

Appendix B

Initial Study/Notice of Preparation Comments

Appendices

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EDMUND G. BROWN JR.
GOVERNOR

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



KEN ALEX
DIRECTOR

Notice of Preparation

November 7, 2012

To: Reviewing Agencies
Re: General Plan Update
SCH# 2012111021

Attached for your review and comment is the Notice of Preparation (NOP) for the General Plan Update 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:

**Shane Stueckle
City of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284**

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,


Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

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NOV 14 2012

**TOWN OF YUCCA VALLEY
PUBLIC WORKS**

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012111021
Project Title General Plan Update
Lead Agency Yucca Valley, City of

Type NOP Notice of Preparation
Description The proposed project is an update to the Town of Yucca Valley General Plan. The Yucca Valley General Plan Update is intended to shape development within the Town of twenty years and beyond, and involves reorganization of the current General Plan into the following elements: Land Use, Circulation, Safety, Noise, Open Space and Conservation, and Housing. The General Plan Update will also revise the General Plan use map.

Lead Agency Contact

Name Shane Stueckle
Agency City of Yucca Valley
Phone 760 369-6575 **Fax**
email
Address 58928 Business Center Drive
City Yucca Valley **State** CA **Zip** 92284

Project Location

County San Bernardino
City Yucca Valley
Region
Cross Streets Various
Lat / Long 34° 07' 27" N / 116° 25' 05" W
Parcel No. Various
Township 1N,S **Range** 5,6E **Section** Variou **Base** SBB&M

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Various

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

Reviewing Agencies Resources Agency; Department of Conservation; Cal Fire; Department of Parks and Recreation; Department of Fish and Game, Region 6; CA Department of Public Health; Office of Emergency Management Agency, California; Native American Heritage Commission; Caltrans, Division of Aeronautics; Department of Housing and Community Development; Caltrans, District 8; Department of Toxic Substances Control; Regional Water Quality Control Board, Region 7

Date Received 11/07/2012 **Start of Review** 11/07/2012 **End of Review** 12/06/2012

Resources Agency

Resources Agency
Nadell Gayou

Dept. of Boating & Waterways
Nicole Wong

California Coastal Commission
Elizabeth A. Fuchs

Colorado River Board
Gerald R. Zimmerman

Dept. of Conservation
Elizabeth Carpenter

California Energy Commission
Eric Knight

Cal Fire
Dan Foster

Central Valley Flood Protection Board
James Herota

Office of Historic Preservation
Ron Parsons

Dept of Parks & Recreation
Environmental Stewardship Section

California Department of Resources, Recycling & Recovery
Sue O'Leary

S.F. Bay Conservation & Dev't. Comm.
Steve McAdam

Dept. of Water Resources Agency
Nadell Gayou

Fish and Game

Dept. of Fish & Game
Scott Flint
Environmental Services Division

Fish & Game Region 1
Donald Koch

Fish & Game Region 1E
Laurie Harnsberger

Fish & Game Region 2
Jeff Drongetse

Fish & Game Region 3
Charles Airmor

Fish & Game Region 4
Julie Vance

Fish & Game Region 5
Leslie Newton-Reed
Habitat Conservation Program

Fish & Game Region 6
Gabriela Gatchel
Habitat Conservation Program

Fish & Game Region 6 I/M
Brad Henderson
Inyo/Mono, Habitat Conservation Program

Dept. of Fish & Game M
George Isaac
Marine Region

Other Departments

Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

Dept. of General Services
Public School Construction

Dept. of General Services
Anna Garbeff
Environmental Services Section

Dept. of Public Health
Jeffery Worth
Dept. of Health/Drinking Water

Delta Stewardship Council
Kevan Samsam

Independent Commissions/Boards

Delta Protection Commission
Michael Machado

Cal EMA (Emergency Management Agency)
Dennis Castrillo

Native American Heritage Comm.
Debbie Treadway

Public Utilities Commission
Leo Wong

Santa Monica Bay Restoration
Guangyu Wang

State Lands Commission
Jennifer Deleong

Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans. & Housing

Caltrans - Division of Aeronautics
Phillip Crimmins

Caltrans - Planning
Terri Pencovic

California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

Housing & Community Development
CEQA Coordinator
Housing Policy Division

Dept. of Transportation

Caltrans, District 1
Rex Jackman

Caltrans, District 2
Marcelino Gonzalez

Caltrans, District 3
Gary Arnold

Caltrans, District 4
Erik Ahn

Caltrans, District 5
David Murray

Caltrans, District 6
Michael Navarro

Caltrans, District 7
Dianna Watson

Caltrans, District 8
Dan Kopulsky

Caltrans, District 9
Gayle Rosander

Caltrans, District 10
Tom Dunas

Caltrans, District 11
Jacob Armstrong

Caltrans, District 12
Marlon Regisford

CalEPA

Air Resources Board
Airport/Energy Projects
Jim Lerner

Transportation Projects
Douglas Ito

Industrial Projects
Mike Tollstrup

State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

State Water Resources Control Board
Phil Grader
Division of Water Rights

Dept. of Toxic Substances Control
CEQA Tracking Center

Department of Pesticide Regulation
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

RWQCB 1
Cathleen Hudson
North Coast Region (1)

RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

RWQCB 3
Central Coast Region (3)

RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

RWQCB 5S
Central Valley Region (5)

RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

RWQCB 5R
Central Valley Region (5)
Redding Branch Office

RWQCB 6
Lahontan Region (6)

RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

RWQCB 7
Colorado River Basin Region ()

RWQCB 8
Santa Ana Region (8)

RWQCB 9
San Diego Region (9)

Other

Conservancy



UNITED STATES MARINE CORPS
PUBLIC AFFAIRS AND COMMUNITY PLANS
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788100
TWENTYNINE PALMS, CALIFORNIA 92278-8100

5726

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DEC 07 2012

Mr. Shane Stueckle, Deputy Town Manager
Town of Yucca Valley, Planning Division
58928 Monterey Business Center Drive
Yucca Valley, CA 92284

Re: Notice of Preparation of an Environmental Impact Report

Dear Mr. Stueckle:

The Marine Corps Air Ground Combat Center (MCAGCC) is interested in ensuring all new developments are compatible with its mission. Since 1952, the remoteness of the High Desert area has ensured MCAGCC's ability to train Marines in their critical competencies essential to mission success and saving lives. However, a recent increase in incompatible developments now threatens the long-term sustainability of MCAGCC operational ranges and military training. This letter provides the Town of Yucca Valley general information regarding how the proposed Environmental Impact Report and General Plan Update may become more compatible with the long-term military training mission of MCAGCC.

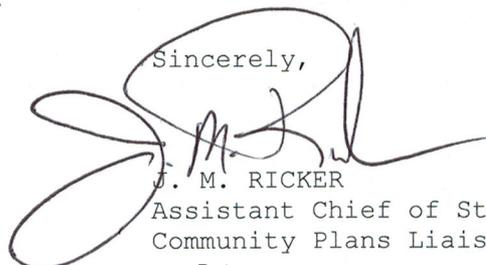
Due to the Town of Yucca Valley's location, businesses and property owners will experience noise and vibrations from military activities. Therefore, at minimum businesses and property owners should be informed, in writing, of the unique aspects of locating near a military installation. A sample letter is enclosed as enclosure 1. We highly encourage the Town of Yucca Valley to utilize this letter as official disclosure to inform businesses and property owners that MCAGCC is their neighbor and that they will be located near a military installation. We respectfully request this disclosure letter become a part of the Town's General Plan.

The Town of Yucca Valley lays directly under several designated military flight routes (see enclosure 2). Uninterrupted use of these routes is an essential part of military training. Additionally, military convoys and equipment travel State Route 62 and Highway 247 on a regular basis. Continued, unrestricted use of these California highways is essential to the mission of MCAGCC.

MCAGCC requests the Environmental Impact Report address the following areas of concern: 1) any changes to the General Plan update that would affect military convoys frequenting the roads of the Town of Yucca Valley; and, 2) any changes to the General Plan land use designations located under the designated military flight routes that could impact military use.

Thank you for providing us the opportunity to comment. Any questions regarding this matter may be directed to Bob Johnson at 760-830-3446 or robert.a.johnson2@usmc.mil.

Sincerely,



J. M. RICKER
Assistant Chief of Staff, G-5
Community Plans Liaison Office



UNITED STATES MARINE CORPS
PUBLIC AFFAIRS AND COMMUNITY PLANS
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788100
TWENTYNINE PALMS, CALIFORNIA 92278-8100

5726
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DEC 07 2012

Dear Business and/or Property Owner:

Welcome to the neighborhood! We hope your move went smoothly. By way of introduction, the Marine Corps Air Ground Combat Center (MCAGCC) is your neighbor and an essential resource for defending our country. MCAGCC conducts large-scale, sustained, combined arms (air and ground), live-fire and maneuver training for Marines. To prepare our Marines for future conflicts, we carry out realistic training with military munitions, both day and night. As a result, Military aircraft fly over the area, and military vehicles drive on and off the base every day.

Your neighbors understand the unique aspects of living near our installation, and they may tell you about the influence our activities have on their daily lives. This is very important information because your business and/or property is located directly under our designated military flight route. Consequently, you should expect to hear military training, see low-flying military aircraft, and encounter other experiences associated with our important mission here.

We encourage you to learn more about MCAGCC at www.29palms.usmc.mil, or to contact our Community Plans Liaison Office at 760-830-3446 for further questions. As a resident of the Morongo Basin for 58 years, the Marines and Sailors of MCAGCC would like to welcome you to our desert community.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Ricker", written over the word "Sincerely,".

J. M. RICKER
Assistant Chief of Staff, G-5
Community Plans Liaison Office



<http://www.dfg.ca.gov>

Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

December 7, 2012

Mr. Shane Stueckle
Town of Yucca Valley, Planning Division
58928 Monterey Business Center Drive
Yucca Valley, CA 92284

Re: Notice of Preparation of Environmental Impact Report for the
Town of Yucca Valley General Plan Update

Dear Mr. Stueckle:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Notice of Preparation for the Draft Environmental Impact Report (DEIR) for the Town of Yucca Valley General Plan Update. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code Sections 711.7 and 1802 and the California Environmental Quality Act (CEQA) Guidelines Section 15386], and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a permit for Incidental Take of Endangered, Threatened, and/or Candidate species [California Fish and Game Code Sections 2080 and 2080.1].

PROJECT DESCRIPTION AND LOCATION

The Town of Yucca Valley is located near City of Twentynine Palms, Joshua Tree, Joshua Tree National Park, Morongo Valley, and Prioneertown. State Route 247 crosses the northern half of the Town from north to south. The Town is located near the southern portion of San Bernardino County.

The Project is an update to the Town of Yucca Valley's General Plan. The General Plan is intended to shape development with the Town for the at least the next 20 years. The buildout will result in a population of 64,543, 27,276 residential units, and 20,964,487 square feet of nonresidential development.

Biological Impacts and Mitigation

The Department has the following recommendations, in addition to the recommendations in the later portion of this letter and requests that these issues be addressed in the CEQA document.

1. Provide a complete Project description that lists all the activities covered by this Project, including on- and off-site development;
2. Any biological assessments or focus surveys be conducted within one year of the distribution of the CEQA Document;
3. Any biological reports should be included in the CEQA Document;
4. A jurisdictional delineation of State waters should be included in the CEQA Document, if warranted;
5. Sensitive plant surveys should be conducted according to the Department's November 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.

Implementation of the proposed Project has the potential to impact desert tortoise (*Gopherus agassizii*, DT), which is listed as threatened under the California Endangered Species Act (CESA); and the burrowing owl (*Athene cunicularia*, BUOW), which is a Species of Special Concern and protected under Fish and Game Code Section 3503.5.

1. Please provide a complete assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats.
 - a. Please provide a thorough assessment of rare plants and rare natural communities, following the Department's November 2009 guidance for Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document can be found at the following link:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf
 - b. A thorough assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the Project area should also be considered. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service.
 - c. Rare, threatened, and endangered species to be addressed should include all those which meet the CEQA definition (See CEQA Guidelines, 15380).
 - d. The Department's California Natural Diversity Data Base in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the California Fish and Game Code.

2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts.
 - a. CEQA Guidelines, 15125(c), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region. Section 15125(d) requires the EIR so discuss any inconsistencies between the propose project and applicable general plans, specific plans and Regional plans.
 - b. Project impacts should be analyzed relative to their affects on off-site habitats. Specifically, this should encompass adjacent public lands, open space, adjacent natural habitats, and riparian ecosystems. In addition, impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided.
 - c. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
 - d. A cumulative effects analysis should be developed as described under CEQA Guidelines, 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
3. A range of alternatives should be analyzed to ensure that alternatives to the proposed Project are fully considered and evaluated (CEQA Guidelines 15126.6). A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.
 - a. Mitigation measures for Project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid and/or otherwise minimize Project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat should be addressed.
 - b. The Department considers Rare Natural Communities as threatened habitats having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts.

4. A CESA Permit must be obtained, if the Project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the Project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to the proposed Project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. For these reasons, the following information is requested:
 - a. Biological mitigation, monitoring, and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
 - b. A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.

State Jurisdictional Waters

5. The Department is concerned about the continuing loss of jurisdictional waters of the State and the encroachment of development into areas with native habitat values. The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources, and mitigation measures to offset the loss of native flora and fauna and State waters. If the Project site contains Federally- or State-listed species, the CEQA document should include measures to avoid and minimize impacts to these species as well as mitigation measures to compensate for the loss of biological resources. The CEQA document should not defer impact analysis and mitigation measures to future regulatory, discretionary actions, such as a Lake or Streambed Alteration Agreement, CESA Permit or Federal Endangered Species Act (FESA) Permit.
 - a. Under Section 1600 *et seq.* of the California Fish and Game Code, the Department requires the Project applicant to notify the Department of any activity that will divert, obstruct or change the natural flow or the bed, channel or bank (which includes associated riparian resources) of a river, stream or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams, and watercourses with subsurface flow. The Department's issuance of a Lake and Streambed Alteration Agreement for a project this is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department, may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental

Impact Report for the project. However, if the CEQA document does not fully identify potential impacts to lakes, streams, and associated resources (including, but not limited to riparian and alluvial fan sage scrub habitat) and provide adequate avoidance, mitigation, monitoring, and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Streambed Alteration Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a lake or stream, as well as avoidance and mitigation measures need to be discussed within this CEQA document. The Department recommends the following measures to avoid subsequent CEQA documentation and project delays:

- i. Incorporate all information regarding impacts to lakes, streams and associated habitat within the DEIR. Information that should be included within this document includes: (a) a delineation of lakes, streams, and associated habitat that will be directly or indirectly impacted by the proposed Project; (b) details on the biological resources (flora and fauna) associated with the lakes and/or streams; (c) identification of the presence or absence of sensitive plants, animals, or natural communities; (d) a discussion of environmental alternatives; (e) a discussion of avoidance measures to reduce project impacts, (f) a discussion of potential mitigation measures required to reduce the Project impacts to a level of insignificance; and (g) an analysis of impacts to habitat caused by a change in the flow of water across the site. The applicant and lead agency should keep in mind that the State also has a policy of no net loss of wetlands.
- ii. The Department recommends that the Project applicant and/or lead agency consult with the Department to discuss potential project impacts and avoidance and mitigation measures. Early consultation with the Department is recommended since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement Notification package, please visit our website at:
<http://www.dfg.ca.gov/habcon/1600.html>.

This particular Project has the potential to have significant environmental impacts on sensitive flora and fauna resources, including Federally- and State-listed endangered species. Therefore, the CEQA document should include a cumulative impact analysis **and an alternatives analysis** which focuses on environmental resources and ways to avoid or minimize impacts to those resources.

Notice of Preparation of Environmental Impact Report
Yucca Valley General Plan
Page 6 of 6

Thank you for this opportunity to comment. Please contact Heather Weiche at (909) 980-8607, if you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Jones".

Rebecca Jones
Senior Environmental Scientist Acting

cc: Heather Weiche, CDFG, Ontario



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

November 27, 2012

Shane Stueckle
Town of Yucca Valley
58928 Business Center Drive
Yucca Valley, CA 92284

Re: Town of Yucca Valley General Plan Update

Dear Mr. Stueckle:

The Mojave Desert Air Quality Management District (MDAQMD) has reviewed the Initial Study for the Town of Yucca Valley General Plan Update. The General Plan update is intended to shape development within the Town for at least the next 20 years and involves reorganization of the current General Plan into the following elements: Land Use, Circulation, Safety, Noise, Open Space and Conservation, and Housing. The General Plan Update will also revise the General Plan land use map. Buildout of the Yucca Valley General Plan Update would result in a population of 64,543, 27,276 residential units, 20,964,487 square feet of nonresidential development and 34,927 employees in the Town.

Based on the information provided in the Initial Study, the District agrees with the proposed assessment of potential impacts to be addressed in the Environmental Impact Report. District attainment plans and California Environmental Quality Act guidelines are located at http://www.mdaqmd.ca.gov/rules_plans/rules-plans.htm for your information and review. The District also recommends that the Town of Yucca Valley not allow the creation of new unpaved roads, and develop a long term capital improvement program to eliminate unpaved roadways when practical and feasible; such development is expected to produce cumulative and regional environmental benefits.

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 6726, or Tracy Walters at extension 6122.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan De Salvio".

Alan De Salvio
Supervising Air Quality Engineer

RECEIVED

NOV 28 2012

**TOWN OF YUCCA VALLEY
PUBLIC WORKS**

AJD/tw

Town of YV General Plan Update

NATIVE AMERICAN HERITAGE COMMISSION

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



November 9, 2012

Mr. Shane Stueckle, Planner

City of Yucca Valley

58928 Business Center Drive
 Yucca Valley, CA 92284

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NOV 14 2012

TOWN OF YUCCA VALLEY
PUBLIC WORKS

Re: SCH#2012111021; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the "City Yucca Valley General Plan Update," located in the City of Yucca Valley; San Bernardino County, California

Dear Mr. Stueckle:

The NAHC is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' 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. The NAHC advises the Lead Agency to request a Sacred Lands File search of the NAHC if one has not been done for the 'area of potential effect' or APE previously. This area is known to the NAHC to be very culturally sensitive..

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

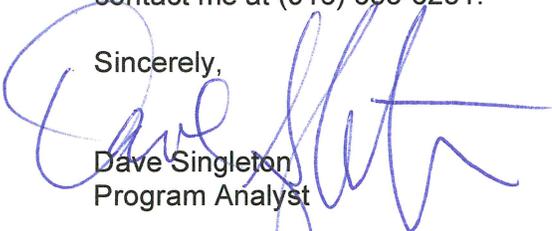
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
San Bernardino County
November 9, 2012**

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Chemehuevi Reservation
Edward Smith, Chairperson
P.O. Box 1976 Chemehuevi
Chemehuevi Valley CA 92363
chair1cit@yahoo.com
(760) 858-4301
(760) 858-5400 Fax

San Manuel Band of Mission Indians
Carla Rodriguez, Chairwoman
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Fort Mojave Indian Tribe
Timothy Williams, Chairperson
500 Merriman Ave Mojave
Needles , CA 92363
(760) 629-4591
(760) 629-5767 Fax

Twenty-Nine Palms Band of Mission Indians
Darrell Mike, Chairperson
46-200 Harrison Place Chemehuevi
Coachella , CA 92236
tribal-epa@worldnet.att.net
(760) 775-5566
(760) 808-0409 - cell - EPA
(760) 775-4639 Fax

Colorado River Indian Tribe
Eldred Enas ,Chairman; Ginger Scott, Museum
26600 Mojave Road Mojave
Parker , AZ 85344 Chemehuevi
crit.museum@yahoo.com
(928) 669-9211-Tribal Office
(928) 669-8970 ext 21
(928) 669-1925 Fax

Joseph R. Benitez (Mike)
P.O. Box 1829 Chemehuevi
Indio , CA 92201
(760) 347-0488
(760) 408-4089 - cell

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

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

Distribution of this list does not relieve any person of the 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 applicable for contacting local Native Americans with regard to cultural resources for the proposed SSCH#2012111021 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the City of Yucca Valley General Plan Update; located in the City of Yucca Valley; San Bernardino County, California.

**Native American Contacts
San Bernardino County
November 9, 2012**

Morongo Band of Mission Indians
Michael Contreras, Cultural Heritage Prog.
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 201-1866 - cell
mcontreras@morongo-nsn.
gov
(951) 922-0105 Fax

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Departmen
26569 Community Center. Drive Serrano
Highland , CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.
gov
(909) 862-5152 Fax

Serrano Nation of Mission Indians
Goldie Walker, Chairwoman
P.O. Box 343 Serrano
Patton , CA 92369

(909) 528-9027 or
(909) 528-9032

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning , CA 92220 Cahuilla
siva@dishmail.net
(951) 849-4676

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This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SSCH#2012111021 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the City of Yucca Valley General Plan Update; located in the City of Yucca Valley; San Bernardino County, California.

January 4, 2013

Mr. Shane Stueckle
Town of Yucca Valley
Planning Division
58928 Monterey Business Center Drive
Yucca Valley, CA 92284

Re: Notice of Preparation of an Environmental Impact Report and Public Scoping
Meeting for the Town of Yucca Valley General Plan Update

Dear Mr. Stueckle:

Southern California Edison (SCE) appreciates the opportunity to provide comment on the above referenced project. We apologize for missing the comment deadline for the NOP. Would you please keep us updated on the project.

Southern California Edison Company's rights-of-ways and fee-owned properties are purchased for the exclusive use of SCE to operate and maintain its present and future facilities. Any proposed use will be reviewed on a case-by-case basis by SCE's Operating Department. Approvals or denials will be in writing based upon review of the maps provided by the developer and compatibility with SCE right-of-way constraints and rights. In the event the project proposes to impact SCE facilities or its land related rights, please forward five (5) sets of project plans, and a PDF copy of the same, depicting SCE's facilities and its associated land rights to the following location for review as noted above:

Real Properties Department
Southern California Edison Company
2131 Walnut Grove Avenue
G.O.3 – Second Floor
Rosemead, CA 91770

Please be advised if development plans result in the need to build new or relocate existing SCE electrical facilities that operate at or above 50 kV, the SCE construction may have environmental consequences subject to CEQA review as required by the California Public Utilities Commission (CPUC). If those environmental consequences are identified and addressed by the local agency in the CEQA process for the larger project, SCE may not be required to pursue a later, separate, mandatory CEQA review through the CPUC's General Order 131-D (GO 131-D) process. If the SCE facilities are not adequately addressed in the CEQA review for the larger project, and the new facilities could result in significant environmental impacts, the required additional CEQA review at the CPUC could delay approval of the SCE power line portion of the project for two years or longer.

Once again, we appreciate the opportunity to comment on the project. If you have any questions regarding this letter, do not hesitate to contact me at (760) 202-4211

Sincerely,



Jennifer Cusack
Local Public Affairs Region Manager
Southern California Edison Company

DEPARTMENT OF PUBLIC HEALTH



COUNTY OF SAN BERNARDINO

Division of Environmental Health Services: (800) 442-2283

- 385 North Arrowhead Avenue – San Bernardino, CA 92415-0160
- 8575 Haven Avenue, Suite 130 – Rancho Cucamonga, CA 91730-9105
- 15900 Smoke Tree, Suite 131 – Hesperia, CA 92345
- San Bernardino County Vector Control Program
2355 East 5th Street – San Bernardino, CA 92410-5201

TRUDY RAYMUNDO
Public Health Director

MAXWELL OHIKHUARE, M.D.
Health Officer

CORWIN PORTER, MPH, R.E.H.S.
Division Chief, Environmental Health Services

December 7, 2012

Shane Stueckle
Town of Yucca Valley, Planning Division
58928 Monterey Business Drive Center
Yucca Valley, CA 92284

Subject: Notice of Preparation of Environmental Impact Report and Public Scoping Meeting for the Town of Yucca Valley General Plan Update

Mr. Stueckle,

Environmental Health Services has reviewed the Notice of Preparation of Environmental Impact Report and Public Scoping Meeting for the Town of Yucca Valley General Plan Update. The impact of the Yucca Valley General Plan Update in regards to solid waste is addressed on Page 56, Section 3.17 (f) & (g). The initial study states the EIR will evaluate long-term regional landfill capacity as the General Plan Update may increase the amount of solid waste generated in Yucca Valley and may require expansion of landfills or the adoption of alternative methods for waste disposal. San Bernardino County Solid Waste Management is the owner and operator of the majority of landfills in San Bernardino County and they should be contacted in regards to expanding the landfill capacity.

If you have any questions, please contact me at 1(800)442-2283 or by email at Jessica.Ballesteros@dph.sbcounty.gov.

Jessica Ballesteros, REHS
Land Use Protection Program

GREGORY C. DEVEREAUX
Chief Executive Officer

Board of Supervisors
ROBERT A. LOVINGOOD.....First District JAMES RAMOS.....Third District
JANICE RUTHERFORD.....Second District GARY C. OVITT.....Fourth District
JOSIE GONZALES, CHAIR.....Fifth District