



## MEMORANDUM

To: Aron Liang, City of San Bernardino

From: Tracy Zinn, Principal

Re: **WATERMAN LOGISTICS CENTER MND: RESPONSE TO COMMENT LETTERS**

Date: January 19, 2015

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At the request of the City, T&B Planning, Inc., serving as the California Environmental Quality Act (CEQA) compliance consultant for the Waterman Logistics Center project, prepared the following responses to the three comment letters received by the City related to the project's Mitigated Negative Declaration (MND). Responses to the substantive points of each letter are provided below.

### **California Department of Fish and Wildlife (CDFW) January 6, 2014**

#### Summary of Comments

This letter discusses concerns related to potential impacts to the burrowing owl and nesting migratory birds, as well as potential impacts to resources regulated by the CDFW's *Lake and Streambed Alteration Program*. With respect to potential impacts to burrowing owls, CDFW claims the Project site contains suitable habitat for the burrowing owl and suggests that mitigation for impacts to the burrowing owl be imposed in accordance with the CDFW *2012 Staff Report on Burrowing Owl Mitigation*. Regarding potential impacts to nesting migratory birds, CDFW suggests that a pre-construction survey for nesting birds be conducted prior to the issuance of grading permits regardless of the time of year and not only during the nesting season. CDFW also requests that the MND disclose all potential Project activities that may affect river or stream resources.

#### Response

The Draft MND contains an analysis of the Project's potential to impact the burrowing owl under the heading "Biological Resources" on Pages 28-33. As disclosed in the Draft MND and the in Project's Biological Technical Report (Appendix C to the MND) prepared by RBF Consulting, the burrowing owl was not observed on the Project site during a field survey of the property conducted by RBF. RBF also reported in Appendix C that the site contains low quality habitat for the species, and the species is not likely to occupy the Project site due to historic and on-going development activities on the site. Regardless, the Draft MND included mitigation to avoid significant impacts to the burrowing owl in the low likelihood that the species is found to occupy the Project site prior to the initiation of construction activities (Mitigation Measure (MM) BI-2).

In response to this CDFW comment, biologists at the firm RBF Consulting (Michael Baker Corporation) conducted a burrowing owl burrow survey of the property on January 8, 2015, to determine if the Project site contained habitat/burrows suitable for use by the burrowing owl. No burrowing owl burrows or sign of burrowing owl use of the property (i.e., direct observation, aural detection, pellets, white wash, feathers, or prey remains) were observed on January 8, 2015, which is consistent with the findings reported in the Draft MND and Appendix C of the MND. The January 8, 2015, survey also confirmed that the property contains low quality habitat for the burrowing owl and is not likely to support the species. These findings also affirm the conclusions of the information disclosed in the



Draft MND and the Project's Biological Technical Report. The Final MND is revised to incorporate the findings of the burrowing owl burrow survey report (which is added as Appendix M to the Final MND). Also, the wording of MM BI-2 in the Final MND has been refined at the suggestion of the CDFW. The addition of Appendix M and the refinement of MM BI-2 provide additional clarity to the document. These changes do not represent new information or a substantial modification to the MND, and do not require the MND to be recirculated.

The Draft MND included Mitigation Measure MM BI-3 to preclude impacts to nesting migratory birds, should nesting birds be present on the property at the time of Project construction. As disclosed in the Draft MND, MM BI-3 prohibits clearing activities during the migratory bird nesting season unless a pre-construction nesting bird survey is conducted on the subject property. At the request of CDFW, MM BI-3 has been revised in the Final MND to require a pre-construction nesting bird survey regardless of the time of year. The revision to MM BI-3 achieves the same objective and end result as the original wording. This change does not represent new information or a substantial modification to the MND and does not require the MND to be recirculated.

The Draft MND included a detailed description and analysis of the Project's potential physical impacts to the Twin Creek Channel (i.e., construction of a new storm drain outlet and demolition of an abandoned railroad bridge that spans the Channel). The Twin Creek Channel is the only resource that would be physically impacted by the Project that is regulated by the CDFW's *Lake and Streambed Alteration Program* and those impacts are thoroughly analyzed. There are no other aspects of the Project that could affect river or stream resources; therefore, no revisions to the MND are warranted.

**San Bernardino County Department of Public Works  
January 8, 2015**

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Summary of Comments

This letter acknowledges that the information disclosed in the MND adequately addresses the concerns of the various divisions of the San Bernardino County Department of Public Works. This letter also makes several requests regarding the processing of future improvement permits.

Response

This comment letter is acknowledged. No revisions to the MND are warranted.

**South Coast Air Quality Management District (SCAQMD)  
January 8, 2015**

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Summary of Comments

This letter addresses the impacts of the Project's air quality emissions from Project construction and operation. The SCAQMD questions the assumptions and methodologies used by Urban Crossroads to calculate air quality impacts from truck traffic, including emissions of diesel particulate matter. The letter also requests that the Project's Air Quality Impact Analysis (Appendix A to the Draft MND) be revised to be consistent with the construction demolition assumptions described in the MND. Lastly, this comment letter also recommends that the City apply additional mitigation measures to reduce the Project's near- and long-term emissions of various air pollutants.

Response

The Draft MND contained a detailed analysis of the Project's potential air quality impacts on Pages 15-27, supported by a technical Air Quality Impact Analysis attached as Appendix A to the Draft MND prepared by Urban Crossroads. The assumptions and methodologies used to calculate the Project's expected mobile source air emissions are consistent with recent practice in the City of San Bernardino, and the vehicle fleet mix, daily truck trip rate, and



truck trip length assumptions are all appropriate because they are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> Edition, and the Fontana Truck Trip Generation Study which reflects typical operating characteristics of warehouse uses in the local area. The air pollutant emissions from mobile sources disclosed in the Draft MND accurately describe the Project's expected air emissions; therefore, revisions to the MND are not warranted.

The methodology used to quantify potential health risks to surrounding receptors associated with diesel particulate matter emissions yields results that describe the Project's maximum potential effect on surrounding residential, worker, and school child receptors. The impact analysis is presented in the Draft MND and the Project's Mobile Source Health Risk Assessment (Appendix B to the MND), which conclude that impacts would be less than significant. It should also be noted that the calculations overstate the Project's potential health risk impact in several regards. Most particularly, the calculations disclosed in the MND and Appendix B to the MND rely on the now-outdated California Air Resources Board (CARB) 2011 EMFAC computer model, and not the updated EMFAC released by the CARB in December 2014. EMFAC is a statewide computer model that is used to produce vehicle emission factors based on emission regulations that apply in California. EMFAC 2014 takes into consideration current Environmental Protection Agency (EPA) and CARB regulations and standards such as the 2014 Truck and Bus Rule and Advanced Clean Car regulations, which require the use of cleaner fuel and more efficient and less polluting engines in motor vehicles. The 2011 EMFAC does not take new regulations and standards into consideration, and thus overstates air pollutant emissions reported in the MND. Therefore, no revisions have been made to the MND.

Per the request of the SCAQMD, the technical Air Quality Impact Analysis was revised to be consistent with the construction demolition assumptions described in the MND, and the updated report is included as Appendix A to the Final MND. As a result of the revisions, the number of truck trips required to haul demolition waste from the Project site was increased from 110 trips to 485 trips. Despite the correction made in the number truck trips during the demolition phase of construction, emissions generated during demolition phase would remain less than the peak daily emissions for Project construction (which occur during the site preparation and grading phases of construction) and less than the peak daily construction emissions disclosed in the MND. Because the Draft MND correctly disclosed Project's "worst-case" construction emissions, no revision to the MND is warranted.

Many of the mitigation measures recommended by SCAQMD are duplicative to design features proposed by the Project, mitigation measures already included in the Draft MND, or energy efficiency requirements of State law (e.g., California Green Building Standards Code, Title 24 (CalGreen)). Additionally, many of SCAQMD's recommended mitigation measures regarding energy-source emissions do not have a proportional nexus to the Project's mobile source emission impacts, or relate to the control of tailpipe emissions that are enforced by State and federal agencies and are not feasible for the Applicant to implement and/or feasible for the City of San Bernardino to enforce. Although the mitigation measures included in the Draft MND are already sufficient to reduce the Project's air quality impacts to less-than-significant levels, several mitigation measures have been revised and/or added to the Final MND to further reduce the Project's air pollutant emissions. The revised and added mitigation measures achieve the same objective and end result as the original mitigation measures presented in the Draft MND. As such, these changes do not represent new information or a substantial modification to the MND, and do not require the MND to be recirculated.