed upon in advance, Developer's archeologist may conduct analyses of certain artifact classes if required by CEQA, Section 106 of NHPA, the mitigation measures or conditions of approval for the Project. This may include but is not limited or restricted to include shell, bone, ceramic, stone or other artifacts.

