



ARNOLD SCHWARZENEGGER
GOVERNOR

October 8, 2009

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



CYNTHIA BRYANT
DIRECTOR

Lisette Sanchez-Mendoza
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Subject: Recycling Market Development Zone
SCH#: 2009091019

Dear Lisette Sanchez-Mendoza:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 7, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

for: Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2009091019
Project Title Recycling Market Development Zone
Lead Agency Hesperia, City of

Type **MND** Mitigated Negative Declaration
Description Designating the City of Hesperia a Recycling Market Development Zone (RMDV). The RMDZ is a program that allows existing and new businesses within the City to be eligible for exclusive state incentives and programs. The program will run for 10 yrs and is intended for businesses that use waste materials to manufacture new products.

Lead Agency Contact

Name Lisette Sanchez-Mendoza
Agency City of Hesperia
Phone 760-947-1651 **Fax**
email
Address 9700 Seventh Avenue
City Hesperia **State** CA **Zip** 92345

Project Location

County San Bernardino
City Hesperia
Region
Lat / Long
Cross Streets I-15 and Main St
Parcel No.

Township	Range	Section	Base
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Proximity to:

Highways 15, 395
Airports Hesperia
Railways BNSF
Waterways California Aqueduct
Schools
Land Use A1, A2, AP, C-1, C-3, FW, I1, I2, M1, MR-EA, PCD, PUD, P-1, R1, R2, R3, RR, CIBP, GI, HDR, LDR, MDR, MU, NC, OC, OP, PC, PIO...

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; 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

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Integrated Waste Management Board; Regional Water Quality Control Bd., Region 6 (Victorville); Department of Toxic Substances Control; Native American Heritage Commission

Date Received 09/08/2009 **Start of Review** 09/08/2009 **End of Review** 10/07/2009

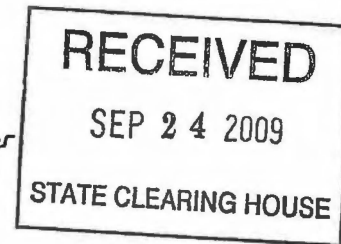
NATIVE AMERICAN HERITAGE COMMISSION

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



September 23, 2009

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10.7.09
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Ms. Lisette Sanchez-Mendoza

CITY OF HESPERIA

9700 Seventh Avenue
Hesperia, CA 92345

Re: SCH#2009091019 CEQA Notice of Completion; proposed Mitigate Negative Declaration for the Recycling Market Development Zone located in the City of Hesperia; San Bernardino County, California

Dear Ms. Sanchez-Mendoza:

The Native American Heritage Commission (NAHC) is the state 'trustee agency' pursuant to Public Resources Code §21070 for the protection and preservation of California's Native American Cultural Resources. The California Environmental Quality Act (CEQA - CA Public Resources Code §21000-21177, amended in 2009) 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 California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of 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. To adequately assess the project-related impacts on historical resources, the Commission recommends the following.

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural resources were not identified within one-half mile of the APEs... Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the names of the nearest tribes and interested Native American individuals that the NAHC recommends as 'consulting parties,' for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We recommend that you contact persons on the attached list of Native American contacts. A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource.. Also, the NAHC recommends that a Native American Monitor or person be employed whenever a professional archaeologist is employed during the 'Initial Study' and in other phases of the environmental study.. Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) at the Office of Historic Preservation (OHP) Coordinator's office (at (916) 653-7278, for referral to the nearest OHP Information Center of which there are 11..

Consultation with tribes and interested Native American tribes and individuals, as consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 [f] *et se*), and NAGPRA (25 U.S.C. 3001-3013), as appropriate. .

Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a

project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'. Discussion of these should be included in your environmental documents, as appropriate.

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature, is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected the 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 APE and possibly threatened by proposed project activity.

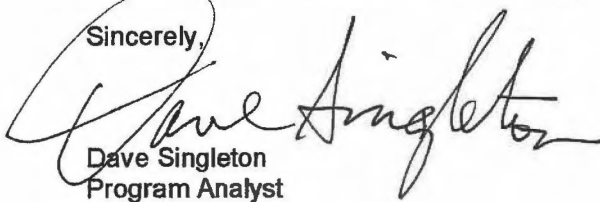
CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Again, Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", is written over the typed name and title.

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Recycling Market Development ZoneLead Agency: City of HesperiaContact Person: Lisette Sanchez-MendozaMailing Address: 9700 Seventh AvenuePhone: (760) 947-1651City: HesperiaZip: 92345County: San Bernardino**Project Location:** County: San BernardinoCity/Nearest Community: HesperiaCross Streets: I-15 and Main StreetZip Code: 92345

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: _____

Assessor's Parcel No.: _____

Section: _____

Twp.: _____

Range: _____

Base: _____

Within 2 Miles: State Hwy #: I-15/HWY 395Waterways: California AqueductAirports: HesperiaRailways: BNSF

Schools: _____

Document Type:CEQA: ☐ NOP☐ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.) _____

☐ Draft EIS☐ Other: _____☒ Mit Neg Dec

Other: _____

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☒ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☒ Other: RMDZ**Development Type:**☐ Residential: Units _____

Acres _____

☐ Office: Sq.ft. _____

Acres _____

Employees _____

☐ Transportation: Type _____☐ Commercial: Sq.ft. _____

Acres _____

Employees _____

☐ Mining: Mineral _____☐ Industrial: Sq.ft. _____

Acres _____

Employees _____

☐ Power: Type _____

MW

☐ Educational: _____☐ Waste Treatment: Type _____

MGD

☐ Recreational: _____☐ Hazardous Waste: Type _____☐ Water Facilities: Type _____

MGD

☐ Other: _____**Project Issues Discussed in Document:**☒ Aesthetic/Visual☒ Fiscal☒ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☐ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☐ Wetland/Riparian☒ Biological Resources☒ Minerals☒ Soil Erosion/Compaction/Grading☒ Growth Inducement☐ Coastal Zone☒ Noise☒ Solid Waste☐ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☐ Cumulative Effects☒ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: _____**Present Land Use/Zoning/General Plan Designation:**A1, A2, AP, C-1, C-2, C-3, FW, I1, I2, M1, MR-EA, PCD, PUD, P-1, R1, R2, R3, RR, CIBP, GI, HDR, LDR, MDR, MU, NC, OC, OP, PC, PIO, P**Project Description:** (please use a separate page if necessary)

Designating the City of Hesperia a Recycling Market Development Zone (RMDZ). The RMDZ is a program that allows existing and new businesses within the City to be eligible for exclusive state incentives and programs. The program will run for 10 years and is intended for businesses that use waste materials to manufacture new products.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input checked="" type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input checked="" type="checkbox"/> Office of Historic Preservation
<input checked="" type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Office of Public School Construction
<input checked="" type="checkbox"/> Caltrans District # <u>8</u>	<input checked="" type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Planning	<input checked="" type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Central Valley Flood Protection Board	<input checked="" type="checkbox"/> Regional WQCB # <u>6</u>
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Quality
<input checked="" type="checkbox"/> Fish & Game Region # <u>8</u>	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input checked="" type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Health Services, Department of	
<input checked="" type="checkbox"/> Housing & Community Development	<input checked="" type="checkbox"/> Other: <u>Burlington Northern & Santa Fe Railroad</u>
<input checked="" type="checkbox"/> Integrated Waste Management Board	<input type="checkbox"/> Other: _____
<input checked="" type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date September 4, 2009 Ending Date October 3, 2009

Lead Agency (Complete if applicable):

Consulting Firm: _____ Applicant: City of Hesperia/RDA
Address: _____ Address: 9700 Seventh Avenue
City/State/Zip: _____ City/State/Zip: Hesperia, CA 92345
Contact: _____ Phone: (760) 947-1651
Phone: _____

Signature of Lead Agency Representative: [Signature] Date: 9/1/09

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.