



City of Hesperia

Gateway to the High Desert

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF A PUBLIC SCOPING MEETING

Date: November 4, 2022

To: State Agencies, Responsible Agencies, Local and Public Agencies, and Interested Parties

From/Lead Agency: City of Hesperia, Planning Department

Subject: Notice of Preparation of an Environmental Impact Report for the KISS Logistics Center Project

This Notice of Preparation (NOP) has been prepared to notify agencies and interested parties that the City of Hesperia (City), as lead agency, is commencing preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) to evaluate the potential environmental effects associated with implementation of the Mesa Linda Street Development (Project).

The City is requesting input from interested individuals, organizations, and agencies regarding the scope and content of the environmental analysis to be included in the upcoming EIR. In accordance with CEQA, the City requests that agencies provide comments on the environmental issues related to the statutory responsibilities of their particular agency. This NOP contains a description of the Project, its location, and a preliminary determination of the environmental resource topics to be addressed in the EIR.

Project Location

The proposed project site is located within the western portion of the City of Hesperia, on three parcels northwest of the intersection of Interstate 395 (I-395) and Main Street. Regional access to the project site is provided by I-395 and Interstate 15 (I-15). Local access to the site is provided from Caliente Road (see Figure 1, Project Location). Specifically, the project site is located within Section 16, Township 4 North, Range 5 West, San Bernardino Base and Meridian (SBB&M) of the Baldy Mesa United States Geological Survey (USGS) 7.5-minute topographic quadrangle.

Project Summary

The proposed project would include development of a one-story 655,468 square foot (SF) warehouse building on a 29.61-acre site. The proposed building would have a building footprint of 650,468 SF and a mezzanine of 5,000 SF. Additional improvements would include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles (Figure 2, Site Plan). Offsite improvements would be required for roadway and utility work. It is anticipated that the proposed development would be operated 24 hours a day, 7 days a week. The project would utilize cold storage.

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Rebekah Swanson, Council Member
Larry Bird, Council Member
Cameron Gregg, Council Member

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

Nils Bentsen, City Manager

www.cityofhesperia.us

The project site has a General Plan land use designation of Main Street and Freeway Corridor Specific Plan (MSFC-SP). Within the MSFC-SP, the Project site is zoned as Commercial/Industrial Business Park (CIBP) and Neighborhood Commercial (NC). As part of the proposed project, the following discretionary actions and subsequent approvals are being requested by the project proponent:

- Development Plan Review
- Specific Plan Amendment/Development Agreement
- Lot Merger
- Conditional Use Permit (CUP)
- Certification of the Environmental Impact Report
- Approvals and permits necessary to execute the proposed Project, including but not limited to, grading permit, building permit, etc.

The following approvals are anticipated from responsible agencies:

- California Department of Fish and Wildlife (CDFW)
- San Bernardino County Flood Control
- United States Army Corps of Engineers (USACE)

Potential Environmental Impacts of the Project

As discussed in the attached Initial Study, the EIR will evaluate whether implementation of the project may potentially result in one or more significant environmental impacts. The potential environmental effects to be addressed in the EIR will include, but may not be limited to, the following:

- | | |
|----------------------------|-----------------------------------|
| • Aesthetics | • Hazards and Hazardous Materials |
| • Air Quality | • Hydrology and Water Quality |
| • Biological Resources | • Land Use and Planning |
| • Cultural Resources | • Noise |
| • Energy | • Transportation |
| • Geology and Soils | • Tribal Cultural Resources |
| • Greenhouse Gas Emissions | • Utilities and Service Systems |

The EIR will also address all other CEQA-mandated topics, including cumulative impacts and Project alternatives.

Public Scoping Comment Period and Meeting

Public Scoping Comment Period

The City has established a 30-day public scoping period from November 4, 2022, to December 5, 2022. During the scoping period, the City's intent is to disseminate project information to the public and solicit comments from agencies, organizations, and interested parties, including nearby residents and business owners, regarding the scope and content of the environmental information to be included in the EIR, including mitigation measures or project alternatives to reduce potential environmental effects.

During this period, this NOP and the project's Initial Study may be accessed electronically at the following website:

<https://www.cityofhesperia.us/312/Planning>

This NOP and the Project's Initial Study are also available for review in person at Hesperia City Hall, Planning Department, 9700 Seventh Avenue, Hesperia, California 9234.

Public Scoping Meeting

During the 30-day public scoping period, the City will also hold a public scoping meeting on Thursday, November 17, 2022, at 5:30 p.m. at Hesperia City Hall, Planning Department, 9700 Seventh Avenue, Hesperia, California 92345. The public scoping meeting will provide an additional opportunity to receive and disseminate information, identify potential environmental issues of concern, and discuss the scope of analysis to be included in the EIR. The scoping meeting is not a public hearing, and no decisions on the project will be made at this meeting. It is an additional opportunity for agencies, organizations, and the public to provide scoping comments in person on what environmental issues should be addressed in the EIR. All public agencies, organizations, and interested parties are encouraged to attend and participate in this meeting.

Scoping Comments

All scoping comments must be received in writing by 5:00 p.m. on December 5, 2022, which marks the end of the 30-day public scoping period. All written comments should indicate an associated contact person for the agency or organization, if applicable, and reference the Project name in the subject line. Pursuant to CEQA, responsible agencies are requested to indicate their statutory responsibilities in connection with the Project when responding. Please mail or email comments and direct any questions to the following contact person:

Ryan Leonard, Senior Planner
City of Hesperia Planning Department
9700 Seventh Avenue
Hesperia, California 92345
Phone: (760) 947-1651
Email: rleonard@cityofhesperia.us

Attachments:

Figure 1, Project Location

Figure 2, Site Plan

Figure 1: Project Location

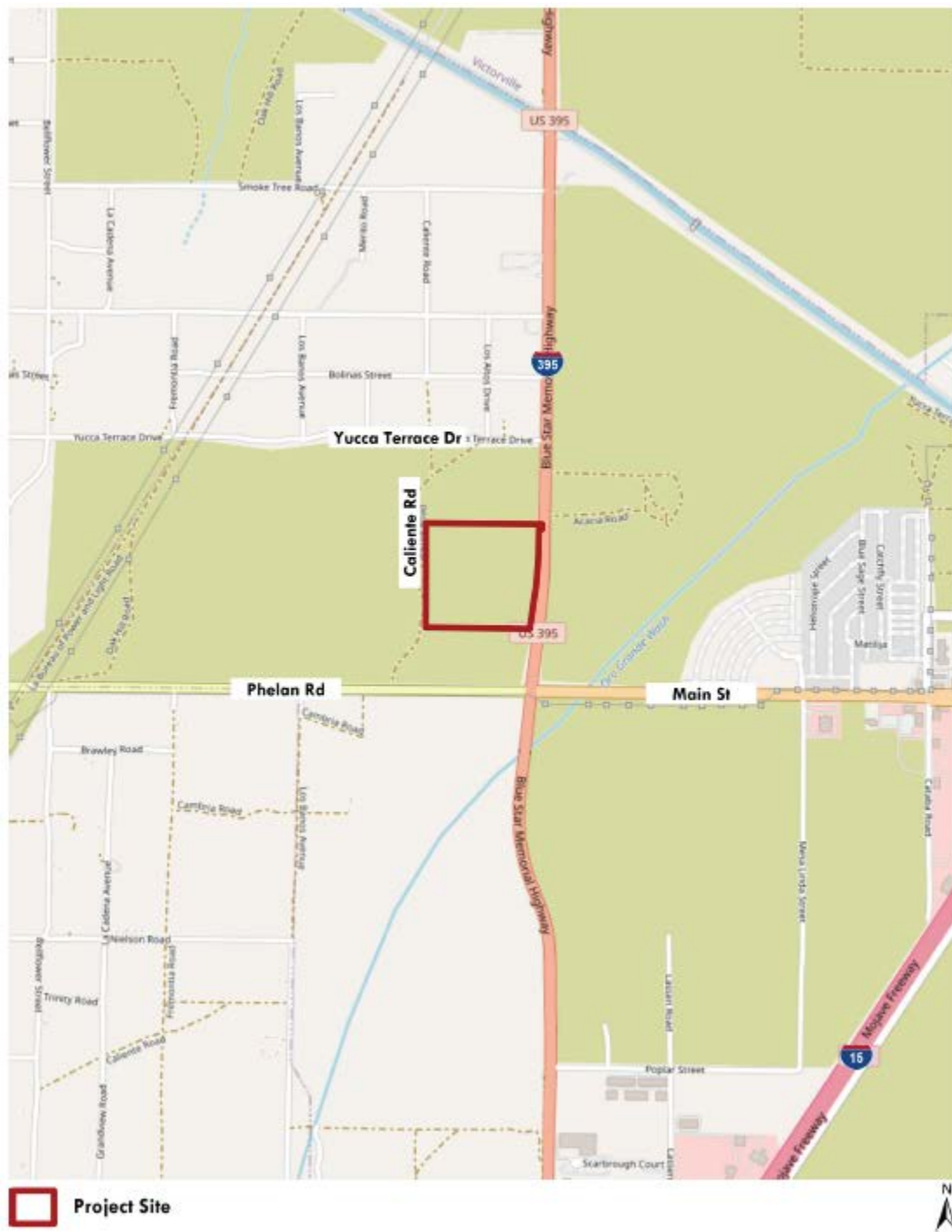
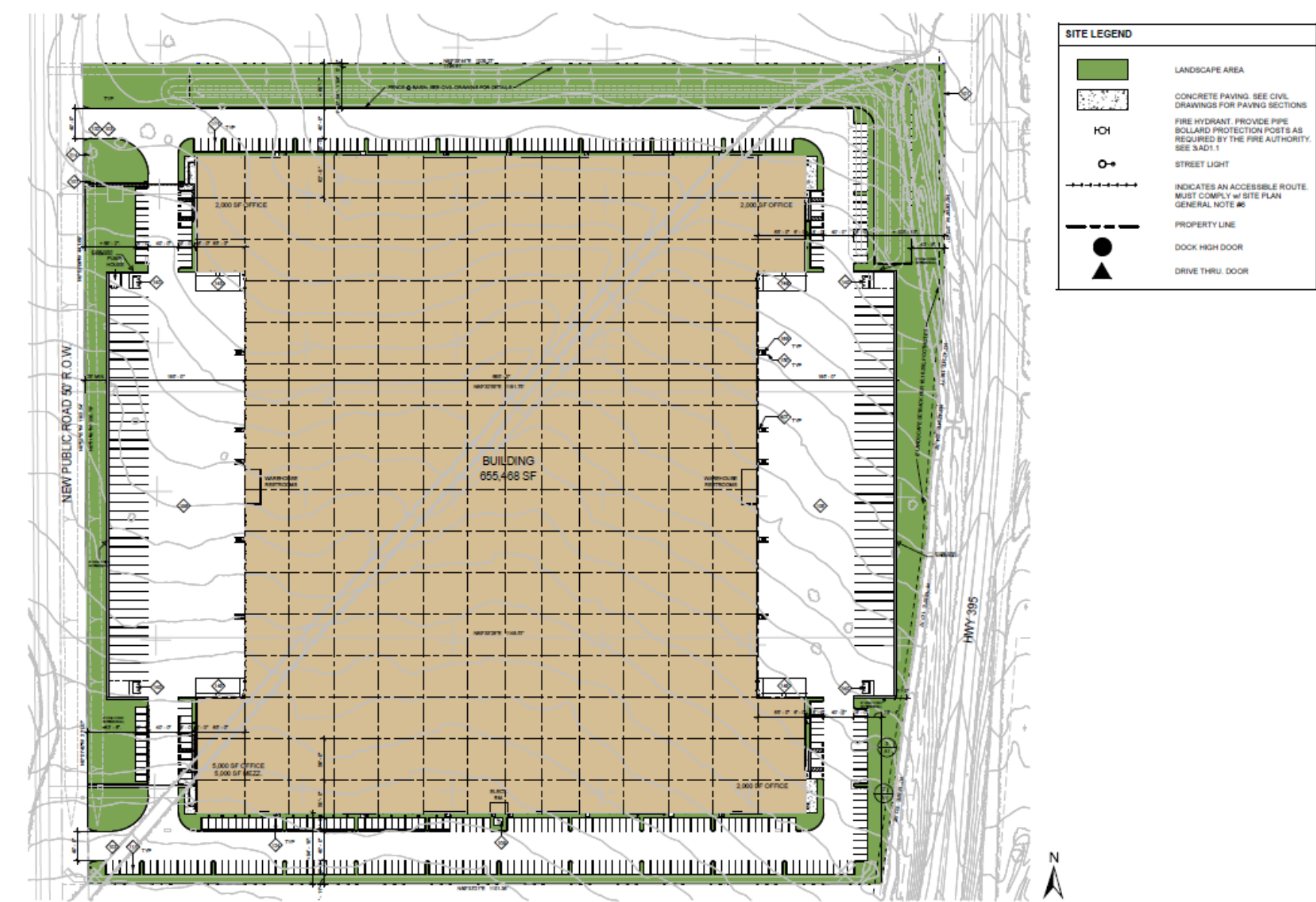


Figure 2: Site Plan



Mojave Desert Air Quality Management District

Brad Poiriez, Executive Director

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • Fax 760.245.2022

www.MDAQMD.ca.gov • @MDAQMD



November 21, 2022

Ryan Leonard, Associate Planner
City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

Project: Hesperia KISS Logistics Center Project

Dear Mr. Leonard:

The Mojave Desert Air Quality Management District (District) has reviewed Notice of Preparation (NOP) for the KISS Logistics Center Project Draft Environmental Impact Report (DEIR). The proposed Project would include development of a one-story 655,468 SF warehouse building with a 5,000 SF mezzanine. Additional improvements include landscaping, sidewalks, utility connections, pavement of parking areas and aisles. It is anticipated that the project would utilize cold storage and be operated 24 hours a day, seven days a week.

We have reviewed the NOP of a DEIR for the KISS Logistics Center Project as proposed and based on the information available to us at this time, the District will require the implementation of the following mitigation measures:

- Preparation and submission to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at <http://mdaqmd.ca.gov/permitting/compliance-forms>.
- Signage compliant with Rule 403 Attachment B shall be posted at each project site entrance no later than the commencement of construction.
- Use a water truck to maintain disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.
- All perimeter fencing shall be wind fencing or the equivalent, and a minimum of four feet of high. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

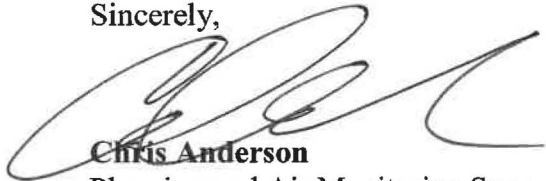
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

Additionally, we recommend the operator obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to:

- Internal Combustion Engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Anderson", written over a horizontal line.

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg

Hesp KISS Logistics Center 2022 Nov 21



12/01/2022

Sent via email

Ryan Leonard, Senior Planner
City of Hesperia Planning Department
9700 Seventh Ave
Hesperia, CA 92345
(760) 947-1651
rleonard@cityofhesperia.us

Re: Comments on Notice of Preparation of Draft Environmental Impact Report for KISS Logistics Center Project

Dear Mr. Leonard:

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”) regarding City of Hesperia’s Notice of Preparation (“NOP”) of a Draft Environmental Impact Report (“DEIR”) for the KISS Logistics Center Project (the “Project”) and the Initial Study for the Project.¹ The Center is concerned about the significant impacts the Project may impose on Joshua Trees. The Center urges the City to fully evaluate, disclose, and plan to mitigate the environmental impacts of this Project as required by the California Environmental Quality Act (“CEQA”).

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and across the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Hesperia and San Bernardino County.

I. The Project site is home to a natural community of concern.

The Project site is located in the western part of Hesperia, just west of I-395. The City is located within the range of the western Joshua tree South population (“YUBR South”). The geographic area in which YUBR South is situated is comprised of 3.7 million acres, with over 50% in private ownership, 48% federally owned, and under 2% state, county and local owned.

¹ From pages 18 to 59 of the Initial Study, the header says “Mesa Linda Street Development” instead of “KISS Logistics Center Initial Study.” We ask the City to confirm that the Initial Study correctly analyzed the potential significant impacts of this project.

(USFWS 2018.) The USFWS (2018) estimates that 3,255,088 acres of this area are suitable for Joshua trees based on soil characteristics, moisture level, and other factors. However, Joshua trees actually occupy only a fraction of this area, as they have a sparse and scattered distribution, and large areas of habitat have been lost to development and agricultural conversion.

Increasing development, climate change, persistent drought, more frequent and intense wildfires, invasive species, and other threats have led to ongoing reductions in western Joshua trees and western Joshua tree habitat throughout their historic range. Protecting western Joshua trees and their habitat from continued destruction and habitat loss is therefore vitally important to the persistence of the species in California. However, within the City and surrounding communities in particular, western Joshua tree habitat is shrinking at an alarming rate due to increasing development. While western Joshua trees currently persist in the less-developed areas of the City, they are absent from more developed areas and agricultural lands in the region, making the Project site especially valuable as habitat for the species.

The DEIR and associated mitigation plans should acknowledge that the Project site is composed of ecologically significant habitat for Joshua trees. The City should carefully study and disclose the extent to which Joshua trees and their habitat would be impacted by the Project, and take all necessary and prudent actions to mitigate any such impacts. Joshua tree woodland is a community recognized by the California Department of Fish and Wildlife (“CDFW”) as a Natural Community of Concern. Sensitive natural communities are communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. (CDFW 2018.) CDFW’s List of California Terrestrial Natural Communities is based on the best available information, and indicates which natural communities are considered sensitive at the current stage of the California vegetation classification effort.

II. Western Joshua Trees are a Special Status Species, the impacts to which are presumed to be significant.

The CEQA Guidelines indicate that a Project can be expected to have significant impacts to biological resources if the Project has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. (CEQA Guidelines, Appendix G, subd. IV(a).) CEQA Guidelines section 15065(a)(1) requires that lead agencies conducting an initial study make a mandatory finding of significance where a proposed project has the potential to substantially reduce the number or restrict the range of a listed species. Further, California Fish and Game Code section 2085 requires that species that are candidates for listing as threatened or endangered under the California Endangered Species Act (“CESA”) be treated as threatened or endangered pending the final listing decision.

On September 22, 2020, the California Fish and Game Commission (“CFGC”) advanced the western Joshua tree to candidacy under CESA, protecting these imperiled plants from harm during the ongoing review process. (CFGC 2020.) Consequently, the Project’s impacts to the western Joshua trees must be considered significant and fully evaluated and disclosed to the

public. Accordingly, the DEIR should acknowledge the Project's significant impacts on Joshua trees and make appropriate plans to mitigate or avoid those impacts.

III. The DEIR should fully assess and disclose the Project's impacts on Joshua trees, including destruction or modification of habitat and cumulative impacts.

The DEIR should provide sufficient information about the Joshua tree population and Joshua tree habitat on the current Project site. In addition to the number, size, location, and distribution of Joshua trees on the site, the DEIR should indicate how much of the Project site is suitable Joshua tree habitat and Joshua tree woodland. Additionally, the DEIR should disclose the extent to which Joshua trees at the site will be removed or destroyed and the amount of Joshua tree habitat that would be converted or developed. If any Joshua trees will be preserved, the DEIR should describe the Project's impacts on those Joshua trees, and explain the measures, including monitoring, that will be taken to ensure their continued health after the Project is constructed.

The DEIR should also describe in detail all potentially significant direct or indirect impacts associated with the destruction or adverse modification of the western Joshua tree's habitat. Development, climate change, and increasing wildfire occurrences exacerbated by drought and invasive species negatively impact western Joshua trees and their habitat. (DeFalco et al. 2010; Harrower and Gilbert 2018). Research suggests that even under the most optimistic climate scenarios, western Joshua trees will be eliminated from significant portions of their range by the end of the century; under warming scenarios consistent with current domestic and global emissions trajectories, the species will likely be close to being functionally extinct in the wild in California by century's end. (Dole et al. 2003; Cole et al. 2011; Sweet et al. 2019). Studies indicate that the species' range is contracting at lower elevations, recruitment is limited, and mortality is increasing, all of which would likely reflect a population already starting to decline due to recent warming. Even greater changes are projected to occur over the coming decades. The DEIR should consider the Project's impacts to the Joshua tree in light of its rapidly diminishing habitat. Additionally, the City is currently considering (or has approved) numerous other warehouse projects that will destroy Joshua tree habitat; the DEIR must consider the Project's cumulative impacts to the species and its habitat. (CEQA Guidelines § 15355.)

The DEIR should also consider the significant impacts to Joshua trees associated with the reduction in habitat connectivity. Maintaining habitat connectivity is particularly important to western Joshua trees. For successful reproduction and recruitment, Joshua trees require the presence of their obligate pollinator, yucca moths, and rodents to disperse and cache seeds and nurse plants to shelter emerging seedlings. (Pellmyr and Segraves 2003; Godsoe, et al. 2008; Harrower and Gilbert 2018). Therefore, to the degree that any Joshua trees are left remaining on the Project site, these moths and rodents must have access to be maintained on site to ensure remnant Joshua trees can successfully reproduce. The DEIR should analyze how construction on the project site will affect habitat connectivity necessary for sustainable Joshua tree recruitment onsite. The City should also evaluate whether the Project would result in further habitat fragmentation, potentially resulting in significant adverse impacts to remnant Joshua tree woodland in nearby areas if pollinator or disperser populations are reduced.

IV. Reliance on a relocation plan is not adequate to mitigate potential significant impacts to Joshua Trees and Joshua Tree habitat.

The DEIR cannot rely solely on a Joshua tree relocation to mitigate the Project's significant impacts to Joshua trees. Though a relocation plan may be designed to fulfill the requirements of the city of Hesperia's Protected Plant Policy (Hesperia Municipal Code § 16.24), compliance with this City requirement does not satisfy the requirements of CESA and CEQA. Further, relocation success rates for Joshua trees are low, as a proposed relocation plan for another warehouse project in the City has already acknowledged. The California Fish and Game Commission has also noted the inadequacy of translocation as mitigation. When it adopted its California Policy for Native Plants in 2015, the Commission stated that "transplantation as a means of mitigating for listed plant species" is "largely ineffectual over time and often damaging to species or population survival" as documented by "experience and numerous studies." (California Fish and Game Code, 2020.) Moreover, even if individual trees were to survive transplantation, there is no guarantee of long-term viability of the species on the Project or translocation site. Successful recruitment would be constrained by lack of nurse plants and it remains highly uncertain whether pollinating moths, vital to Joshua tree pollination, will be able to persist with the resultant lower Joshua tree densities. (Harrower and Gilbert 2018 ["Having robust, dense, flowering trees is important to support and attract enough moths for successful seed set"]).

If the City does develop a relocation plan as *part* of its overall mitigation, that plan must comply with CEQA and relevant state and local requirements and include sufficient detail for the public to discern the effectiveness of that mitigation plan. The CEQA Guidelines prohibit agencies from deferring the formulation of mitigation measures to after project approval except in certain, strictly limited circumstances. (CEQA Guidelines § 15126.4(a)(1)(B).) An agency may develop the specifics of mitigation after project approval only "when it is impractical or infeasible to include those details during the project's environmental review." (Id.) That is, "practical considerations" must "prevent[] the formulation of mitigations measures at the usual time in the planning process." (*POET, LLC v. State Air Res. Bd.* (2013) 218 Cal.App.4th 681, 736.) Unless those considerations are "readily apparent," an EIR must explain an agency's decision to defer finalizing the specifics of mitigation. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281.) Any mitigation for the Project's impacts to Joshua trees should therefore be released and approved alongside the EIR, and not deferred.

Any relocation plan should include detailed information and planning regarding where Joshua trees will be transplanted. This information is vital to determining whether transplantation will be successful. Pro forma descriptions of 'suitable habitat' ignore important recent work on demographic trends in Joshua trees showing suitable habitat of Joshua trees under current climate conditions is vastly overestimated. It is also unclear whether transplanted Joshua trees will be able to survive long-term in areas that are deemed current suitable habitat, even if initial transplants are successful. (Cole et al. 2011, Smith 2018). A relocation plan cannot use arbitrary standards for sufficient survival rates of transplanted trees. Targets for transplant survival and success should be clearly linked to significant impacts of the Project and designed to adequately mitigate for the destruction of Joshua trees and Joshua tree habitat at the Project site.

Any relocation plan should include a robust monitoring scheme to ensure short-term success and long-term persistence of transplanted trees. Such a monitoring scheme should include frequent and long-term data collection on the number, condition, and reproductive success of transplanted trees. The success of such translocation will be inaccurate if such monitoring efforts do not account for seedling recruitment, availability of obligate pollinators, and presence of rodent seed dispersers in addition to general tree health. (Pellmyr and Segraves 2003; Yoder et al. 2013; Lenz 2001). While some impacts such as reduced recruitment may be readily observable, impacts such as adult mortality and consequent population declines and range reductions may have a lag time before their presence is felt on the landscape. (Svenning and Sandel 2013). Accordingly, the DEIR's proposed mitigation must include the required specific performance standards "for evaluating the efficacy of the measures implemented." (*See POET, LLC v. State Air Res. Bd.* (2013) 218 Cal.App.4th 681, 738.)

V. The EIR should require preservation of offsite Joshua trees and Joshua tree habitat at a 5:1 ratio.

In addition to Project design measures that will avoid and minimize onsite impacts, offsite mitigation will be necessary. This should be in the form of protection and preservation of western Joshua trees in other areas at a suitable mitigation ratio. Given the high number of Joshua Trees affected and the important vegetation habitat involved, a high level of mitigation is warranted to offset the Project's significant impacts. A 5:1 mitigation ratio is appropriate here and is consistent with mitigation required by CDFW for projects impacting important desert tortoise habitat.

There are multiple paths to meeting offsite mitigation requirements for Joshua trees. For example, the City and/or Project proponent may purchase credits from a CDFW approved conservation or mitigation bank, which is a privately or publicly owned land managed for its natural resource values. Credits are established for the specific CESA-listed species that occur on the site. As a result of the recent advancement to candidacy of the species under CESA, CDFW has established a Western Joshua Tree Mitigation Fund through which payments may be made for mitigation purposes. (*See* Cal. Code Regs., tit. 14, § 749.10.) This is likely the simplest and most effective plan, and would align CEQA mitigation requirements with those needed to meet incidental take permit conditions under CESA. Alternatively, the Project proponent could work with a land trust or other qualified organization to acquire a conservation easement over habitat of equal or greater value. (*See* Gov. Code § 65965 et seq., Civil Code § 813 et seq.) Regardless of which path the City and Project proponent follow, these mitigation approaches are eminently feasible; in order to comply with CEQA, the City must consider and adopt additional feasible mitigation for the Project's significant adverse impacts to western Joshua trees.

Conclusion

Thank you for the opportunity to submit comments on the NOP for the KISS Logistics Center Project. The Center is deeply concerned by the potentially significant environmental impacts of the proposed Project. We urge the City to carefully prepare a DEIR and associated mitigation plans for public review and comment so that the extent of Project impacts can be assessed in a legally compliant manner.

Given the possibility that the Center will be required to pursue legal remedies to ensure that the City complies with its legal obligations including those arising under CEQA, we would like to remind the City of its statutory duty to maintain and preserve all documents and communications that may constitute part of the “administrative record” of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 762-65.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the City with respect to the Project, and includes “pretty much everything that ever came near a proposed [project] or [] the agency’s compliance with CEQA” (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the City’s representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the City’s representatives or employees and the Applicant’s representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please include Center attorney Hallie Kutak (hkutak@biologicaldiversity.org) and myself on the City’s notice list for all future updates, notices, and materials associated with the Project and its environmental review, and do not hesitate to contact the Center with any questions at the number or email listed below.

Sincerely,

A handwritten signature in black ink, appearing to read 'FT', with a stylized flourish extending from the end.

Frances Tinney
Legal Fellow
Center for Biological Diversity
1212 Broadway, Suite #800
Oakland, CA 94612
Tel: (509) 432-9256
ftinney@biologicaldiversity.org

REFERENCES

- California Fish and Game Code. 2020. Matthew Bender & Company, Inc. LexisNexis. p. 3106.
- Center for Biological Diversity. 2019. A Petition to List the Western Joshua Tree (*Yucca brevifolia*) as Threatened under the California Endangered Species Act (CESA).
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July 20, 2018. 113 pp. + Appendices A–C.

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12/05/2022

VIA EMAIL ONLY

Ryan Leonard, Senior Planner
City of Hesperia Planning Department
9700 Seventh Avenue Hesperia, CA 92345
Email: rleonard@cityofhesperia.us

RE: NOP Comments for KISS Logistics Center Project

Dear Mr. Leonard,

On behalf of Californians Allied for a Responsible Economy ("CARE CA") thank you for the opportunity to provide comments on the Notice of Preparation ("NOP") for environmental review of the KISS Logistics Center (the "Project"). The Project consists of a one-story 655,468 square foot (SF) warehouse building, with a mezzanine of 5,000 SF on a 29.61-acre site. The Project requires discretionary approvals including Development Plan Review, Specific Plan Amendment/Development Agreement, Lot Merger, and Conditional Use Permit (CUP).

The Initial Study ("IS") identifies the Project's potentially significant impacts under CEQA to include all environmental factors except Agriculture & Forestry Resources, Mineral Resources, Population/Housing, Public Services, Recreation, and Wildfire. CARE CA respectfully requests, under CEQA complete analysis of these impacts, imposition of all feasible mitigation and study of a reasonable range of alternatives to the Project, including at least two environmentally superior alternatives to the Project.

In addition, we request that the City take into consideration the following comments:

i) Project Description: We appreciate the IS providing additional details about the Project. In particular, the IS states that 15% of the warehouse will be operated as cold storage. The City should include contractual language in tenant lease agreements or restrictive covenant over parcel to limit cold storage to the proposed 15%. In addition, the DEIR analysis should specify and analyze the types of refrigerants that will be used in the cooling systems because different types of refrigerants have different impacts on GHG and energy efficiency.

For the reminder of the warehouse space, the DEIR should specify the types of high cube warehouses¹ that will occupy the space. As you are ware, each warehouse type has different impacts on the environment.

ii) Air Quality & Public Health: Goods movement industry is one of the major contributors of air pollutants across Southern California. Therefore, the Air Quality Impact Analysis must include a Health Risk Assessment. We must not ignore the unjust consequences of toxic pollution on communities and workers.

iii) Mitigation measures: Mitigation measures must be effective and enforceable. Every effort must be made to incorporate modern technology in the mitigation measures and MMRP. For example, a requirement that all off-road equipment and trucks using the site during construction and operations be zero emission, near-zero emissions or alternative-fueled vehicle would both reduce and/or eliminate air pollution impacts and CO2 emissions.

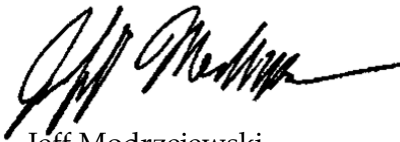
Mitigation measures can also include requirements to install cool roofs to reduce operational energy demand and solar panels to generate energy, electrification of loading docks and provision of EV charging infrastructure.

iv) Full Disclosure: Provide all sources and referenced materials when the DEIR is made available.

Thank you for the opportunity to submit NOP comments. Again, CARE CA respectfully requests under CEQA full analysis of the environmental impacts, feasible mitigation, and reasonable alternatives to the Project.

We look forward to reviewing and commenting on the DEIR.

Sincerely,

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

Jeff Modrzejewski
Executive Director

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



TEAMSTERS LOCAL UNION NO. 1932

Affiliated with the **INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

December 5, 2022

RE: Hesperia KISS Logistics Center - Comments for NOP of EIR

Planning Commissioners:

Teamsters Local 1932 represents thousands of Teamsters and their families who live and work in Hesperia and the surrounding communities. We are also here on behalf of the community allies and neighbors with whom we have been speaking and working in the area over the last year.

This letter is being submitted in response to the Notice of Preparation and Initial Study for the Hesperia KISS Logistics Project. We feel it is very important to make sure that the planning process sets high standards for jobs, infrastructure, pollution mitigation, and quality of life for the surrounding areas.

General Guidelines

When designing and locating projects such as large-scale industrial warehouse buildings, we encourage the City to follow the recommendation of the California Air Resources Board ("CARB") that any warehouse/distribution land uses should not be located within 1,000 feet of residential uses or areas designated for residential development. See, www.arb.ca.gov/ch/handbook.pdf. Here, it appears that existing single-family residences are located adjacent to the Project site. Appropriate buffering must be incorporated to ensure the Project does not adversely affect sensitive receptors such as children and seniors. Appropriate buffering should be considered as mitigation for potentially significant environmental impacts.

We also urge the City to impose all feasible measures on the Project to address conformance with applicable air quality standards as well as state legislation and regulations targeting the reduction of Greenhouse Gas Emissions (GHGs). Enforceable mitigation measures shall be adopted to address tail pipe emissions insofar as the majority of harmful air quality emissions and GHGs are attributable to mobile sources. For instance, it is estimated that NOx emissions will need to be reduced by approximately three-quarters by 2030 to meet emission reduction targets.

Thus the City must require implementing projects to utilize the cleanest available truck technologies. To this end, the Project should establish fleet efficiency requirements for tenant vehicle fleets. This should include, at a minimum, requirements that Project tenants shall use exclusively zero emission light and medium-duty delivery trucks and vans; and shall use only zero emission service equipment such as forklifts and yard trucks. The use of near-zero and zero-emission technologies in heavy-duty applications such as "last mile delivery" must be incorporated. As the State moves toward its goal of zero emission goods movement, the City must ensure that projects are in line with this important objective including requiring the phase-in of zero emission or clean technology for heavy duty trucks. According to CARB,

actions to deploy both zero emission and cleaner combustion technologies will be essential to meet air quality goals in California.

The City must designate enforceable truck routes to ensure that Project trucks are limited to major streets and highways and do not pass through residential neighborhoods or near schools. The City must take all steps to ensure that trucks serving the Project site do not idle or park on public streets.

The Project shall propose measures to ensure compliance with and the advancement of the policies and goals of SB 100 which commits to 100% clean energy in California by 2045. Requiring commercial and industrial projects to utilize solar energy is one means to ensure that the State can meet its laudable energy efficiency goals. Moreover, energy efficiency measures reduce GHG emissions. Electricity generation accounts for approximately 30% of California's GHG emissions.

A robust analysis of the Project's GHG emissions with enforceable GHG mitigation is particularly important because global climate change has already resulted in irreversible environmental damage. Particularly where the transportation sector is the largest source of GHG emissions in California, the Project must fully evaluate the cumulative impact of the proposed land use changes, and land use plans shall be designed to lessen the Project's cumulative impacts by reducing vehicle miles traveled (VMT). Again to this end, the Project must also include measures to increase the use of public transit and alternatives to vehicle use such as transit stops and extension of bike trails and lanes.

To ensure that the environmental impact report is as robust as possible, we recommend that it contain at least the following:

1. Environmental impact mitigation standards that include regular fence-line testing of greenhouse gas emissions; energy consumption measuring, reporting, and requirements for renewable energy technology, such as solar panels; flood mitigation; requirements for electrification of fleets associated with vehicle-focused industrial, manufacturing, and logistical uses; a tree planting program to ensure sufficient shade and avoiding creation of intense heat sinks; and other best practices that go above and beyond minimum requirements.
2. Internal circulation infrastructure that protects pedestrian access, including bicycles
3. Because the final project operators have not yet been determined, study of the specific impacts of different types of warehouse and logistical uses, and in particular the different types of vehicles (freight, trucks, commercial vans, passenger vehicles) to be used, and their impact on road wear-and-tear, emissions, and public safety.

Community Benefits and Oversight

The proposed project will add nearly three quarters of a million square feet of logistics use to the region, which is already seeing a huge boom of logistics facilities and warehouses. The risk of localized and cumulative impacts is very high. We therefore request that the Lead Agency, in cooperation with the impacted cities and the County, study as a potential mitigation measure the creation of an oversight and enforcement committee, to be appointed by the impacted cities, for the purpose of on-going oversight, receipt of reports, and negotiation and implementation of a community benefits agreement.

Creation of an oversight committee that can negotiate and implement community benefits agreements with the developers and operators of facilities on the site, as well as participate in oversight of on-going monitoring of the community, social and economic impacts is a critical part of ensuring that this proposal makes the highest and best use of the property, on an on-going basis with community involvement. Community benefits agreements are increasingly common tools in massive development and redevelopment projects. They allow local governments, agencies and communities to negotiate directly with developers and project operators to agree on social impact funds, labor standards, tax and other incentives, as well as create conflict resolution protocols that avoid lengthy and expensive court battles. CBAs also give communities the peace of mind that their representatives, specifically tasked with oversight of a particular project, will monitor compliance and be on the lookout for adverse impacts on an ongoing basis, long after developers have received the entitlements and permits they need.

An active community benefits agreement process requires creations of formal bodies with appointees from government, community, and labor stakeholders that are empowered to negotiate with developers and operators. This is a critical first step to making sure that the scarce resource of airport-area development is set to its highest and best use, and sets a standard for development in the San Bernardino and Highland areas in the future. This body can then transition to an oversight role, ensuring that standards set by the community benefits agreements are complied with.

Importantly, this body can also play an active role in settling disputes between the community and the project operators, or the project operators and the impacted cities and county, before these matters escalate into legal disputes, but without obscuring these disputes behind closed doors and in back-room deals. The transparency offered by a CBA with an on-going, active oversight and implementation committee is critical not only for improving the quality of development, but for giving meaning and enforceability to all of the mitigation measures and conditions the local agencies want to impose on the project.

Sincerely,

A handwritten signature in black ink that reads "Randy Korgan". The signature is written in a cursive, flowing style with a large, prominent "R" and "K".

Randy Korgan
Secretary-Treasurer
Teamsters Local 1932