ADDENDUM
KERN COUNTY PLANNING COMMISSION

Board of Supervisors

STAFF REPORT

Date: September 10, 2026

FILE: GPA #5, Map 81-35; ZCC #46, Map 81-35;
PD Plan #36, Map 81-35; 81-35 3 098
S.D.: #3 - Flores

TITLE: General Plan Amendment Case No. 5, Map No. 81-35; Amendment of Zoning Map 81-35, Zone Change Case No. 46; Precise Development Plan No. 36, Map 81-35; and Nonsummary Vacation, Map 81-35

PROPOSAL: The proposed Airport Commerce Center Industrial Project would involve the development of four (4) industrial warehouse buildings totaling approximately 1,505,440 square feet consisting of 625,446 square feet for warehousing, 393,624 square feet for cold storage, 335,826 square feet for industrial manufacturing or assembly for a food/beverage company, 150,544 square feet for office space, and two (2) associated quick-serve restaurants totaling approximately 9,410 square feet on approximately 110 combined acres across six (6) privately owned parcels. The proposal includes:

(a) Amendment to Metropolitan Bakersfield General Plan Land Use Element from Map Code GC (General Commercial) to SI Service Industrial (GPA No. 5, Map 81-35);

(b) Change in zone classification from M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) to M-2 PD H (Medium Industrial - Precise Development Combining – Airport Approach Height Combining), or a more restrictive district, on approximately 13.76 acres, and from FPP (Floodplain Primary) to M-2 PD H (Medium Industrial - Precise Development Combining – Airport Approach Height Combining), or a more restrictive district, on approximately 8.56 acres (ZCC No. 46, Map 81-35);

(c) Approval of Precise Development Plan for Site development and implementation of the M-2 PD H zoning request (PD No. 36, Map 81-35); and,

(d) Nonsummary Vacation, Map 81-35 to vacate two (2) drainage easements on the proposed project site totaling approximately 10.24 acres (81-35 03 098)

APPLICANT: ACC Bakersfield JV, LLC (PP24405)

PROJECT SIZE: 110 acres

LOCATION: Generally the northwest corner of Airport Drive and Merle Haggard Drive in the unincorporated community of Oildale (APNs: 483-040-32, -33, -42, -43, -45, -46).

GENERAL PLAN DESIGNATION/ZONE CLASSIFICATION: Service Industrial (SI) and General Commercial (GC) / M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining District); M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining District); and FPP (Floodplain Primary District)

SURROUNDING LAND USE/ZONING: North – Oil tank farm, Petrol Road, and vacant land / A-1 (Limited Agriculture) and M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining District); East – Airport Drive and vacant land / NR (20) (Natural Resources) and C-2 PD (General Commercial – Precise Development Combining District); South – Merle Haggard Drive, Meadows Field Airport, and vacant land / M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining District) and M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining District); and West – Landings Way, Amazon warehouse/logistics facility, and oil tank farm located west of the northern portion of the site (Meadows Field Airport) / M-2 PD H (Medium Industrial – Precise Development Combing – Airport Approach Height Combining District)

PROJECT ANALYSIS: The proposed project was originally scheduled to be considered on the September 29, 2026, Board of Supervisors agenda; however it was continued to today's hearing to allow sufficient time for the preparation of the Staff Report.

As noted above, the Airport Commerce Center Industrial Project is for the development an industrial warehouse facility with an approximate 1,505,440 total square feet of warehouse, cold storage, industrial manufacturing, and office space, and an approximate 9,410 square feet for two (2) associated quick serve restaurants on approximately 110 combined acres located on the northwest corner of Merle Haggard Drive and Airport Drive in the unincorporated community of Oildale.

Table 1 below identifies the Assessor Parcel Numbers (APN) for the project site.

Table 1: *Project Assessor Parcel Numbers (APNs) – Existing and Proposed General Plan Map Code Designation and Zone District*

APN	Existing/Proposed MBGP Designation	Existing/Proposed Zone District	Acres
483-040-32	SI (no change)	Existing: M-2 PD H, FPP Proposed: M-2 PD H	14.45
483-040-33	SI (no change)	Existing: M-2 PD H, FPP Proposed: M-2 PD H	17.95
483-040-42	SI (no change)	Existing: M-2 PD H, FPP Proposed: M-2 PD H	16.68
483-040-43	SI (no change)	Existing: M-2 PD H, FPP Proposed: M-2 PD H	23.44
483-040-45	Existing: GC Proposed: SI	Existing: M-1 PD H Proposed: M-2 PD H	13.76
483-040-46	SI (no change)	Existing: M-2 PD H, FPP Proposed: M-2 PD H	22.46
		Approximate Proposed Project Total Acreage	*110*

Metropolitan Bakersfield General Plan (MBGP) Land Use Designation:	Zoning Classification:
SI = Service Industrial GC = General Commercial	M-1 = Light Industrial M-2 = Medium Industrial FPP = Floodplain Primary PD = Precise Development Combining H = Airport Approach Height Combining

Existing land uses surrounding the project include a tank farm, warehouse/logistics facility, vacant land and various local roadways. **Table 2** identifies the existing surrounding land use, existing surrounding map code designations, and existing zoning classifications of the project site and surrounding area.

Table 1: *Existing Project Site and Surrounding Land Uses*

Location	Existing Land Use	Existing Map Code Designation	Existing Zoning Classification
Project Site	Vacant Land	SI, GC	M-2 PD H, M-1 PD H, FPP
North	Oil Tank farm, Petrol Road, vacant land	SI	A-1, M-2 PD H
East	Airport Drive and vacant land	SI	NR (20), C-2 PD
South	Merle Haggard Drive and vacant land	SI, GC	M-2 PD H, M-1 PD H
West	Landings Way and Amazon warehouse/ logistics facility Oil tank farm located west of the northern portion of the site	SI	M-2 PD H

Notes:
Metropolitan Bakersfield General Plan (MBGP)
Land Use Designation:
SI = Service Industrial
GC = General Commercial

Zoning Classification:
A-1 = Limited Agriculture
C-2 = General Commercial NR (20) = Natural Resource (20 acres)
M-1 = Light Industrial
M-2 = Medium Industrial
FPP = Floodplain Primary District
PD = Precise Development Combining District
H = Airport Approach Height Combining District

Proposed Project

The project request would include the development of four (4) industrial warehouse buildings totaling approximately 1,505,440 square feet (including 150,544 square feet for dedicated office space), two (2) quick-serve restaurants totaling approximately 9,410 square feet and associated improvements on approximately 110 acres across six (6) parcels of privately owned land in the central portion of unincorporated Kern County. Implementation of the proposed project includes the following requests:

(a) Amendment to the Metropolitan Bakersfield General Plan Land Use Element (GPA No. 5, Map 81-35) from Map Code GC (General Commercial) to SI (Service Industrial) on an approximate 13.76-acre parcel of the 110-acre Project site;

(b) Change in zone classification (ZCC No. 46, Map 81-35):

1. From M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) to M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining), on an approximate 13.76-acre portion of the 110-acre Project site;

2. From FPP (Floodplain Primary) to M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining) on an approximate 8.56-acre portion of the 110-acre Project site; and

(c) Precise Development Plan (PD No. 36, Map 81-35) to facilitate the construction of four (4) industrial warehouse buildings totaling approximately 1,505,440 square feet including 625,446 square feet of warehousing, 393,624 square feet of cold storage, 335,826 square feet of industrial manufacturing or assembly for a food/beverage company, 150,544 square feet of office space, and two (2) associated quick-serve restaurants totaling approximately 9,410 square feet on approximately 110 acres over six (6) parcels pursuant to Sections 19.38.020.D.1, 19.38.020.D.4, and 19.38.020.E.2.

(d) Nonsummary Vacation, Map 81-35 to vacate two (2) drainage easements on the proposed project site totaling approximately 10.24 acres

Project Characteristics

The overall proposed development consists of four (4) single-story warehouses totaling approximately 1,505,440 square feet (including 150,544 square feet for dedicated office space), two (2) single-story quick-serve restaurants totaling 9,410 square feet and related site improvements. The primary function of the large industrial buildings will be industrial warehouse storage, industrial manufacturing/assembly to facilitate the manufacturing of food or beverage products, and industrial warehouse storage including cold storage, as well as dedicated office space in each building:

- Building 1 would have a footprint of 257,580 square feet with 231, 822 square feet of warehouse and 25,758 square feet of office, 43 dock-high doors, two (2) grade-level doors, 242 parking stalls (inclusive of seven accessible stalls), and 25 trailer stalls;

- Building 2 would have a footprint of 192,780 square feet with 173,502 square feet of industrial manufacturing or assembly (food or beverage products) and 19,278 square feet of office, 11 dock-high doors, 32 knock-outs, two (2) grade-level doors, and 427 parking stalls (inclusive of nine accessible stalls);

- Building 3 would have a footprint of 180,360 square feet with 162,324 square feet of industrial manufacturing or assembly (food or beverage products) and 18,036 square feet of office, 10 dock-high doors, eight (8) knock-outs, two (2) grade-level doors, 400 parking stalls (inclusive of eight accessible stalls), and eight (8) trailer stalls;

- Building 4 would have a footprint of 874,720 square feet with 393,624 square feet of warehouse, 393,624 square feet of cold storage and 87,472 square feet of office, 151 dock-high doors, four (4) grade-level doors, 797 parking stalls (inclusive of 16 accessible stalls), and 368 trailer stalls;

- Quick Serve Restaurant 1 would have a footprint of 5,570 square feet with 75 parking stalls (inclusive of three (3) accessible stalls); and

- Quick Serve Restaurant 2 would have a footprint of 3,840 square feet with 60 parking stalls (inclusive of three (3) accessible stalls).

Construction Activities

Schedule, Workforce, and Activities

The construction schedule is proposed to last approximately 29 months, occurring in overlapping phases. Site preparation and grading would be encompassed within this 29-month period. The precise duration and dates of initiation and commencement would vary depending on whether the construction dates are at the start or end of the anticipated month.

Construction would primarily occur during daylight hours, between 7:00 a.m. and 8:00 p.m., seven (7) days per week, as required to meet the construction schedule. Additional hours may be necessary to facilitate the schedule. Any construction work performed outside of the normal work schedule would be coordinated with the appropriate agencies and would conform to the MBGP and the Kern County Noise Ordinance.

The on-site construction workforce would consist of up to 100 individuals; however, the average daily workforce would vary depending upon the stage in construction. The average daily workforce would include construction, supervisory, support, and construction management personnel on-site during construction. It is anticipated that the construction workforce would commute to the project site each day from local communities and report to the designated construction staging yards prior to the beginning of each workday. Parking for construction personnel would be provided on-site. Portable toilets would be used and would be maintained by a private off-site company during the construction period.

Construction activities would consist of site preparation, grading, building construction, paving, and architectural coating. Typical equipment associated with these construction activities will be used.

Project Operations and Maintenance Activities

The proposed warehouse would operate 24 hours a day, 365 days a year and typically consist of multiple shifts rotating throughout the day and night. The warehouse facilities would employ approximately 572 employees over the course of the shifts, with a maximum of 100 employees onsite per day.

Hours of operation for the proposed quick-serve restaurants would be 24 hours per day. The proposed retail uses would employ approximately 40 employees.

Vehicular Access and Circulation

The proposed project would include the construction of driveways along Petrol Road, Airport Drive, Merle Haggard Drive, and Landings Way. Passenger vehicles ingress and egress would be provided from all proposed driveways. Truck ingress and egress to the site is provided via the 35-foot-wide driveway on Petrol, the (2) 35-foot-wide drive aisles on Airport drive, the two (2) 35-foot-wide driveways on Merle Haggard provide ingress (western driveway) and egress (eastern driveway) and lastly the 35-foot-wide driveway on Landings way will also provide ingress/egress to the site for trucks.

During project operation, heavy truck traffic to the site would be primarily routed down Merle Haggard Drive from SR-99, while the remaining truck traffic would be routed from Airport Drive to James Road to SR-65.

Internal circulation on the project site can be split into two (2) areas, the northeastern portion and southwestern portion. Internal to the site, circulation between the two (2) areas would not be provided. The northeastern portion includes Buildings 1 through 3 and the two (2) quick-serve

restaurants, access would be provided via proposed driveways along Petrol Road, Airport Drive, and the westernmost driveway off Merle Haggard Drive. Both proposed quick-serve restaurants would include an internal drive-through window lane.

The southwestern portion of the site includes Building 4 and the truck yard; access would be provided via the two (2) proposed eastern driveways off Merle Haggard Drive and the one (1) driveway off Landings Way.

Roadway Improvements

The proposed project would include off-site improvements along Airport Drive, Merle Haggard Drive, Landings Way, and Petrol Road. The existing roads would be improved with new pavement, curb and gutter, and sidewalk. Additionally, signing and markings would be constructed for the new pavement delineations. Such improvements would be necessary to meet applicable Kern County Public Works Department development standards.

Utilities and Infrastructure

The proposed project would be served with potable water provided by the Oildale Mutual Water Company. Service laterals would be extended from an existing 24-inch water line located within Merle Haggard Drive.

The proposed project would be served by the North of River Sanitary District with service laterals extended to the project site from existing 10-inch sewer main within Merle Haggard Drive.

Electricity would be provided by the Pacific Gas and Electric Company (PG&E). The proposed project would be served by existing electricity poles located around the site.

The project site would not require natural gas; the buildings would all be electrically operated.

Landscaping

The proposed project would include approximately 878,123 square feet (20.1 acres) of landscaping and cover approximately 18% of the site. Low-flow irrigation would be utilized, and the plant pallet would consist primarily of drought tolerant species. Islands with canopy trees would be provided to reduce heat. Landscaping would also be utilized to provide visual screening where needed. Landscaping would exceed the five percent (5%) landscaping requirement of Section 19.86.060 of the Kern County Zoning Ordinance. There are no existing trees on-site, and therefore no trees would be required to be removed.

Lighting

The proposed project would operate 24 hours a day, seven (7) days a week as an industrial warehouse facility. Therefore, lighting would be designed to maximize employee safety and security while complying with County standards to confine light spread within the project site. Proposed lighting would adhere to the requirements of Chapter 19.81 Outdoor Lighting "Dark Skies Ordinance" of the Kern County Municipal Code, which promotes the reduction of unnecessary light and flare, the reduction of light spillover onto adjacent properties, and energy conservation through the reduction of excessive or unwanted outdoor lighting. Lighting would be located throughout the proposed parking areas.

Storm Drainage

The proposed project would construct four (4) detention basins totaling 425,033 square feet. Detention basins would be located throughout the site. One (1) basin would be located on the northern border of the proposed project site fronting Petrol Road. Two (2) would be located in the southeastern corner of the proposed project site between Buildings 3 and 4, and one (1) would be located on the southwest corner fronting Landings Way. The proposed project would install an on-site storm drain system consisting of ribbon gutters, catch basin inlets, and underground pipes. Runoff would be directed toward underground infiltration basins located within the parking areas around the site. Stormwater quality low-flows from the site are expected to be retained and infiltrated into the native soil while the excess overflow would be released toward Airport Drive. In terms of drainage and stormwater quality, the proposed project would be designed to conform to the requirements of Kern County Hydrology Manual, and Central Valley RWQCB Order No. R8-2002-0012 (NPDES Permit No. CAS618036).

Solid and Non-Hazardous Waste Disposal

The proposed project would produce a small amount of waste associated with maintenance activities, which could include typical refuse generated by office and warehouse uses. Most of these materials would be collected and delivered back to the manufacturer or to recyclers. Nonrecyclable waste would be placed in covered dumpsters and removed on a regular basis by a certified waste-handling contractor for disposal at a Class III landfill. The closest Class III municipal landfill is the BENA Sanitary Landfill.

Hazards and Hazardous Materials Compliance

The proposed project would produce a small amount of hazardous waste associated with maintenance activities, which could include paint, solvents, cleaners, and waste oil. Workers would be trained to properly identify and handle all hazardous waste. Fuels and lubricants used in operations would be subject to the Spill Prevention, Containment, and Countermeasure Plan to be prepared for the proposed project.

Hazardous waste would be either recycled or disposed of at a permitted and licensed treatment and/or disposal facility. All hazardous waste shipped off-site for recycling or disposal would be transported by a licensed and permitted hazardous waste hauler and disposed of at an approved location.

Assembly Bill 52 and Senate Bill 18 Tribal Consultation

In accordance with both Assembly Bill (AB) 52 and Senate Bill (SB) 18 and the California Tribal Consultation guidelines, the appropriate native groups were consulted with respect to the project's potential impacts on Native American places, features, and objects.

As part of the County's government-to-government responsibilities pursuant to AB 52, on January 10, 2024, the County sent consultation notification letters via certified mail to the California Native American tribes on the County's Master List for AB 52 consultation. Contacted tribes for AB 52 consist of the Tejon Indian Tribe, Yuhaaviatam of San Manuel Nation, Twenty-Nine Palms Band of Mission Indians, and Torres Martinez Desert Cahuilla Indians.

Additionally, pursuant to SB 18, on January 23, 2024, the County sent consultation notification letters via certified mail to tribes listed on the project site specific list from the California Native American Heritage Commission. Contacted tribes for SB 18 consist of the Kern Valley

Indian Community, Tubatulabals of Kern Valley, Kitanemuk & Yowlumne Tejon Indians, Tejon Indian Tribe, and Tule River Indian Tribe.

Of the Tribes contacted, no tribe has requested to enter into consultation. Records of tribal coordination were disclosed in the Draft Environmental Impact Report (DEIR) and copies are on file with the Department.

Final Environmental Impact Report

A Final Environmental Impact Report (FEIR) was prepared for this proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines. As required by CEQA, the FEIR includes appropriate review, analysis, and mitigation measures for the environmental impacts of the proposed project. This FEIR could be utilized by other permitting agencies in their capacity as Responsible and Trustee agencies under CEQA. As required by Departmental procedures for processing of an EIR, an indemnification agreement has been executed by the project proponent.

To initiate the EIR process, a Notice of Preparation (State Clearinghouse No. 2025030498) was circulated for a 30-day public review period beginning on March 13, 2025, and ending on April 11, 2025. A scoping meeting was noticed and held on April 2, 2025, at the Kern County Public Services Building, 2700 "M" Street, Suite 100 in Bakersfield, California. No verbal comments were received at the scoping meeting. Twelve comment letters were received during the Notice of Preparation 30-day public review period. These comments were used in the preparation of the Draft EIR, and summary of the comments are included in **Chapter 2**, *Introduction*, of the EIR.

Based on the comments received in response to the Notice of Preparation, a Draft EIR was prepared and circulated for a 45-day public review period beginning on February 27, 2026 and ending on April 13, 2026. In total, approximately 138 agencies, interested parties, surrounding property owners, and mineral right owners were notified of the DEIR by way of the Notice of Availability. The DEIR was made available on the Kern County Planning and Natural Resources Department's webpage, the CA Governor's Office of Land Use and Climate Innovation (formerly, the State Clearinghouse), the Kern County Clerk's Office, the Beale Library and the Rathbun Branch Library. A total of 20 written comment letters were received on the DEIR from individuals or agencies/organizations. As required by Section 15088 of the State CEQA Guidelines, responses to these comments were prepared and provided to the agencies and interested parties that submitted return addresses at least 10 days prior to the Planning Commission hearing.

In accordance with State CEQA Guidelines, a FEIR has been completed, comprised of eight (8) volumes, as follows:

- Volume 1 – Chapter 1 through 11 (February 2026)
- Volume 2 – Appendix A through B1 (February 2026)
- Volume 3 – Appendix B2 (February 2026)
- Volume 4 – Appendix C through L (February 2026)
- Volume 5 – Chapter 7, Response to Comments (August 2026)

These documents have been provided to your Board for your review and consideration. A complete copy of the FEIR is also available on the Kern County Planning and Natural Resources Department website at the following: **https://kernplanning.com/environmental-doc/airport-commerce-center-industrial-project/**

The Final EIR contains 78 mitigation measures to reduce significant impacts from the project, and a Mitigation Monitoring and Reporting Program has been included as Exhibit C of the staff report for your review.

Effects Found to Have No Impact

Based on the findings of the Notice of Preparation and the results of the scoping process, the proposed project was determined to have no impact with regard to the following impact thresholds, and the categories were therefore not analyzed in the EIR prepared for the proposed project:

- Agricultural and Forestry Resources

Less Than Significant Impacts (Including Significant Impacts That Can Be Mitigated, Avoided, or Substantially Lessened)

The EIR prepared addresses all potentially significant environmental impacts that Kern County identified during the Notice of Preparation and scoping process. After further study and environmental review in the EIR, it was determined that certain impacts would be less than significant, or could be reduced to a less than significant level with the incorporation of mitigation measures as summarized in **Table 3** below (see Exhibit C – Mitigation Monitoring and Reporting Program for full mitigation measure text):

Table 3: *Summary of Project Impacts That Are Less than Significant or Less than Significant with Mitigation*

Impact	Mitigation Measures
Aesthetics (Project and Cumulative)	MM 4.1-1 through MM 4.1-4
Biological Resources (Project and Cumulative)	MM 4.3-1 through MM4.3-12 and MM 4.8-1
Cultural Resources (Project and Cumulative)	MM 4.4-1 through MM 4.4-3.
Energy (Project and Cumulative)	MM 4.5-1, MM 4.5-2, MM 4.2-3, and MM 4.7-1, MM 4.7-2
Geology and Soils (Project and Cumulative)	MM 4.6-1 through MM 4.6-11 and MM 4.9-1
Hazards and Hazardous Materials (Project and Cumulative)	MM 4.8-1 through MM 4.8-14, MM 4.3-4, MM 4.6-8, MM 4.14-1, and MM 4.16-4
Hydrology and Water Quality (Project)	MM 4.6-8 and MM 4.8-3, MM 4.9-1, and MM 4.9-2
Land Use and Planning (Project and Cumulative)	MM 4.1-3, MM 4.8-12, MM 4.10-1, and MM 4.10-2
Mineral Resources (Project and Cumulative)	No mitigation required
Noise (Project and Cumulative)	MM 4.12-1 through MM 4.12-4
Population and Housing (Project and Cumulative)	MM 4.14-2
Public Services (Project and Cumulative)	MM 4.8-13, MM 4.14-1, and MM 4.14-2
Recreation (Project and Cumulative)	No mitigation required
Tribal Cultural Resources (Project and Cumulative)	MM 4.4-1 through MM 4.4-3
Utilities and Service Systems (Project)	MM 4.18-1 through MM 4.18-4
Wildfire (Project and Cumulative)	MM 4.8-13, MM 4.16-1 through MM 4.16-4

Significant and Unavoidable Project Impacts

Section 15126.2(b) of the State CEQA Guidelines requires that an EIR describe any significant impacts, including those that can be mitigated but not reduced to less than significant. After study and environmental review in the EIR, it was determined that certain impact thresholds would have significant and unavoidable impacts after the project complies with all regulatory, statutory, and feasible and reasonable mitigation measures.

Significant and Unavoidable Impacts

According to *CEQA Guidelines* Section 15355, the term cumulative impacts "… refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, but when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively considerable. This EIR has considered the potential cumulative effects of the project along with other current and reasonably foreseeable projects. Impacts for the following have been found to be cumulatively considerable.

Table 4 presents the environmental topic areas with significant and unavoidable impacts. Sections 4.2, 4.7, 4.9, 4.16, and 4.18, of the Final EIR present detailed analyses of these impacts and describe the means by which the mitigation measures listed in **Table 4** would reduce the severity of impacts to the extent feasible.

Table 4: *Summary of Significant and Unavoidable Project-Level and Cumulative Impacts*

Resources	Project Impacts	Cumulative Impacts
Air Quality	During construction, the proposed project would incorporate Standard Permit Conditions 1 through 3 in order to further reduce impacts from fugitive dust, including applying dust suppressant material; limiting vehicle speeds; and watering exposed areas during construction, among others. With implementation of Mitigation Measures 4.2-1 through MM 4.2-3, potential construction impacts are considered less than significant. With the implementation of Mitigation Measures 4.2-4 through 4.2-12 operational emissions of the project would still exceed SJVAPCD CEQA significance thresholds; therefore, impacts would be **significant and unavoidable.**	The construction emissions generated by the project individually, but inclusive of both on-site facilities and off-site improvements, would not exceed SJVAPCD thresholds. With regard to project level construction emissions, Mitigation Measures MM 4.2-1 through MM 4.2-12 would reduce impacts related to NO_X and PM_{10} from diesel emissions, reduce dust generation, and address potential Valley Fever risk by implementing fugitive dust control measures, establishing a public complaint protocol for excessive dust generation, and requiring Valley Fever-related training for construction workers. However, assuming on a worst-case basis that the construction schedules for all cumulative projects would overlap with each other and with the proposed project, cumulative impacts during construction could be **significant and unavoidable** related to NO_X and PM_{10} emissions. Despite implementation of mitigation measures MM 4.2-1 through MM 4.2-12 and MM 4.1-3, operation of the project exceeds the project level regulatory thresholds and, therefore, would contribute to a long-term cumulative increase in criteria pollutants. Therefore, the

		project would result in a **significant and unavoidable** cumulative impact.
Greenhouse Gas Emissions	Implementation of the project would contribute to global climate change through direct emissions of GHGs. GHGs associated with the project include CO2, CH4, and N2O, and would be emitted from on-road vehicles and equipment used during construction and from vehicles used during routine operational activities. Mitigation Measures MM 4.7-1, MM 4.7-2, MM 4.2-2 through MM 4.2-5, MM 4.2-7, MM 4.5-1, MM 4.5-2, and MM 4.16-3 would reduce GHGs during the construction and operational phases. However, the proposed project would be inconsistent with CARB 2022 Scoping Plan due to significant VMT impacts and non-electric vehicular emissions because it will not be feasible to electrify all transportation—in specific, the trucks—that will be associated with operation of the proposed project. Therefore, impacts would be **significant and unavoidable**	Due to the absence of established scientific methodologies and analytical tools, a definitive assessment of whether the project's GHG emissions constitute a cumulatively considerable impact under CEQA Guidelines §§15065(a)(3) and 15130 cannot be made. However, CEQA recognizes that more severe environmental threats, such as global climate change as identified in AB 32, warrant lower thresholds for determining significance. Given the project's annual emissions of 53,967 $MTCO_2e$ and the lack of standardized significance criteria, the project's contribution to cumulative GHG impacts is considered potentially significant. As there is no clear scientific or other criteria for determining the significance of the project's contribution to global climate change, the project's cumulative impacts would remain **significant and unavoidable** despite the implementation of the mitigation measures.
Hydrology and Water Quality	There would be no significant and unavoidable project impacts.	Implementation of mitigation measures would reduce project-specific impacts to less than significant. However, conditions of critical overdraft have the potential to cause a chronic lowering of water levels, inelastic land subsidence, and/or reduction of surface water supply (as a reduction in baseflow to streams or an increase in induced surface water recharge). The Subbasin was determined or classified to be a "high" priority basin, which triggers the requirement of submittal of a GSP under the SGMA. Although the Water Supply Assessment found that adequate water supplies are available to meet the demands of the proposed project and project implementation, it would not cause undesirable results due to groundwater pumping. Groundwater pumping from other projects in the Subbasin have the potential to create significant and unavoidable impacts. Therefore, even with implementation of MM 4.6-8 (see Section 4.6, *Geology and Soils*), MM 4.8-1 (Section 4.9, *Hazards and Hazardous Materials*), and MM 4.9-1 and MM 4.9-3, cumulative impacts would be **significant and unavoidable**.
Transportation and Traffic	The Kern Council of Governments (COG) travel demand model determined the project's Vehicles Miles Traveled (VMT) per employee of 18.48 would exceed the VMT threshold of 14.04 and would result in a potentially significant impact. Even with the implementation of Mitigation 4.16-3 requiring a Transportation Demand Management (TDM) program, VMT reductions cannot be quantified to result in a meaningful reduction below the established VMT threshold. There are no	The project would continue to have a significant VMT impact after the implementation of a TDM program required with MM 4.16-3. No feasible additional mitigation measures have been identified to reduce project-VMT impacts to a less than significant level. Therefore, the proposed project would result in a cumulatively considerable **significant and unavoidable** impact related to VMT.

	additional feasible or enforceable VMT-reduction measures available that would reduce the impact to a less than significant level. Therefore, the project's VMT impact would remain **significant and unavoidable**.	
Utility and Service Systems	Implementation of the project would result in potentially significant impacts to water supply. Mitigation Measures MM 4.18-3 and MM 4.18-4 would require measures to assess groundwater usage and require water meters in all facilities. With mitigation, project level impacts to ground water will be less than significant.	The proposed project's cumulative contribution from operational groundwater use and construction associated with the project would result in a cumulative **significant and unavoidable** impact.

- Air Quality (Project and Cumulative)
- Greenhouse Gas Emissions (Project and Cumulative)
- Hydrology and Water Quality (Cumulative)
- Transportation (Project and Cumulative – VMT)
- Utility and Service Systems (Cumulative)

Project Proponent Submitted Objectives

State CEQA Guidelines Section 15124(b) requires that a project description includes a clearly written statement of objectives. The statement of objectives should include the project's underlying purpose and may discuss the project's benefits. The following are project objectives submitted by the project proponent:

- Develop state-of-the-art warehouse and distribution facilities near major transportation corridors
- Meet regional demand for Class A industrial facilities which address local traffic patterns and needs
- Develop a visually appealing industrial project that is consistent with the provisions of the Kern County Zoning Ordinance, Land Division Ordinance, and Development Standards
- Promote land use compatibility with, and in proximity to, adjacent airport related uses by developing a warehouse and distribution facility
- Positively contribute to the local economy through new capital investment, the creation of new employment opportunities, expansion of the tax base, economic growth and development, and payment of development fees
- Site an industrial project in a location consistent with current and future market demands which minimizes conflicts with surrounding uses

Alternatives

Section 15126.6 of the CEQA Guidelines states an EIR must address "a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternative." The alternatives to be considered should include those that offer substantial environmental advantages over the proposed project and that may feasibly be accomplished considering the various economic, environmental, social, technological, and legal factors.

In order to meet the requirements of Section 15126.6, the EIR analyzed three (3) project alternatives, whereas two (2) alternatives were considered and rejected. This reasonable range of alternatives provides the decision-makers with enough variation to support informed decision-making.

Alternatives Considered and Rejected

Two (2) alternatives, Infill Alternative and Transit Oriented Development, were considered but rejected from further consideration after undergoing a preliminary analysis and being found as infeasible or failing to meet project objectives. They include:

(1) The Infill Alternative which was rejected as infeasible due to there being no suitable infill sites for the size of the land area located in the administrative boundaries of unincorporated Kern County for the project. Additionally, choosing this location would potentially cause impacts to be more significant than the project due to the potential need for additional changes in land use designation and zoning proximate to existing development, including residences or other sensitive receptors; and

(2) Transit-oriented development (TOD) that creates compact, mixed-use communities near a transit station where people enjoy access to jobs and services. A TOD Alternative was considered and rejected as infeasible because there are currently no suitable TOD sites within the administrative boundaries of unincorporated Kern County for siting the project.

Alternatives Analyzed in the EIR

Three (3) alternatives, as listed below, were identified that could avoid or lessen significant effects of the proposed project and could feasibly attain project objectives, were analyzed in greater detail in the EIR, Volume 1 – Chapter 6.

- Alternative 1: No Project Alternative
- Alternative 2: Reduced Footprint Alternative
- Alternative 3: Eastern Kern/Mojave Specific Plan Project Alternative Site

The discussion in the DEIR presents a description of each alternative and focuses on the degree to which the identified alternative might accomplish the proposed project's objectives and would reduce one (1) or more of the identified significant impacts, as well as other impacts.

Table 5: *Summary of Development Alternatives*

Alternative	Description	Basis for Selection and Summary of Analysis
Project	The project would include the construction of four single-story warehouses totaling approximately 1,505,440 square feet (including 150,544 square feet for dedicated office space), two (2) single-story quick-serve restaurants totaling 9,410 square feet and related site improvements. The project would require the GPA, ZCC, PDP, and non-summary vacation.	N/A

Alternative	Description	Basis for Selection and Summary of Analysis
Alternative 1: No Project Alternative	No development would occur on the project site. The project site would remain unchanged.	Required by CEQA Avoids need for GPA, ZCC, PDP, and Nonsummary Vacation. Avoids all significant and unavoidable impacts Less impact in all remaining environmental issue areas Meets some of the project objectives
Alternative 2: Reduced Footprint Alternative	This alternative would be developed at the same project site with a footprint reduced by approximately 15%. A reduction of approximately 17 acres on the southeast corner of the project that requires a GPA and rezone would be removed from the Project. Under this alternative, the two (2) quick-service restaurants would be eliminated and Building 4 would be reduced by 30% or 262,400 square feet.	Eliminates need for GPA and rezoning Reduces impacts to aesthetics, air quality, biological, cultural resources, energy, geology and soils, GHG emissions, hydrology and water quality, noise, tribal cultural resources, transportation and traffic, and utilities and services due to the reduced footprint Potential to increase VMT due to the elimination of Quick serve restaurants to serve the community Reduces environmental impacts associated with air, noise and GHG emissions by approximately 15% Meets some but not all project objectives
Alternative 3: Eastern Kern/Mojave Specific Plan Project Alternative Site	This alternative proposes the same project development and operation of the proposed project, but in a different area of Kern County, specifically eastern Kern County in the adopted Mojave Specific Plan area (Mojave Specific Plan 2003).	Eliminates need for GPA and rezoning Eliminates significant and unavoidable impacts to aesthetics, air quality, biological resources, hydrology, and water quality, and water supply Meets some but not all project objectives

Environmentally Superior Alternative

As presented in the comparative analysis above, and as shown in **Table 5**, *Comparison of Alternatives*, there are a number of factors in selecting the environmentally superior alternative. An EIR must identify the environmentally superior alternative to the project. Alternative 1, the No Project Alternative, would be environmentally superior to the project on the basis of its minimization or avoidance of physical environmental impacts. However, *CEQA Guidelines* Section 15126.6(e)(2) states:

> *The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.*

Because the No Project Alternative cannot be the Environmentally Superior Alternative under CEQA, the Environmentally Superior Alternative is considered to be the Eastern Kern/Mojave Specific Plan Project Alternative. This alternative would reduce the severity of significant and unavoidable impacts to aesthetics, air quality, and biological resources due to the relocation of the project into a zoned industrial area.

The Eastern Kern/Mojave Specific Plan Project Alternative would result in less impact to aesthetics, air quality, biological resources, GHG emissions, and utilities and services. Thus, for most environmental issue areas, this alternative would result in fewer environmental impacts, when compared to the proposed project. This alternative reduces the severity of some potential impacts; therefore, the Eastern Kern/Mojave Specific Plan Project Alternative is considered the Environmentally Superior Alternative.

Public Comments on the Draft EIR – Response to Comments

As noted previously, Staff received a total of 20 written comment letters on the Draft EIR from federal, State, local agencies, and interested parties. These comments and responses, posted with the State Clearinghouse and at the County Clerk's office on August 28, 2026, as **Volume 5**, **Chapter 7** – *Response to Comments* was provided to your Board prior to the distribution of the Planning Commission Staff Report. A complete list of names of each commenter is provided in the Final EIR and each comment is addressed individually in **Volume 5**, **Chapter 7** – *Response to Comments*. Revisions and clarifications in the Final EIR provided as responses to comments are considered minor and do not change any conclusions identified in the analysis.

Under CEQA Section 15088.5(b), these minor changes in language are considered insignificant modifications that clarify, and do not add substantive new information. Therefore, recirculation of the DEIR is not warranted.

Staff concludes the proposed project fully complies with the requirements of CEQA; the Final EIR is legally sufficient and the recommended findings and whole of the record address these comments.

Additional Comments Received

During the course of processing this request, Staff notified all affected agencies, County Departments, and property owners within 1,000 feet of the project area of your Commission's hearing. As of this writing, Staff has received four (4) comment letters as part of the notification process. All comment letters have been provided as an attachment to this Staff Report, and a summary of the comments and Staff responses are provided below.

(1) Kern County Environmental Health Department has reviewed the project and requests conditions of approval be included for the project requiring submission of will-serve letters for the provision of water and sewer services from the Oildale Mutual Water Company and the North of the River Sanitary District respectively. Staff has included these requirements in the recommended conditions of approval.

(2) California Department of Conservation Geologic Energy Management Division has reviewed the project and provided comments regarding the standards for plugged and abandoned wells and provided a list of wells located near or within the project area. This letter is duplicative of two (2) comment letters that were received in response to the Draft EIR, and Staff has provided responses in the Final EIR.

(3) California Department of Transportation (Caltrans) has reviewed the project and states their comments from March 20, 2026, remain. These comments have been addressed in **Volume 5**, **Chapter 7** – *Response to Comments* the Chapter 7.

(4) Golden State Environmental Justice Alliance (GSEJA) has reviewed the project and submitted an additional comment letter which outlines concerns with the Draft Environmental Impact Report (DEIR) and the Planning Department's responses to a previously submitted letter from GSEJA, for which Staff has provided responses in the Final Environmental Impact Report (FEIR). The following includes a summary of the concerns as well as Staff's Response to the issues raised:

Effects on the Community

Golden State Environmental Justice Alliance submitted a comment reiterating previous comments made on the Draft EIR (see RTC Comment 13). The comment references various demographic facts about Kern County, and the communities near the Project site, and urges the Kern County decision makers to consider these communities and the environmental impacts the project will cause. The comment refers to environmental justice as a requirement of CEQA. There is no requirement under CEQA to analyze environmental justice issues. The EIR considered the existing environmental setting, including but not limited to, local and regional ambient air quality standards and attainment status. The EIR analyzed the Project's localized air quality impacts and health impacts. The result of the Ambient Air Quality Assessment screening concluded that daily emissions from construction and operations were less than 100 pounds per day, therefore additional AAQA was not required by SJVAPCD's GAMAQI. Health risk impacts to nearby sensitive receptors and workers were analyzed through a Health Risk Assessment which concluded the "cancer risk" and "chronic non-cancer hazards index" were well below SJVAPCD's thresholds and therefore were considered less than significant.

The EIR contains 78 mitigation measures, including 12 separate air quality mitigation measures, to reduce significant impacts of the project on all Kern County residents and communities.

Airport Land Use Commission Review

The commenter asserts the Project includes a General Plan Amendment within the Meadows Field Airport area, triggering mandatory referral under Public Utilities Code Section 21676(b). The County's statement that Kern County dissolved its ALUC decades ago and now handles compatibility review internally, does not satisfy state law. FAA "No Hazard" determinations address only airspace obstructions, not land-use compatibility. Additionally, the commenter states FAA's glare guidance is written for on-airport, utility-scale solar arrays and concentrating solar systems GSEJA asserts that an actual ALUC-compatible body must make formal compatibility findings before approval.

Staff notes, after the dissolution of the Airport Land Use Commission the County has continued to apply the adopted local Airport Land Use Compatibility Plan (ALUCP). The Hazards section of the Draft EIR (Impact 4.8-5) includes a project-level airport safety/compatibility analysis which establishes Meadows Field Airport as a public-use facility located 0.3 miles from the proposed project site. This section also confirms that ALUCP policies apply to the project, and identifies the project location within Airport Land Use Compatibility - Zone C. Zone C allowed a maximum of 150 persons per acre, requires 15% open land, and compatible uses within Zone C include warehousing and truck terminals.

FAA "No Hazard" determinations were completed for project building heights. These determinations address safe airspace, ensuring no obstruction risks. The FEIR acknowledges FAA glare guidance is written for on-airport solar but explains how rooftop solar was evaluated for application to the proposed similar use.

The County followed its longstanding, FAA-coordinated compatibility process. Although the ALUC no longer exists, the County continues to implement compatibility policies. The aviation-safety review was performed, and nothing in the FEIR indicates an unmitigated airport hazard.

General Plan Consistency Findings/Groundwater Basin Overdrafted

The commenter asserts that several EIR responses defending the Project's consistency with the Metropolitan Bakersfield General Plan (MBGP) rely on outdated assumptions because the MBGP was based on a 2020 planning horizon that has since lapsed without an update.

The commenter further states that the citation from Response 13-K of the FEIR from the Kern County Subbasin's 2025 Groundwater Sustainability Plan (GSP) highlights that the Subbasin only recently emerged from a probationary designation after prior plans were found inadequate. The commenter contends that adding construction and operations phase groundwater use to this record conflicts with MBGP water-resource goals and therefore cannot support a consistency finding under Public Services and Facilities Element Goal 3. The commenter requests that the County defer any such consistency determination until the referenced Water Supply Assessment and GSP compliance documentation can be fully reviewed.

Additionally, the commenter claims that Response 13-K contains an incorrect citation. They note that the cited "Appendix N, Overdraft Conditions" does not exist in the GSP, as "Overdraft Conditions" is the title of Section 9.3.5 in the main text, while Appendix N consists only of public comment letters. The commenter requests that the County correct this citation and clarify which overdraft findings are being relied upon before the Board considers Response 13-K adequately supported.

Staff asserts that the Metropolitan Bakersfield General Plan (MBGP) contains goals, policies, and implementation measures that guide planning decisions and the Project's consistency is evaluated against those adopted goals and policies, not the former horizon-year assumptions. The MBGP is a policy document providing long-range guidance for physical development, and consistency is determined by whether a project conforms to its goals and policies.

Furthermore, the EIR demonstrates, through the extensive MBGP consistency table (Table 4.10-3) located in Section 4.10 of the EIR, that the Project meets or is consistent with the applicable water, air quality, public services, conservation, and land use policy. This satisfies CEQA's requirement that lead agencies consider adopted plans as they exist.

The County used the *current* Water Supply Assessment, completed in 2025, and the *current* Groundwater Sustainability Plans adopted in 2022. Those documents fully acknowledge the basin's history and the Department of Water Resources' adequacy findings, and they explain that the GSAs are required to implement the plans while corrections are made. The EIR also confirms that Oildale Municipal Water Company has sufficient water supply to meet this Project's demands through 2045 under normal, single-dry, and multi-dry year conditions.

The Project's water use and design directly support MBGP water-resource policies. Construction water use is modest and temporary. During operation, the Project includes extensive landscaped areas and more than 425,000 square feet of stormwater retention basins—features specifically designed to promote infiltration and groundwater recharge. The Project protects groundwater quality, minimizes runoff, and adheres to all County drainage and grading standards.

These measures are the types of actions the MBGP anticipates when it calls for conserving water, protecting groundwater quality, and maintaining a balance among water resource demands.

Under CEQA, a cumulative basin-wide condition—like regional overdraft—does *not* mean an individual project is inconsistent with General Plan policies. This Project's individual groundwater impacts are *less than significant* with mitigation. The cumulative impact exists because of regional conditions, not because this Project conflicts with MBGP goals.

The Public Services and Facilities Element of the MGBP, Goal 3, requires that new development demonstrate an adequate water supply. The EIR includes the 2025 Water Supply Assessment, which confirms adequacy. There is no CEQA requirement to defer a consistency finding until future GSP amendments are published. All legally required documents have been prepared, circulated, and have been made available for public review.

Staff acknowledges the incorrect citation in Response 13-K and confirms that the "Overdraft Conditions" section of the GSP is located in section 9.3.5.

Feasible Mitigation for Air Quality & GHG Rejected – Not Exhausted

The comment states that the EIR did not consider all feasible mitigation and that feasible mitigation measures were rejected rather than exhausted. All feasible mitigation measures have been imposed on the Project including Mitigation Measure MM 4.2-5, which requires the Project operator to enter into a Developer Mitigation Agreement which, along with all other incorporated mitigation measures, would essentially reduce the Project's criteria pollutant emissions to net zero. Because the actual amount of NOx reductions achieved with the incorporation of Mitigation Measure MM 4.2-7 is not absolutely certain, a reduction in emissions associated with MM 4.2-7 was not quantified or included in the mitigated analysis presented in the EIR and impacts were determined to be significant and unavoidable due to the inability to accurately model the reductions to NOx emissions through implementation of mitigation. This conservative approach has been found legally sufficient by court rulings in the following cases; California Building Industry Assn. v. San Joaquin Valley APCD, Fresno County Case No. 06 CECG 02100 DS13; National Association of Home Builders v. San Joaquin Valley Air Pollution Control District, Federal District Court, Eastern District of California, Case No. 1:07-CV-00820-LJO-DLB; and Center for Biological Diversity et al. v. Kern County, Fifth Appellate District, Case No. F061908. However, all feasible and reasonable mitigation measures are required to reduce criteria pollutants to the greatest extent possible, and the EIR provides a full analysis of the feasibility of all proposed mitigation measures.

Additional analysis presented in the FEIR supports the analysis presented in the DEIR and does not conflict with or provide new information.

VMT Analysis Excludes Commercial Trucks

The comment argues that the Draft EIR underestimates the project's vehicle miles traveled (VMT) because it excludes truck, trailer, and delivery-van activity associated with warehousing and distribution operations. In response, the CEQA Guidelines define VMT for this purpose as passenger-vehicle travel only and that state guidance specifies that automobile VMT includes cars and light trucks, not medium- or heavy-duty trucks. Because no recommended truck-VMT thresholds or benchmarks exist, the Draft EIR appropriately evaluated passenger-vehicle VMT using an employee-based metric, consistently applied to both the project and the regional baseline.

It is further noted that the Kern COG travel demand model was used to quantify VMT per employee, and as noted in the EIR, the results show the project would exceed the significance threshold, making the impact significant and unavoidable even under the defined metric. Commercial-vehicle activity was not ignored; its physical effects were evaluated in the Draft EIR's air quality, greenhouse gas, and transportation analyses. Since no accepted method exists for combining passenger-vehicle and truck VMT in a consistent significance comparison, Staff finds

that the employee-based automobile VMT analysis complies with CEQA and that no revisions or recirculation of the EIR are required.

Growth Inducement and Cumulative Piecemealing

The commenter asserts that the County's Responses 13-T, 13-GG, and 13-HH in the FEIR fail to address cumulative VMT, air-quality, and GHG impacts and rely on Kern County's unemployment rate rather than evaluating the community's capacity to bear combined physical impacts.

The EIR includes full cumulative analyses for air quality, GHG emissions, and transportation/VMT, consistent with CEQA Guidelines Sections 15064 and 15130. These analyses apply established, health-protective thresholds and conclude that cumulative operational impacts in all three (3) categories are significant and unavoidable, even with implementation of all feasible mitigation measures. The EIR does not rely on socioeconomic factors such as employment absorption to determine significance.

The EIR also acknowledges the community's high CalEnviroScreen pollution-burden percentile and evaluates localized health-risk impacts using OEHHA and SJVAPCD methodologies. Both the original and supplemental Health Risk Assessments demonstrate that cancer-risk levels at all nearby sensitive receptors remain below the applicable significance threshold.

Contrary to the commenter's assertion, the cumulative analysis is not limited to a list of projects. Table 3-7 was updated and expanded to include approximately 6,595 acres of cumulative development, and the EIR integrates this list with project-specific regional and localized modeling. CEQA does not require an assessment of whether cumulative effects exceed an undefined community "capacity," but rather a good-faith evaluation of cumulative physical impacts using established thresholds. The EIR meets this requirement and appropriately discloses significant and unavoidable cumulative impacts where they occur.

For these reasons, the County maintains that the EIR provides a complete, good-faith cumulative analysis consistent with CEQA.

Inadequate Mitigation and Lack of Protocol Level Surveys

The commenter asserts that California Department of Fish and Wildlife's (CDFW), April 20, 2026, letter confirms concerns previously raised by Dr. Smallwood in the commenter's previously submitted comment letter, as documented in the FEIR, regarding the adequacy of the Draft EIR's biological-resources mitigation. The commenter notes that CDFW determined the Draft EIR's original measures for San Joaquin kit fox, Swainson's hawk, and western burrowing owl were insufficient to reduce impacts to less than significant or to avoid unauthorized take. In response, the County incorporated CDFW's recommendations into the Final EIR, including expanding the Swainson's hawk no-disturbance buffer to one-half mile, adding CDFW's compensatory-mitigation ratios for lost foraging habitat, and requiring the applicant to obtain a CESA Incidental Take Permit if take of San Joaquin kit fox or burrowing owl cannot be avoided.

The commenter contends that these measures were not included in the Draft EIR and were added only after CDFW's post-comment-period review and therefore do not resolve the commenter's broader concern regarding reliance on a single non-protocol reconnaissance survey conducted in November 2023. The commenter argues that protocol-level surveys should have been completed before the Board relies on the Biological Resources Assessment's habitat conclusions, particularly for species such as blunt-nosed leopard lizard, for which CDFW also recommended protocol-level surveys.

Staff notes, the County's response to CDFW's comment letter and subsequent revisions demonstrate that the Draft EIR provides substantive, document-supported corrections and

enhancements which were incorporated into the Final EIR. The Final EIR shows that the County responded precisely in the manner CEQA requires by evaluating the comments, revising mitigation where appropriate, and providing reasoned responses supported by substantial evidence. CEQA does not require recirculation merely because mitigation measures are strengthened after public comment.

The commenter claims the Draft EIR lacked adequate buffers, compensatory ratios, and take-permit triggers until CDFW intervened. The record shows the County adopted these recommendations fully and accurately as shown in the revisions to Mitigation Measures (MM) 4.3-6, 4.3-9, and 4.3-12 which include Burrowing owl protocol revisions (MM 4.3-6) incorporating CDFW's survey spacing, non-breeding/breeding season distinctions, buffer distances, and explicit recognition of when an ITP may be required. San Joaquin kit fox den protocols were included in revisions to (MM 4.3-8) which included CDFW's den-status evaluation timing, avoidance buffers, excavation prohibitions, and mandatory consultation/ITP provisions where impacts cannot be avoided. Swainson's hawk nesting buffers and compensatory ratios are included in (MM 4.3-9) including CDFW's half-mile no-disturbance buffer and tiered compensatory mitigation ratios (1:1, ¾:1, ½:1, 0:1 depending on nest proximity). CESA take-permit triggers for kit fox, burrowing owl, and Crotch's bumble bee are included in (MM 4.3-5, MM 4.3-12) where the mitigation explicitly adds CDFW consultation requirements and ITP pathways where avoidance cannot be assured.

No Reduced Intensity Alternative Evaluated

The comments states that the EIR should have considered a reduced intensity alternative rather than the reduced size alternative analyzed in the EIR. The comment further states that the EIR should have included an Alternative that reduces all significant and unavoidable impacts to less than significant. Again, as stated in the EIR the comment asks generally for "alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to less than significant levels," but it does not describe the configuration, intensity, or location of such a development, explain how it would attain most of the project objectives, or identify evidence that it would be feasible under CEQA Guidelines section 15364. CEQA encourages commenters challenging an alternatives analysis to identify the alternative they contend was improperly omitted, together with supporting facts. (CEQA Guidelines, § 15204(a), (c).) A lead agency need not presume that an unidentified feasible alternative exists and then analyze that speculative alternative in detail. Because the comment identifies no omitted feasible alternative and no physical environmental effect that the Draft EIR failed to disclose, it does not constitute substantial evidence of inadequacy. None of the circumstances requiring recirculation under CEQA Guidelines section 15088.5 is present, and no revision to the Draft EIR's alternatives analysis is required.

Conclusion and Requested Conditions

The commenter requested the Planning Commission decline to recommend certification of the Final EIR or alternatively, condition a recommendation on the following additions:

- Completion of an airport land use compatibility finding by a body authorized to perform the statutory ALUC function;
- Disclosure of the full commercial-vehicle VMT contribution, even if only qualitatively;
- A specific, quantified biological resources mitigation commitment for Swainson's hawk foraging habitat loss; and
- Evaluation of a reduced-intensity alternative measured against the Project's own significant and unavoidable impact findings.

Staff believes all feasible mitigation and recommended conditions have been incorporated into the Final EIR and recommended conditions for the proposed project, and that the concerns expressed by the commenter have been addressed by Staff's responses above.

Findings of Fact, Statement of Overriding Considerations, and MMRP (Exhibit A, B and C)

Written findings and a brief explanation of the rationales for each finding in accordance with Section 15091 of the CEQA Guidelines have been included for each significant and insignificant impact as identified in the Final EIR. The occurrence of significant environmental effects that cannot be avoided after all reasonable and feasible mitigation have been adopted for Air Quality, Greenhouse Gas Emissions, Hydrology and Water Quality, Transportation, and Utilities and Service Systems, and are included in the Statement of Overriding Considerations. The Statement of Overriding Considerations in compliance with State CEQA Guidelines Section 15093 includes a discussion of the benefits of the project that provides a basis for the recommended approval of the project despite the adverse environmental effects that could and/or will occur. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and is attached for your review and consideration as Exhibit C.

The following benefits and considerations outweigh such significant and unavoidable adverse environmental impacts. All these benefits and considerations are based on the facts set forth in the findings, the final EIR, and the record of proceedings for the project.

The project proposal would be sited on land that is currently vacant and underutilized, while promoting the provisions of the existing industrial designation within and surrounding the project site. This would ensure productive use of the land for the life of the proposed project. Incidentally, the proposed project would install visually enhancing road improvements at the intersection of Airport Drive and Merle Haggard Drive along the project frontage, which would in turn benefit residents and commuters in the surrounding community. The proposal is expected to pay property taxes of approximately $1.4 million annually and fees to the General Fund for the benefit of unincorporated Kern County, including an estimated one time $90,000 thousand contribution in construction related sales tax revenue (based on an estimated $120 million construction budget, approximately 30% taxable materials, and the applicable Kern County .25% pf the 8.25% combined sales tax rate), for the Board of Supervisors' use in benefiting the residents of unincorporated Kern County. A breakdown of the projected estimated annual fiscal benefits of the project to unincorporated Kern County are summarized as follows:

Sales Tax
- Construction Related Sales Tax (One Time): $90,000

Property Tax
- Property Tax Annual: $1.4 Million

The proposed project would support the economic development of Kern County by introducing a new industrial warehouse facility that would generate jobs during construction with a peak workforce of up to approximately 100 workers. Upon completion, the facility would employ approximately 572 permanent employees, providing increased business for local contractors and vendors.

Planning and Natural Resources Department Conclusions and Recommendations

CEQA Environmental Analysis

Staff has reviewed the project with regard to environmental concerns, and it is Staff's opinion that the Final EIR prepared for this project is a comprehensive document with the best available information at the time of this writing. The Final EIR includes 78 mitigation measures that provide for the protection of the environment and provide funding for impacts to public services. CEQA requires that all feasible and reasonable mitigation be imposed on projects to reduce the impacts of projects on the environment. Staff also concludes that the Final EIR fully complies with CEQA, and clarifications and modifications within the Response to Comments do not meet any of the conditions of CEQA Section 15088.5. No new information has been provided, or environmental impact increased in severity that would require recirculation of the document. Changes to reflect these clarifications for the Final EIR, as appropriate, have been made in Section 15091 Findings of Facts, Section 15093 Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for this project.

Affirmatively Furthering Fair Housing Analysis

The goal of Affirmatively Furthering Fair Housing is to combat housing discrimination, eliminate racial bias, undo historic patterns of segregation, and lift barriers that restrict access in order to foster inclusive communities and achieve racial equity, fair housing choice, and opportunity for all Californians.

Based on Staff's review of California Assembly Bill 686 and the Kern County Housing Element regulations, and in alignment with the County's goals to Affirmatively Further Fair Housing, Staff finds that the proposed project site is not suitable for advancing housing objectives. The site is located within and predominantly surrounded by an established industrial zone, which is not conducive to safe or sustainable residential development. Existing conditions such as noise, industrial operations, and potential safety hazards located immediately north, west and south of the site do not support an acceptable standard of residential living within the project specific site. Therefore, the site is more appropriately reserved for proposed industrial use that would provide employment opportunities and fiscal benefits to the County that would in turn maintain, or improve upon, essential services for the surrounding community.

Designated routes for large and heavy truck trips, as identified in Mitigation Measure MM 4.16-1, would ensure that during construction and operation of the project, contractors of the proposed project are informed by the project proponent to avoid use of narrower, local roads within neighborhoods to preserve the current safety conditions of area residents. Large and heavy trucks would be directed to utilize more appropriate thoroughfares and freeways such as Merle Haggard Drive by way of State Route 99. Offsite road improvements would be installed, such as curb, gutter and sidewalk along all project frontages, thereby improving pedestrian safety.

Additional on-site project design features are included for the proposed project that are modeled from the provisions set forth by AB 98, which imposes standards relating to warehouse design and location, parking, truck loading bays, landscaping buffers, entry gates and signage. Although, it should be noted that with regard to the proposed project, AB 98 does not apply to projects that commenced the local entitlement process prior to September 30, 2024, and as long as development activity is expected to commence within five (5) years of securing entitlement approvals. Nonetheless, the proposed project features the orientation of loading bays and entries away from sensitive receptors, and beyond the minimum 300 feet from the nearest receptor.

For the reasons listed above, Staff is of the opinion the proposed project is suitably sited within a location that does not conflict with the State's or County's Housing goals. The proposed project goes further to demonstrate its conscious effort to ensure the proposed operational goals will maximally harmonize with the existing residential neighborhoods. The project would achieve this through the use of regulation-based design features including physical buffers as well as road improvements that will incidentally benefit the surrounding community.

Land Use Compatibility and Consistency with the Metropolitan Bakersfield General Plan

The industrial general plan designation aims to provide designated areas for businesses with more intense operations compared to residential and commercial zones. These areas are intended to accommodate projects that may generate significant noise, air pollution, and visual obtrusions, similar to the existing airport situated adjacent to the project site.

The proposed project aligns with the industrial character of the area, as it introduces a use with impacts that are comparable to, if not less intense than, those of the neighboring industrial uses and the nearby airport. Meadows Field Airport is in close proximity to the project site, emphasizing the industrial nature of the surrounding area. The project's location within an industrial zone is strategic, as it prevents encroachment on areas designated for less intense commercial and residential development, as outlined in the Metropolitan General Plan. The plan underscores the distinction between commercially designated areas, which caters to day-to-day retail and service needs, and industrial zones that support higher-intensity activities.

The project's compliance with the Metropolitan Bakersfield General Plan's goals and policies, such as accommodating a mix of uses and ensuring compatibility among developments, further solidifies its suitability for the designated area. The project's alignment with the Service Industrial designation in the Metropolitan Bakersfield General Plan underscores its compatibility with the surrounding industrial uses and its unsuitability for sensitive commercial or residential areas. By adhering to the proposed mitigation measures and conditions of approval as well as the established land use designations and policies, the proposed project will contribute positively to the industrial landscape while respecting the functional and visual harmony of the area.

General Plan Amendment

With regard to the requested General Plan Amendment, the majority of the project site is currently designated SI (Service Industrial) by the Metropolitan Bakersfield General Plan and. The project proponent is requesting to amend the map code designation on one project parcel that is inconsistent with the remainder of the project site and with surrounding map code designations and industrial uses. As noted above, the proposed project is generally consistent with the goals and policies of the Metropolitan Bakersfield General Plan (MBGP). The project's warehouse use is not consistent with the allowed uses within the existing General Commercial (GC) designation and therefore requires an amendment to the MBGP to change the land use designation to Service Industrial (SI). This amendment aligns the land use designation with the proposed development and ensures compatibility with surrounding industrial uses.

Zone Classification Change

With regard to the requested Zone Changes, the majority of the project site is currently zoned M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining). The project proponent is requesting to change one (1) parcel that is zoned M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) to M-2 PD H (Medium Industrial - Precise Development Combining - Airport Approach Height Combining) to create consistency across the project site. In addition, the applicant has requested to remove the Floodplain Primary zoning on the site.

The M-1 PD H zone allows permitted uses such as wholesale commercial, storage, trucking, assembly-type manufacturing, and other similar industrial activities that are generally less intensive in nature. In contrast, the M-2 PD H zone permits more intensive industrial uses, including larger-scale manufacturing, warehousing, and distribution facilities that may generate higher traffic volumes and require greater operational flexibility. The project requires a zone change from M-1 PD H to M-2 PD H to accommodate the proposed manufacturing food and beverage use, which is not allowed under the current M-1 PD H zoning due to its scale and operational characteristics.

The project applicant has also requested to change the zone classification of a portion of the project site, that extends from the southwest corner of the project site to the northeast corner of the project site is zoned Floodplain Primary (FPP), which would also be rezoned to M-2 PD H. The purpose of the Floodplain Primary District is to protect the public health and safety and minimize property damage by designating areas that are potentially subject to flooding and by establishing reasonable restrictions on land use in such areas. Through project design and incorporation of drainage structures, and through consultation with the Kern County Public Works Department, this zone could be changed to accommodate the proposed project. Specific improvements that would be part of the proposed design include a site-specific drainage plan and four (4) retention basins designed to capture and retain all stormwater runoff from a 10-year, five (5-)day storm event, exceeding regulatory requirements and complying with Kern County standards. These features ensure stormwater is managed onsite and do not contribute to on or off-site flooding. Accordingly, the project will meet all applicable flood protection performance standards.

Basis for Approval – Precise Development Plan

The decision-making authority may approve or conditionally approve an application for a Precise Development Plan if it finds all of the following:

(1) The proposed development is consistent with the designations, goals, and policies of the applicable General or Specific Plan.

(2) The proposed development will not be materially detrimental to the health and safety of the public or to property and residents in the vicinity.

It is Staff's determination that there is adequate justification to support the request for the Precise Development Plan. The Kern County Zoning Ordinance permits the primary request for an industrial warehouse facility with associated quick-serve restaurants and site improvements within the proposed M-2 PD H District pursuant to Sections 19.38.020.D.1, 19.38.020.D.4 and 19.38.E.2 in conjunction with the requirement to secure approval of a site development plan review pursuant to Section 19.56.130. To ensure that construction and operation of the proposed industrial warehouse facility is executed in a safe manner, the project proponent is required to implement the attached Exhibit C - MMRP, and recommended conditions of approval listed at the end of this staff report. Adherence with the recommended mitigation measures and conditions of approval should provide the necessary assurances that the requested uses will not be materially detrimental to the health, safety, or welfare of the public or to property and residents in the vicinity in addition to affirming the development complies with all applicable laws, ordinances, and regulations.

Nonsummary Vacation of Existing Public Easements

As noted above, the project proponent is requesting removal of public drainage easements to allow flexibility for site development as permanent structures are prohibited within public easements areas. The project proponent would be required to submit alternative drainage plans for review and

approval by the Kern County Public Works Department as specified in the recommended conditions of approval.

The California State Streets and Highways Code defines a vacation as the complete or partial abandonment or termination of a public right to use a street, highway, or easement. As noted above, Sections 8324 and 8333 of Code states your Board may adopt a resolution for a nonsummary vacation of easement that has been found to be unnecessary for present or prospective public use. Staff has reviewed the proposed nonsummary vacation, as shown on the Nonsummary Vacation figure attached to this Staff Report and consulted with the Kern County Public Works Department who support the proposed alternative drainage methods proposed, subject to review and approval of a drainage plan for final site design. Staff concludes the request sufficiently demonstrates compliance with the necessary findings and your Board can make the necessary findings for vacation. The vacation can be supported because the easements requested for vacation do not appear to be necessary for present or prospective use. Any public utilities that use the easements would be allowed to remain in place after the vacation is completed. In order to assure that adequate access remains for existing facilities that are currently unknown, and in line with Section 8340 of the Streets and Highways Code, Staff recommends your Board reserve and except public utility easements for any existing utilities that may be uncovered during project construction. Consequently, your Board can make the requisite findings that the subject easements are not necessary for present or prospective use by the general public. Based on the foregoing evaluation, Staff concludes the request sufficiently demonstrates compliance with the necessary findings and, therefore, recommends approval of the vacation request, subject to excepting and reserving a public utility easement for any existing utilities. Reserving and excepting necessary public utility easements from this vacation action is consistent with Section 8340 of the Streets and Highways Code and will assure utility agencies that adequate access to existing facilities will be retained.

Kern County Planning Commission Hearing – September 10, 2026

The project was considered by the Planning Commission on the September 10, 2026, agenda. Commissioners Skidmore, Oliver, and Ashley were in attendance. Commissioner Dunbar and Brooks were absent.

Staff provided a brief presentation, followed by the applicant's presentation presented by project representative Bryce Holman. Representatives for the following organizations were present at the hearing and spoke in support of the proposed project; IBEW local 428 (Brian Holt); Plumbers and Steamfitters Local 460 (William Estes); Ironworkers Local 155 (Brandon Armor).

A motion was made by Commissioner Ashley and seconded by Commissioner Skidmore approving resolution numbers 178-26 through 180-26 by a vote of three (3) to zero, with Commissioners Dunbar and Brooks absent, recommending your Board certify the Environmental Impact Report; adopt Section 15091 Findings of Fact and Section 15093 Statement of Overriding Considerations; adopt Mitigation Monitoring and Reporting Program; adopt resolution and recommended findings approving the amendment to the Land Use Element of the Metropolitan Bakersfield General Plan as requested; adopt resolution, recommended findings, and enact ordinances approving the Zone Change as requested; and adopt resolution and recommended findings approving the Precise Development Plan, subject to the recommended conditions of approval. A video recording of this Planning Commission hearing is available online at: https://www.youtube.com/watch?v=myXUouurP8c

Staff notes the request today also includes approval of a nonsummary vacation of drainage easements. While this item was not considered by the Planning Commission as it does not fall under the purview of that hearing body, the Department's recommendation regarding this matter is included in the Planning Commission recommendation below.

Kern County Planning and Natural Resources Department Overall Recommendation

As noted above, the proposed project meets the necessary findings for the requested entitlements. Additionally, Staff has determined that the proposed project is sited in a location appropriate for Industrial warehouse development and recommends approval as identified below.

PUBLIC INQUIRY OR CORRESPONDENCE: Kern County Environmental Health Department; California Department of Conservation Geologic Energy Management Division (CalGEM); California Department of Transportation (Caltrans); Golden State Environmental Justice Alliance (GSEJA)

CEQA ACTION: Environmental Review: Environmental Impact Report

PLANNING COMMISSION RECOMMENDATION: Certify the Environmental Impact Report; adopt Section 15091 Findings of Fact and Section 15093 Statement of Overriding Considerations; adopt Mitigation Monitoring and Reporting Program; adopt resolution and recommended findings approving amendment to the Land Use Element of the Metropolitan Bakersfield General Plan as requested; adopt resolution, recommended findings, and enact ordinances approving Zone Change as requested; adopt resolution and recommended findings approving Precise Development Plan, subject to the recommended conditions of approval; and adopt recommended findings approving Nonsummary Vacation as requested, excepting and reserving public utility easements

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR GENERAL PLAN AMENDMENT:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and the Board of Supervisors makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

(3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Monitoring and Reporting Program specifies the required steps to satisfy each mitigation measure.

(4) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Design components have been incorporated from the Environmental Impact Report as conditions of approval.

(5) The proposed use is consistent with the goals and policies of the Metropolitan Bakersfield General Plan.

(6) Approval of the requested General Plan Amendment would promote development that is consistent with existing and potential land uses surrounding the area and will allow a reasonable use of this property.

(7) Approval of the requested General Plan Amendment to change the existing land use designation of 13.76 acres from GC (General Commercial) to SI (Service Industrial) will be consistent with the existing surrounding land uses which include major transportation corridors, and industrial development.

(8) The project will require minimal expansion of infrastructure to support the proposed development.

(9) The project site is more suitable for industrial development, which supports Affirmatively Furthering Fair Housing goals by preserving residentially zoned land for housing that can better meet long-term health, safety, and livability standards.

(10) Existing site conditions in the project vicinity, such as noise, industrial operations, and potential safety hazards, make it better suited for non-residential uses, thereby reinforcing the County's commitment to high-quality, integrated housing opportunities elsewhere.

(11) While the project site is not suitable for traditional residential development, the project includes specific design features and conditions of approval that promote compatibility with nearby uses while ensuring the project does not conflict with Affirmatively Furthering Fair Housing goals.

(12) Excluding this project site from the County's housing inventory does not impede the County's ability to meet its Regional Housing Needs Allocation obligations or implement Housing Element programs. Other more appropriate, higher-opportunity sites have been identified to meet the County's fair housing goals.

(13) In accordance with State law and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.

(14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR ZONE CHANGE CASE:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 2108 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

(3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Monitoring and Reporting Program specifies the required steps to satisfy each mitigation measure.

(4) The requested zone change is consistent with the applicable provisions of the Metropolitan Bakersfield General Plan, and with previous zone change approvals in the area.

(5) The PD (Precise Development Combining) District will provide a means for public input and comments thorough the public hearing process and will allow for the imposition of conditions so that conflicts can be avoided with neighboring properties and ensure that the development will be compatible with adjacent uses.

(6) Approval of the requested zone change, and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.

(7) Implementation of the proposed zone change from M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) to M-2 PD H (Medium Industrial - Precise Development Combining – Airport Approach Height Combining) on approximately 13.76 acres and FPP (Floodplain Primary) to M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining) on approximately 8.56 acres will facilitate development of a 110-acre industrial warehouse facility and associated quick-serve restaurants. The M-2 PD H District is consistent with the existing character of the proposed location and implementation of the proposed industrial warehouse facility with associated quick-serve restaurants for warehousing, industrial manufacturing and assembly for a food/beverage company is compatible with existing major transportation corridors, and industrial development in the area.

(8) Approval and implementation of the request zone change will facilitate the construction and operation of a 1,505,440 square-feet industrial warehouse facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of up to 100 employees during construction and approximately 532 full-time operational jobs, are consistent with the objectives of the Metropolitan Bakersfield General Plan that encourage economic development that creates jobs and capital investments in unincorporated areas that benefit residents, businesses, and industries, as well as ensuring future governmental fiscal stability, though collection of taxes, while encouraging new development to utilize existing transportation infrastructure and services.

(9) Approval of the change in zone classification will allow for the construction and operation of a warehouse facility with industrial manufacturing or assembly for a food/beverage company, quick-serve restaurants in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing north/south transportation corridors.

(10) Approval of the requested zone change will authorize the implementation of development that is compatible with surrounding land uses and provide opportunities to capitalize on existing transportation infrastructure.

(11) The project site is more suitable for industrial development, which supports Affirmatively Furthering Fair Housing goals by preserving residentially zoned land for housing that can better meet long-term health, safety, and livability standards.

(12) Existing site conditions in the project vicinity, such as noise, industrial operations, and potential safety hazards, make it better suited for non-residential uses, thereby reinforcing the County's commitment to high-quality, integrated housing opportunities elsewhere.

(13) While the project site is not suitable for traditional residential development, the project includes specific design features and conditions of approval that promote compatibility with nearby uses while ensuring the project does not conflict with Affirmatively Furthering Fair Housing goals.

(14) Excluding this project site from the County's housing inventory does not impede the County's ability to meet its Regional Housing Needs Allocation obligations or implement Housing Element programs. Other more appropriate, higher-opportunity sites have been identified to meet the County's fair housing goals.

(15) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.

(16) In accordance with State law and the California Tribal Consultation Guidelines, the appropriate Native American Tribes were consulted with respect to the project's potential impacts on Native American places, features and objects, and provided an opportunity for review and consultation.

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR PRECISE DEVELOPMENT PLAN:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Board of Supervisors makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

(3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

(4) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Design components have been incorporated from the Environmental Impact Report as conditions of approval.

(5) The proposed development is consistent with the designations, goals, and policies of the Metropolitan Bakersfield General Plan.

(6) The proposed use is consistent with the purpose of the M-2 PD H (Medium Industrial - Precise Development Combining – Airport Approach Height Combining) District.

(7) The proposed use for the industrial warehouse facility is listed as a use subject to a precise development plan in the applicable M-2 PD H District.

(8) The proposed use meets the minimum requirements of this chapter applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.

(9) With implementation of the identified mitigation measures and identified conditions of approval, the proposed development will not be materially detrimental to the health and safety of the public or to property and residents in the vicinity.

(10) Approval of the precise development plan, as conditioned, will allow the reasonable development of the property while ensuring the protection of neighboring land uses and the safety of the public.

(11) Approval of this request would promote development that is consistent with existing and potential land uses of the surrounding area and will allow a reasonable use of this property.

(12) The project will require minimal expansion of infrastructure to support the proposed development.

(13) Existing site conditions, such as noise, industrial operations, and potential safety hazards, make it better suited for non-residential uses, thereby reinforcing the County's commitment to high-quality, integrated housing opportunities elsewhere.

(14) The project site is more suitable for industrial development, which supports Affirmatively Furthering Fair Housing goals by preserving residentially zoned land for housing that can better meet long-term health, safety, and livability standards.

(15) While the project site is not suitable for traditional residential development, the project includes specific design features and conditions of approval that promote compatibility with nearby uses while ensuring the project does not conflict with Affirmatively Furthering Fair Housing goals.

(16) Excluding this project site from the County's housing inventory does not impede the County's ability to meet its Regional Housing Needs Allocation obligations or implement Housing Element programs. Other more appropriate, higher-opportunity sites have been identified to meet the County's fair housing goals.

(17) The project will provide the following net benefits in lieu of nondevelopment: introduction of new job opportunities within walking distance to a historically disadvantaged community, fiscal benefits through sales and use tax revenue to aid the County in funding essential public services, installation of road improvements as well as visually appealing vegetative barriers that enhance pedestrian activity.

(18) While the project site is not suitable for traditional residential development, the project includes specific design features and conditions of approval that promote compatibility with nearby uses while ensuring the project does not conflict with Affirmatively Furthering Fair Housing goals. Features include the construction of varied and strategically designed buffers, such as distance, dense landscaping and building orientation.

(19) In accordance with CEQA, the Lead Agency may conclude that certain mitigation measures identified are infeasible or otherwise ineffective during review. In those circumstances, the Lead Agency may alter those mitigation measures or substitute them for other mitigation measures the Lead Agency finds are equivalent or more effective in mitigating significant effects so long as they do not cause potentially significant effects. It is the Lead Agency's determination that clarification to proposed mitigations are considered more effective in mitigating significant effects and are not considered new significant information requiring the recirculation of the Final Environmental Impact Report under CEQA and does not create new significant effects on the environment.

(20) The revised mitigation measures remain equivalent or more effective in mitigating or avoiding the potentially significant effects identified and were revised for clarification purposes. The revised measures themselves will not cause any potentially significant effect on the environment. Furthermore, adoption of the revised mitigation measures is in conformance with CEQA requirements and would not result in the need for recirculation of the document.

(21) The requirement for road improvements is necessary for the protection of the public health, safety, and welfare and is in compliance with Section 65909 of the California Government Code, inasmuch as the proposed development will generate more traffic in the immediate vicinity.

(22) Approval of this project shall not be considered operative, vested, or final in such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.

RECOMMENDED CONDITIONS OF APPROVAL FOR PRECISE DEVELOPMENT PLAN:

(1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.

(2) This approval authorizes the construction and operation of four (4) industrial warehouse buildings totaling approximately 1,505,440 square-feet consisting of 625,446 square-feet for warehousing, 393,624 square-feet for cold storage, 335,826 square feet for industrial manufacturing or assembly for a food/beverage company, 150,544 square feet for office space, and two (2) associated quick-serve restaurants totaling approximately 9,410 square-feet on approximately 110 acres pursuant to Sections 19.38.020.D.1, 19.38.020.D.4, and 19.38.020.E.2 of the Kern County Zoning Ordinance. Any additions or expansions to this plan may be subject to a minor plan modification, a formal modification through the public hearing process or approval of a new precise development plan as determined by the Director of the Kern County Planning and Natural Resources Department.

(3) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Environmental Impact Report associated with initial approval of this Precise Development Plan, and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this Precise Development Plan or the approval of a new Precise Development Plan at the discretion of the Director of the Kern County Planning and Natural Resources Department.

(4) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC (General Plan Amendment No. 5, Map 81-35; Zone Change Case No. 46, Map 81-35; Precise Development Plan No. 36, Map 81-35 included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.

(5) All necessary building permits must be obtained.

(6) Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:

(a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program (MMRP).

(b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division. The following shall be satisfied as required by the Environmental Health Division:

1. The applicant shall secure and submit an unconditional will-serve letter from the Oildale Mutal Water Company stating its intent and ability to provide potable water for the proposed project.

2. The applicant shall secure and submit an unconditional will-serve letter from North of River Sanitary District stating its intent and ability to provide sewer service to the proposed project. If a sewer exemption is requested and approved, the applicant shall submit a soils report that includes a septic feasibility study to the Environmental Health Division for review.

(c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department, including but not limited to the following:

1. All new construction will require fire water flowing a minimum of 1,500 gallons per minute for two (2) hours with 20 PSI residual.
2. All fire access roads to each parcel must meet specifications set forth in Section 503.2 of the California Fire Code and the applicable Appendix and Ordinance sections.
3. Any structures that exceed 10,000 square feet will require fire sprinklers and a fire alarm to be installed.
4. Any aboveground flammable liquid tanks in excess of 125 gallons will require permitting through Kern County Fire Department.

(d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the Kern County Public Works Department - Building & Development – Floodplain, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary. Associated flood hazard requirements shall be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

(e) The applicant shall pay the required Metropolitan Bakersfield Transportation Impact Fees.

(f) A comprehensive landscaping and maintenance irrigation plan shall be approved in accordance with the requirements of Chapter 19.86 of the Zoning Ordinance and California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance. A minimum of 5% or five (5) acres, whichever is greater, of the total project area shall be landscaped and continuously maintained in good condition. Landscaping shall be installed or bonded for prior to occupancy of the building or site. Minimum tree size shall be 15-gallon. Minimum shrub size shall be five (5-)gallon, and minimum size for small shrubs and groundcover shall be one (1-)gallon. The landscape plan shall list the location, size (in gallons), and type of plant and tree material to be used throughout the site. All landscaping shall be consistent with the State Fire Safe regulations contained in Section 4290 of the Public Resources Code and in Title 14, California Code of regulations, Division 1.5, Chapter 7, Subchapter 2. If more than 2,500 square feet of landscaping area will be required or proposed, landscaping and irrigation for the project shall comply with the Water Efficient Landscape requirements as set forth in Sections 19.86.065, 19.86.070, and 19.86.080 of the Zoning Ordinance.

(g) An Outdoor Lighting Plan shall be submitted for review and approval by Kern County Public Works Department in accordance with Chapter 19.81 (Outdoor Lighting “Dark Skies Ordinance”) of the Zoning Ordinance. A copy of the approved Outdoor Lighting Plan shall be submitted to the Kern County Planning and Natural Resources Department upon approval.

(h) Prior to the issuance of building or grading permits, the Project proponent shall coordinate with the Kern County Department of Airports and the Federal Aviation Administration to obtain a determination of no hazard for the scope of the project's construction, site components, and operations.

(i) The Project proponent shall coordinate with Pacific Gas & Electric (PG&E) staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed Project. The Project proponent shall comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E electric services and facilities, as needed as Project construction progresses.

(j) All survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act.

(k) The Project proponent shall coordinate with SoCalGas staff to determine the specific requirements regarding any potential natural gas service or facility issues needed to adequately accommodate the proposed Project. The Project proponent shall comply with and adhere to all requirements identified by SoCalGas adequately accommodate the proposed Project, including avoiding damage to SoCalGas natural gas services and facilities, as needed as Project construction progresses.

(7) Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

(a)* The following traffic improvements shall be performed in compliance with the requirements of the Kern County Public Works department and shall be accomplished at no cost to the County of Kern or the California Department of Transportation (Caltrans):

1. Record an irrevocable offer of dedication to the County of Kern of all subject property for Merle Haggard Drive, 55 feet in width, and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance and Development Standards.
2. Record an irrevocable offer of dedication to the County of Kern of all subject property for Airport Drive, 55 feet in width, and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance and Development Standards.
3. Record an irrevocable offer of dedication to the County of Kern of all subject property for Landings Way, 45 feet in width, including the off-site portion of Landings Way from the northerly project boundary line to southerly right-of-way of Petrol Road for orderly development per the Kern County Land Division Ordinance and Development Standards.

4. Record an irrevocable offer of dedication to the County of Kern of all subject property for Petrol Road, 45 feet in width, including the off-site portion of Petrol Road from the westerly project boundary line to easterly right-of-way of Landings Way for orderly development, per the Kern County Land Division Ordinance and Development Standards.

5. Record pedestrian access easements at all wheelchair ramp locations, per the Kern County Land Division Ordinance and Development Standards.

6. Revise final site plan to demonstrate access from Merle Haggard Drive shall only be by two drive approaches, and access from Airport Drive shall only be by two drive approaches for ingress and egress. Access from Landings Way shall only be by one drive approach, and access from Petrol Road shall only be by one drive approach for ingress and egress. Drive approach locations shall adhere to the Kern County Development Standards, Plate R-58.

7. Revise final site plan and demonstrate all drive approaches shall be a maximum of 35 feet wide per Kern County Development Standards, Plate R-60.

8. Provide a 20-foot by 20-foot right-of-way corner cutoff at all intersections.

9. Under street improvement plans approved by the Kern County Public Works Department, construct Merle Haggard Drive project frontage to Type "A" Subdivision Standards, half width arterial street, in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, drive approaches, median, right turn lanes (Plate R-40) at main entrance, restriping and the necessary tie-ins.

10. Under street improvement plans approved by the Kern County Public Works Department, construct Airport Drive project frontage to Type "A" Subdivision Standards, half width arterial street, in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, drive approaches, right turn lanes (Plate R-40) at each entrance, restriping and the necessary tie-ins.

11. Under street improvement plans approved by the Kern County Public Works Department, construct Landings Way project frontage to Type "A" Subdivision Standards, half width Collector Street, in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, drive approaches, and the necessary tie-ins.

12. Under street improvement plans approved by the Kern County Public Works Department, construct Petrol Road project frontage to Type "A" Subdivision Standards, half width Collector Street, in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, drive approaches, and the necessary tie-ins.

13. Under street improvement plans approved by the Kern County Public Works Department, construct Landings Way off-site portion, to Type "A" Subdivision Standard, half width Collector Street, for orderly development, per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins.

14. Under street improvement plans approved by the Kern County Public Works Department, construct Petrol Road off-site portion, to Type "A" Subdivision Standard, half width Collector Street, for orderly development, per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins.

15. Include a striping plan and streetlight plan with all street improvement plans.

(b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Section 19.08.225 and Section 19.80.030.C of the Kern County Zoning Ordinance and Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights-of-way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

(c) All storage and pressure tanks shall be painted an earthen hue color.

(d) Any sump sites or detention basins shall be wholly enclosed within a six (6-)foot-high chain link fence constructed with screening slats.

(e) Parking shall be provided as detailed in the approved plan. Handicap accessible parking spaces shall be provided in accordance with the requirements of Title 24 of the California Administrative Code. Parking shall be provided in accordance with Chapter 19.82 of the Zoning Ordinance.

(f) Parking for large trucks shall be provided as illustrated on the approved plan. Parking spaces and freight loading spaces shall be provided in accordance with Chapter 19.82 of the Zoning Ordinance.

(g) All access drives, parking areas, and vehicle maneuvering areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete paving constructed over a minimum of three (3) inches of compacted base material or material of higher quality. Where the project site does not have direct access to a County-maintained Road, a paved access drive shall connect to the closest County maintained road and shall be continuously maintained in good condition. A paved tie-in shall be provided under encroachment permit from the Kern County Public Works. The paved access road shall be continuously maintained in good condition.

(h) Standard vehicle parking spaces shall be nine (9) feet by 20 feet or larger in size and shall be designated by white painted stripes. A maximum of 20 percent of the required parking spaces may be designated as compact spaces and shall be eight (8) feet by 16 feet or larger in size.

(i) Concrete wheel blocks or a six (6-)inch raised A.C. curb shall be installed at each parking space that abuts a structure or property line.

(j) Where the parking area abuts Airport Drive or Merle Haggard Drive, it shall be separated therefrom by an ornamental fence, wall, or evergreen landscaping or berm, or any combination of the above, shall be established between the parking area and the subject road to eliminate headlight glare. Fence materials or method of landscaping shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to construction. Said fence or hedge shall be continuously maintained in good condition.

(k) All trash and recyclable bin receptacles shall be enclosed within a six (6-)foot-high, three (3-)sided masonry enclosure with securable iron gate and shall be installed on an impervious surface at a location that is outside the required front-yard and convenient for refuse haulers and which does not interfere with on- or off-site parking or circulation. For all commercial and industrial uses with five (5) or more employees, adequate space shall be provided for the collection and loading of recyclable materials. The location for all trash and recycling bin enclosures shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to construction.

(l) From the drop point of any overhead power pole on the periphery of the site, all new on-site utility services shall be placed underground.

(m) Permitted uses that include the placement of any solid or liquid material directly on the ground which has the potential to leach into the ground and adversely impact groundwater, the applicant shall consult with, and be subject to review and approval by, the California Regional Water Quality Control Board or, alternatively, the Kern County Public Health Services Department/Environmental Health Division.

(n) All survey monuments that were destroyed during construction shall be re-set or have a suitable witness corner set. A post construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing, per Section 8771 of the PLS Act.

(8) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

(a) The development shall comply with any requirements of the San Joaquin Valley Air Pollution Control District.

(b) The sump sites shall be maintained free of debris and weeds at all times.

(c) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.

(d) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, the State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.

(e) All statutory fees shall be paid to the Kern County Superintendent of Schools.

(f) Upon completion of the project, all survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5(a).

(9) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.

(10) If development for which this precise development plan has been approved pursuant to the provisions of the Zoning Ordinance has not commenced within five (5) years of the approval, the approval shall become null and void and of no effect, unless an extension has been granted by the Planning Director upon written request for an extension before the expiration of the five (5-)year period.

(11) At the time building permits are applied for, a filing fee may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required, and charges will be billed in accordance with the approved fee schedule.

*Denotes Mitigation measure

BASIS FOR APPROVAL AND RECOMMENDED FINDINGS FOR NONSUMMARY VACATION:

(1) Pursuant to Sections 8324 and 8333 of the California Streets and Highways Code, this Board hereby determines that the public drainage easements located in portions of the southwest 1/4 of Section 35, Township 28 South, Range 27 East, M.D.B.&M., are unnecessary for present or prospective use.

(2) Approval of the requested vacation of public drainage easements referred to as located in portions of the southwest 1/4 of Section 35, Township 28 South, Range 27 East, M.D.B.&M., as recommended, will not adversely affect adjacent properties, as the applicant is required to provide a drainage plan to be reviewed and approved by the Kern County Public Works Department prior to the issuance of grading or building permits.

(3) The easements affected by this vacation are not necessary for use by pedestrians, bicycles, or equestrians, therefore, their vacations are in accordance with Section 892 of the California Streets and Highways Code.

(4) Reserving and excepting necessary public utility easements for any existing utilities from this vacation action pursuant to Section 8340 of the Streets and Highways Code will assure utility agencies that adequate access to existing or future facilities will be retained.

(5) Approval of the requested vacation will allow construction of an industrial warehouse facility project in northwestern Kern County.

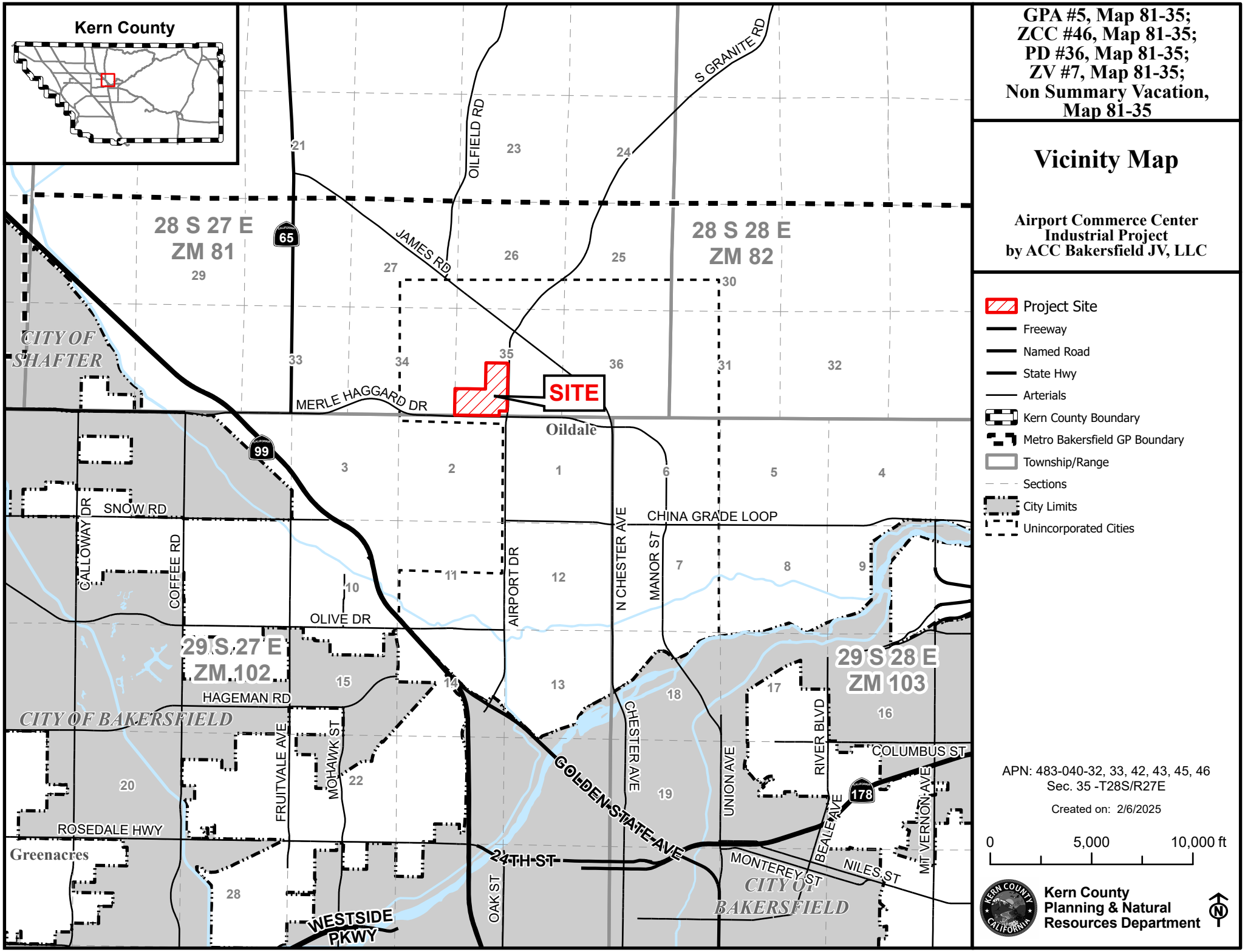
(6) Approval of this project shall not be considered operative, vested or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.

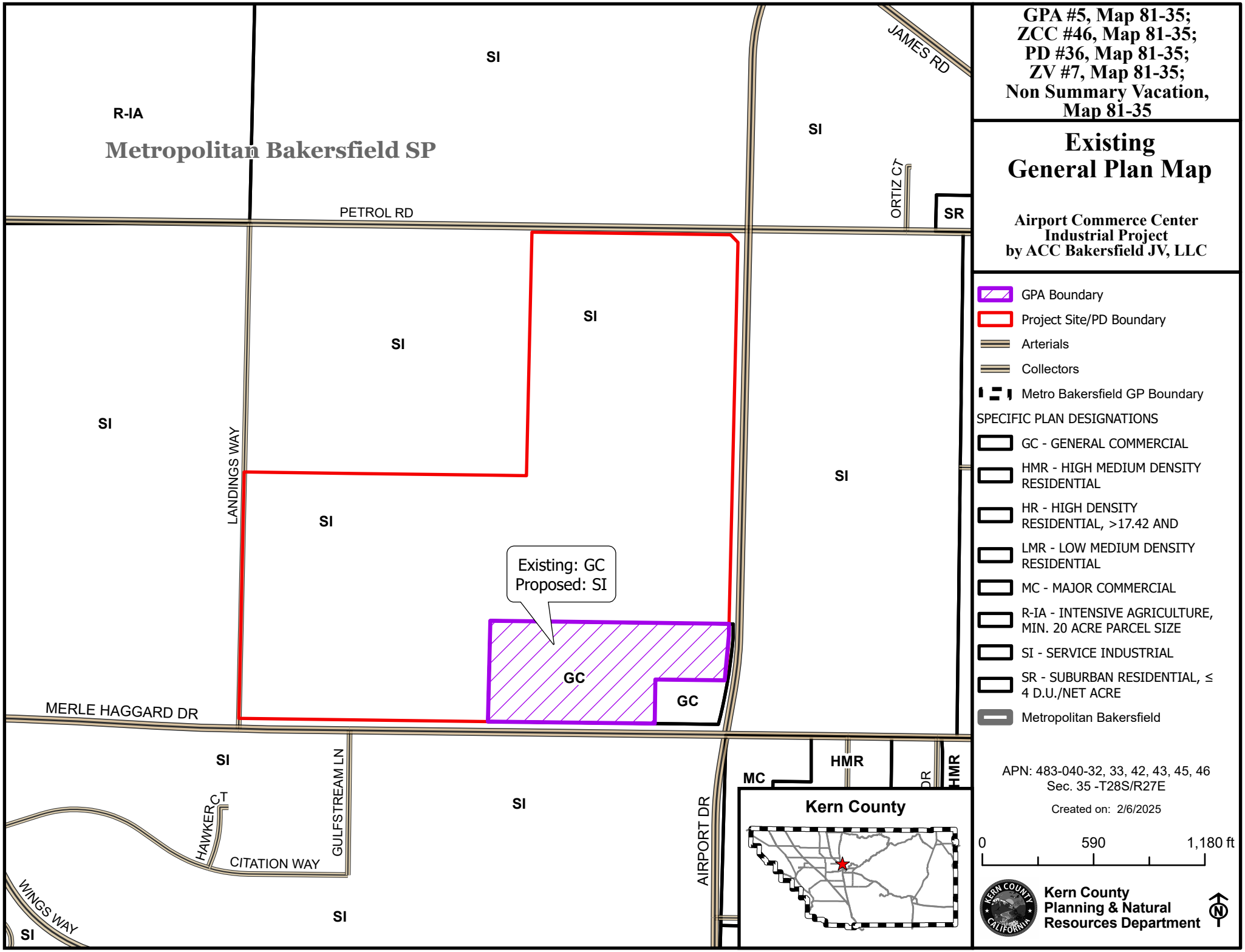
(7) In accordance with CEQA, the Lead Agency may conclude that certain mitigation measures identified are infeasible or otherwise ineffective during public review. In those circumstances, the Lead Agency may delete those mitigation measures and substitute for them other mitigation measures the Lead Agency finds are equivalent or more effective in mitigating significant effects so long as they do not cause potentially significant effects. It is the Lead Agency's determination that clarification to proposed mitigation are considered more effective in mitigating significant effects and are not considered new significant information requiring the recirculation of the Final EIR under CEQA and do not create new significant effects on the environment.

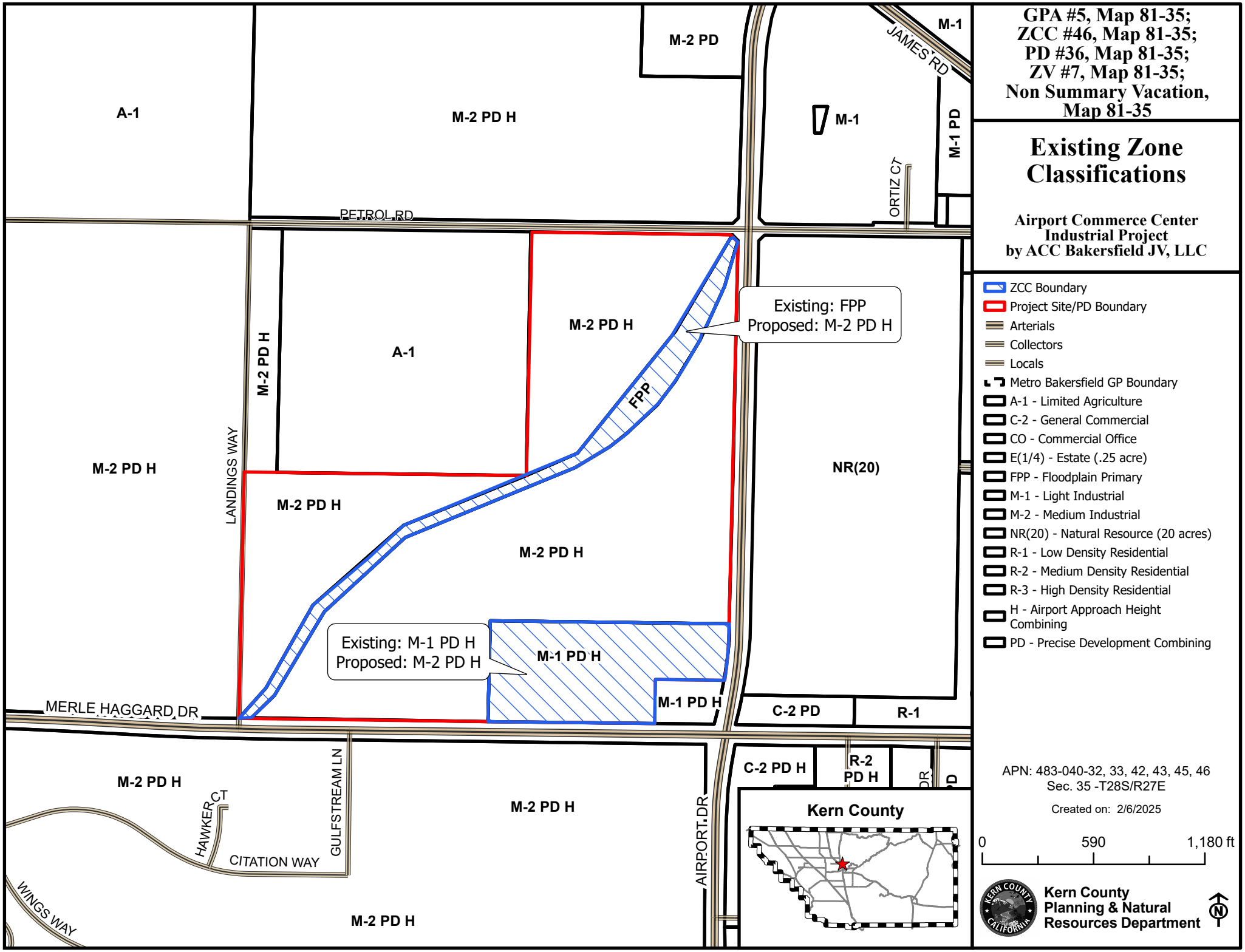
NM:

Attachments

Maps


Kern County
GPA #5, Map 81-35;
ZCC #46, Map 81-35;
PD #36, Map 81-35;
ZV #7, Map 81-35;
Non Summary Vacation,
Map 81-35
Vicinity Map
Airport Commerce Center
Industrial Project
by ACC Bakersfield JV, LLC
28 S 27 E
ZM 81
28 S 28 E
ZM 82
29 S 27 E
ZM 102
29 S 28 E
ZM 103
SITE
CITY OF SHAFTER
CITY OF BAKERSFIELD
Oildale
Greenacres
JAMES RD
OILFIELD RD
S GRANITE RD
MERLE HAGGARD DR
SNOW RD
CALLOWAY DR
COFFEE RD
OLIVE DR
AIRPORT DR
N CHESTER AVE
MANOR ST
CHINA GRADE LOOP
HAGEMAN RD
FRUITVALE AVE
MOHAWK ST
CHESTER AVE
UNION AVE
RIVER BLVD
COLUMBUS ST
BEALE AVE
MT VERNON AVE
GOLDEN STATE AVE
24TH ST
MONTEREY ST
NILES ST
OAK ST
ROSEDALE HWY
WESTSIDE PKWY
Project Site
Freeway
Named Road
State Hwy
Arterials
Kern County Boundary
Metro Bakersfield GP Boundary
Township/Range
Sections
City Limits
Unincorporated Cities
APN: 483-040-32, 33, 42, 43, 45, 46
Sec. 35 -T28S/R27E
Created on: 2/6/2025
0
5,000
10,000 ft
Kern County
Planning & Natural
Resources Department


GPA #5, Map 81-35;
ZCC #46, Map 81-35;
PD #36, Map 81-35;
ZV #7, Map 81-35;
Non Summary Vacation,
Map 81-35
Existing
General Plan Map
Airport Commerce Center
Industrial Project
by ACC Bakersfield JV, LLC
Metropolitan Bakersfield SP
R-IA
SI
SR
PETROL RD
JAMES RD
ORTIZ CT
LANDINGS WAY
MERLE HAGGARD DR
GULFSTREAM LN
HAWKER CT
CITATION WAY
WINGS WAY
AIRPORT DR
Existing: GC
Proposed: SI
GC
MC
HMR
GPA Boundary
Project Site/PD Boundary
Arterials
Collectors
Metro Bakersfield GP Boundary
SPECIFIC PLAN DESIGNATIONS
GC - GENERAL COMMERCIAL
HMR - HIGH MEDIUM DENSITY RESIDENTIAL
HR - HIGH DENSITY RESIDENTIAL, >17.42 AND
LMR - LOW MEDIUM DENSITY RESIDENTIAL
MC - MAJOR COMMERCIAL
R-IA - INTENSIVE AGRICULTURE, MIN. 20 ACRE PARCEL SIZE
SI - SERVICE INDUSTRIAL
SR - SUBURBAN RESIDENTIAL, ≤ 4 D.U./NET ACRE
Metropolitan Bakersfield
APN: 483-040-32, 33, 42, 43, 45, 46
Sec. 35 -T28S/R27E
Created on: 2/6/2025
Kern County
0
590
1,180 ft
Kern County
Planning & Natural
Resources Department
N



GPA #5, Map 81-35; ZCC #46, Map 81-35; PD #36, Map 81-35; ZV #7, Map 81-35; Non Summary Vacation, Map 81-35

Existing Zone Classifications

Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC

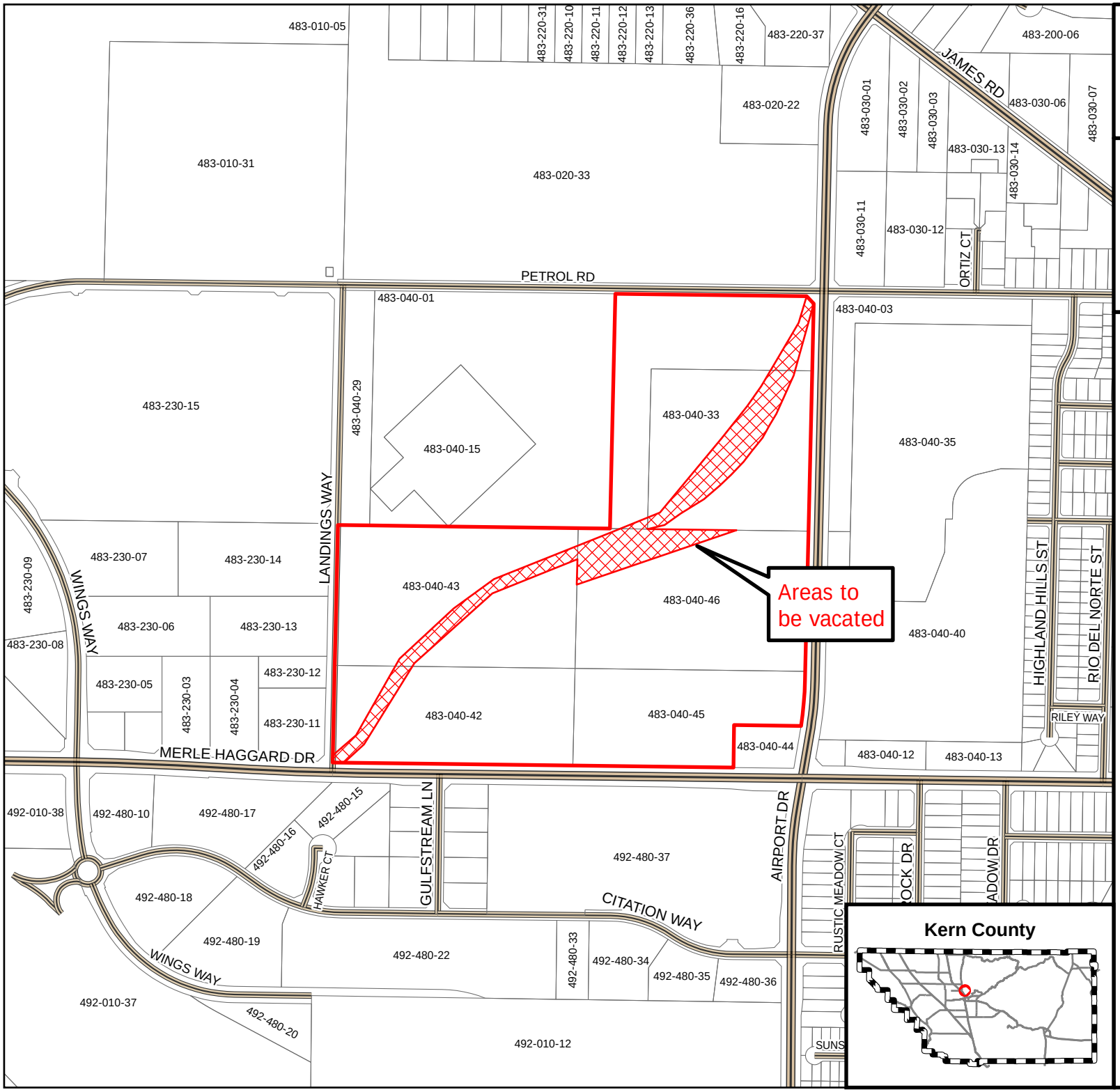
- ZCC Boundary
- Project Site/PD Boundary
- Arterials
- Collectors
- Locals
- Metro Bakersfield GP Boundary
- A-1 - Limited Agriculture
- C-2 - General Commercial
- CO - Commercial Office
- E(1/4) - Estate (.25 acre)
- FPP - Floodplain Primary
- M-1 - Light Industrial
- M-2 - Medium Industrial
- NR(20) - Natural Resource (20 acres)
- R-1 - Low Density Residential
- R-2 - Medium Density Residential
- R-3 - High Density Residential
- H - Airport Approach Height Combining
- PD - Precise Development Combining

APN: 483-040-32, 33, 42, 43, 45, 46
Sec. 35 -T28S/R27E

Created on: 2/6/2025

0 590 1,180 ft

Kern County Planning & Natural Resources Department



GPA #5, Map 81-35;
ZCC #46, Map 81-35;
PD #36, Map 81-35;
ZV #7, Map 81-35;
Non Summary Vacation, Map 81-35

Non Summary Vacation Map

Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC

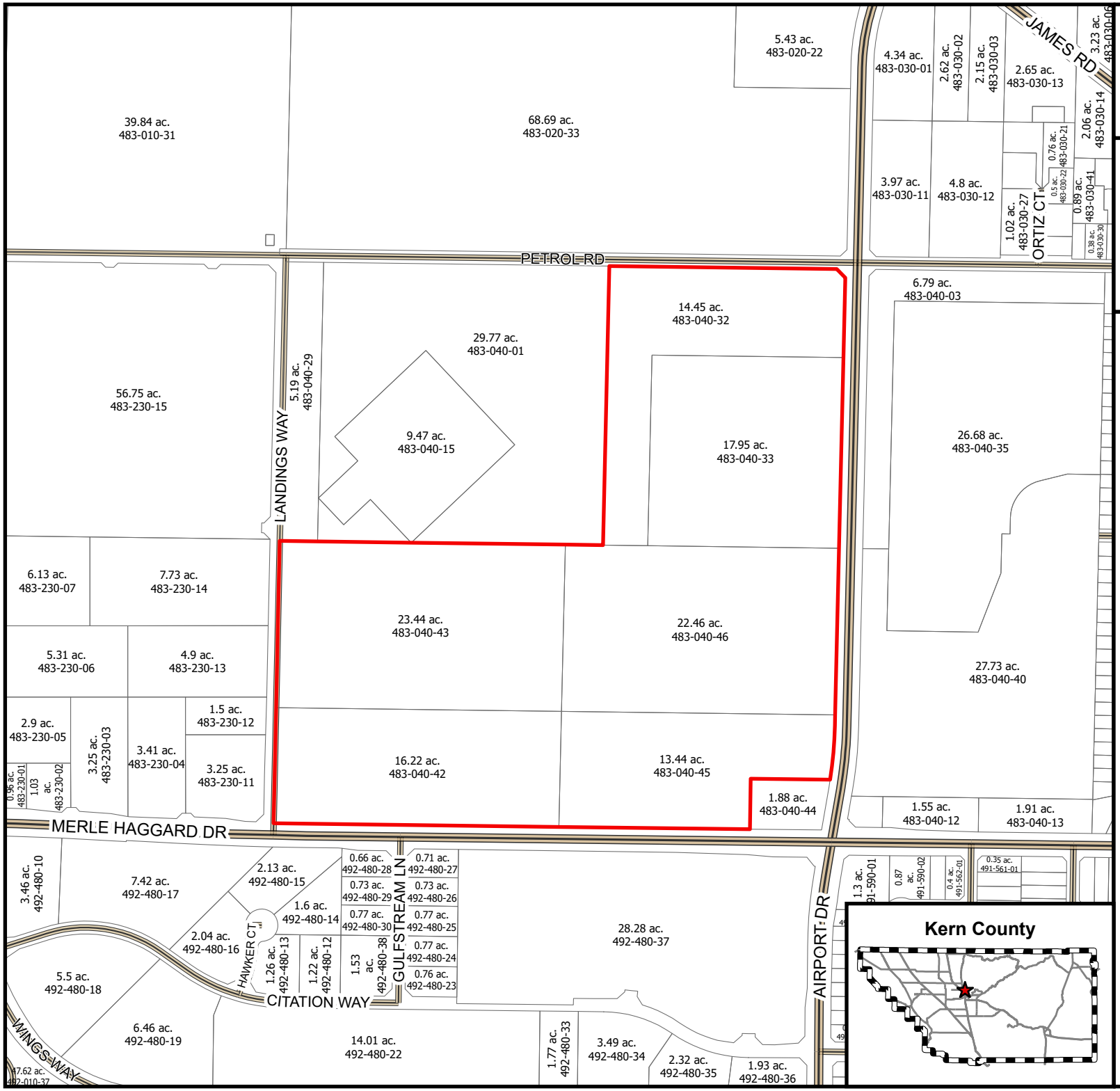
- Drainage easements to be vacated
- Project Site
- Parcel Boundaries
- Arterials
- Collectors
- Locals

APN: 483-040-32, 33, 42, 43, 45, 46
Sec. 35 -T28S/R27E

Created on: 9/29/2026

0 355 710 1,420
US Feet

Kern County Planning & Natural Resources Department



GPA #5, Map 81-35; ZCC #46, Map 81-35; PD #36, Map 81-35; ZV #7, Map 81-35; Non Summary Vacation, Map 81-35

Assessor's Parcelization Map

Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC

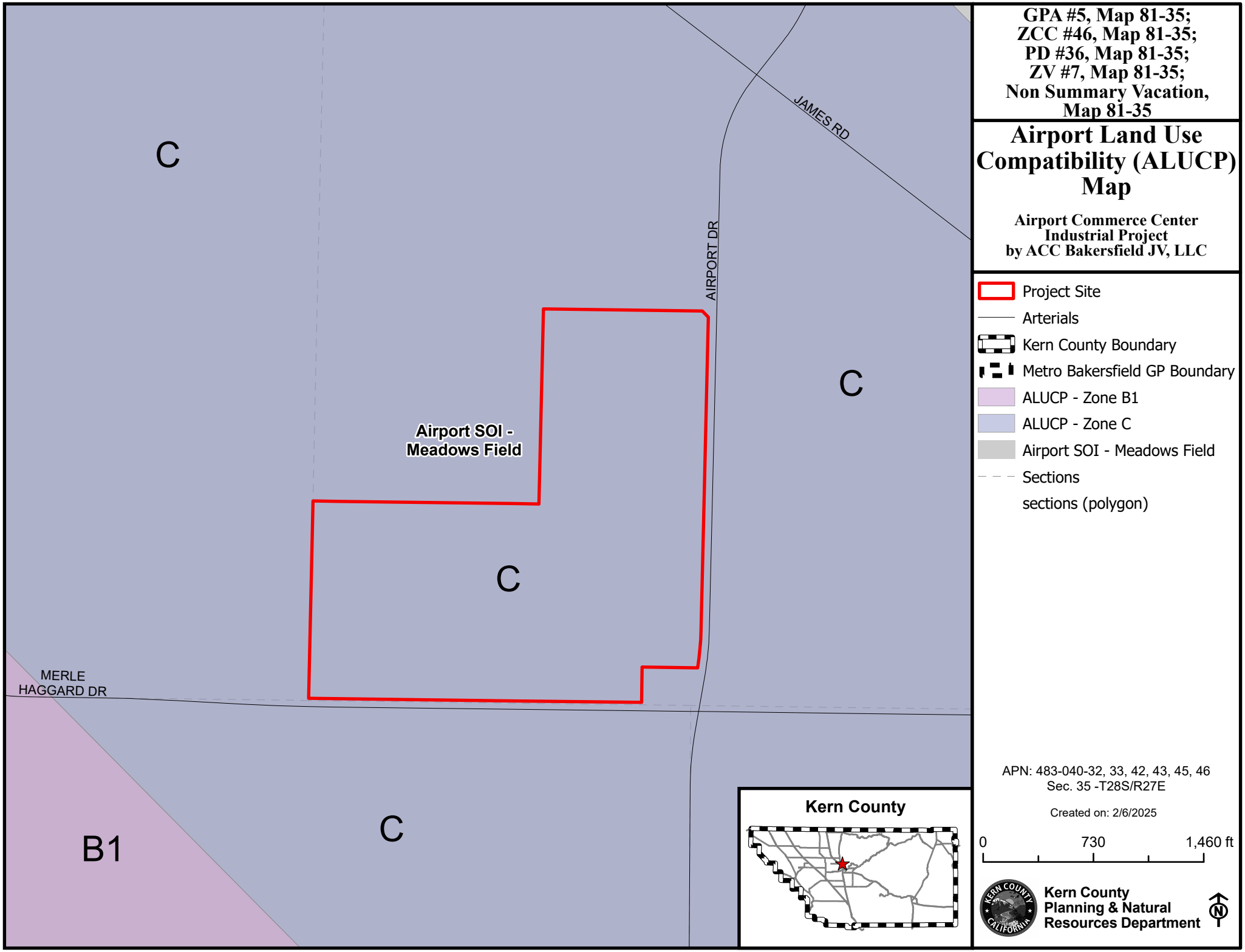
- Project Site
- Parcel Boundaries
- Arterials
- Collectors
- Locals

APN: 483-040-32, 33, 42, 43, 45, 46
Sec. 35 -T28S/R27E

Created on: 2/6/2025

0 590 1,180 ft

Kern County Planning & Natural Resources Department



GPA #5, Map 81-35;
ZCC #46, Map 81-35;
PD #36, Map 81-35;
ZV #7, Map 81-35;
Non Summary Vacation, Map 81-35

Airport Land Use Compatibility (ALUCP) Map

Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC

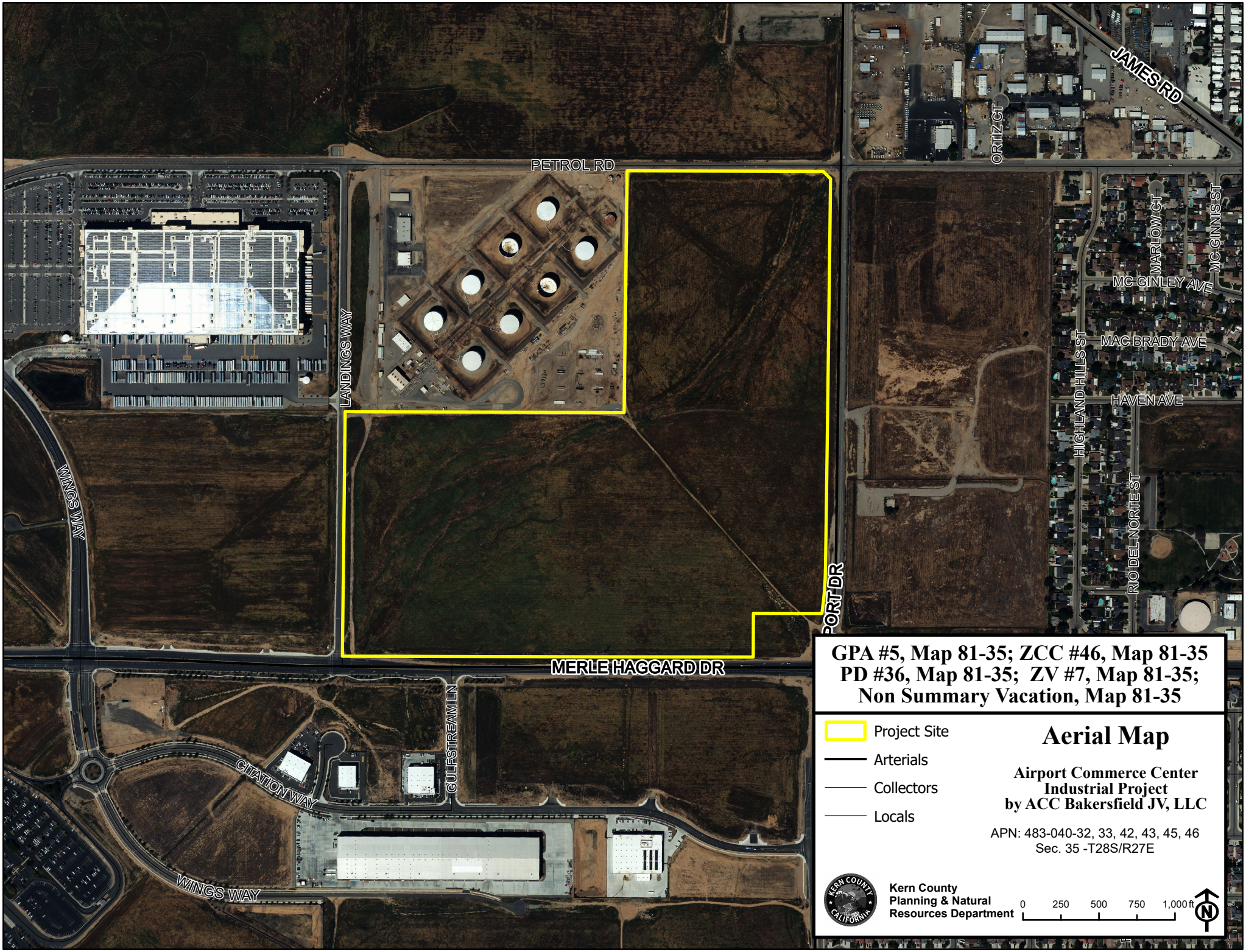
- Project Site
- Arterials
- Kern County Boundary
- Metro Bakersfield GP Boundary
- ALUCP - Zone B1
- ALUCP - Zone C
- Airport SOI - Meadows Field
- Sections
- sections (polygon)

APN: 483-040-32, 33, 42, 43, 45, 46
Sec. 35 -T28S/R27E

Created on: 2/6/2025

0 730 1,460 ft

Kern County Planning & Natural Resources Department



GPA #5, Map 81-35; ZCC #46, Map 81-35
PD #36, Map 81-35; ZV #7, Map 81-35;
Non Summary Vacation, Map 81-35

Project Site
Arterials
Collectors
Locals

Aerial Map

Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC

APN: 483-040-32, 33, 42, 43, 45, 46
Sec. 35 -T28S/R27E

Kern County Planning & Natural Resources Department

0 250 500 750 1,000 ft

N

AIRPORT COMMERCE CENTER INDUSTRIAL
PROJECT BY ACC BAKERSFIELD JV, LLC
PRECISE DEVELOPMENT PLAN NO. 36, MAP 81-35

SHEET INDEX

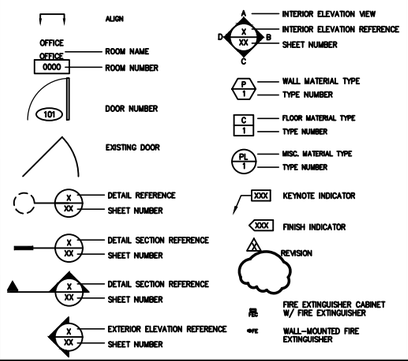
ARCHITECTURAL (4 SHEETS)

A0.1 TITLE SHEET
A1.1 SITE PLAN
A2.1 LANDSCAPE PLAN
A3.1 TRUCK MANEUVERABILITY EXHIBIT

ABBREVIATIONS

&	And	F.A.	Fire Alarm	PRCST.	Pre-cast
∠	Angle	F.B.	Flat Bar	PL.	Plate
@	At	F.D.	Floor Drain	P.LAM.	Plastic Laminate
℄	Centerline	FDN.	Foundation	PLAS.	Plaster
~	Diameter or Round	F.E.	Fire Extinguisher	PLYWD.	Plywood
#	Pound or Number	F.E.C.	Fire Extinguisher Cab	PR.	Pair
(E)	Existing	F.H.C.	Fire Hose Cabinet	PT.	Point
		FIN.	Finish	P.T.D	Paper Towel Dispenser
ACOUS	Acoustical	FL.	Floor	P.T.D/R	Combination Paper Towel
A.D.	Area Drain	FLASH.	Flashing	PTN.	Partition
ADJ.	Adjustable	FLUOR.	Fluorescent	P.T.R.	Paper Towel Receptacle
AGGR.	Aggregate	F.O.C.	Face of Concrete	P.J.	Panel Joint
AL.	Aluminum	F.O.F.	Face of Finish		
APPROX.	Approximate	F.O.M.	Face of Mullion	Q.T.	Quarry Tile
ARCH.	Architectural	F.O.SH.	Face of Sheathing		
ASB.	Asbestos	FPRF.	Fireproof	R.	Riser
ASPH.	Asphalt	F.S.	Full Size	RAD.	Radius
		FT.	Foot or Feet	R.D.	Roof Drain
BD.	Board	FTG.	Footing	REF.	Reference
BITUM.	Bituminous	FURR.	Furring	REFR.	Refrigerator
BLDG.	Building	FUT.	Future	RGTR.	Register
BLK.	Block			REINF.	Reinforced
BLKG.	Blocking	GA.	Gauge	REQ.	Required
BM.	Beam	GALV.	Galvanized	RESIL.	Resilient
B.O.C.	Bottom of Concrete	GB.	Grab Bar	RM.	Room
B.O.M.	Bottom of Mullion	GND.	Ground	R.O.	Rough Opening
B.O.P.	Bottom of Panel	GR.	Grade	RWD.	Redwood
B.O.R.	Bottom of Reveal	GYP.	Gypsum	R.W.L.	Rain Water Leader
BOT.	Bottom				
		H.B.	Hose Bibb	S.	South
CAB.	Cabinet	H.C.	Hollow Core	SAF	Self Adhered Flashing
C.B.	Catch Basin	HDWD.	Hardwood	S.C.	Solid Core
CEM.	Cement	HDWE.	Hardware	S.C.D.	Seat Cover Dispenser
CER.	Ceramic	H.M.	Hollow Metal	SCHED.	Schedule
C.I.	Cast Iron	HORIZ.	Horizontal	S.D.	Soap Dispenser
C.G.	Corner Guard	HR.	Hour	SECT.	Section
CLG.	Ceiling	HGT.	Height	SH.	Shelf
CLKG.	Caulking			SHR.	Shower
CLO.	Closet	I.D.	Inside Diameter (Dim.)	SHT.	Sheet
CLR.	Clear	INSUL.	Insulation	SIM.	Similar
C.O.	Cased Opening	INT.	Interior	S.N.D.	Sanitary Napkin Disp.
COL.	Column			S.N.R.	Sanitary Napkin Recept.
C.O.M.	Center of Mullion	JAN.	Janitor	SPEC.	Specification
CONC.	Concrete	JT.	Joint	SQ.	Square
CONN.	Connection	KIT.	Kitchen	S.ST.	Stainless Steel
CONSTR.	Construction	K.O.	Knock Out	S.SK.	Service Sink
CONT.	Continuous			STA.	Station
C.O.R.	Center of Reveal	LAB.	Laboratory	STD.	Standard
CORR.	Corridor	LAM.	Laminate	STL.	Steel
CTSK.	Countersunk	LAV.	Lavatory	STOR.	Storage
CNTR.	Counter	LKR.	Locker	STRL.	Structural
CTR.	Center	LT.	Light	SUSP.	Suspended
				SYS.	Symmetrical
DBL.	Double	MAX.	Maximum	TRD.	Tread
DEPT.	Department	M.C.	Medicine	T.B.	Towel Bar
D.F.	Drinking Fountain	MECH.	Mechanical	T.C.	Top of Curb
DET.	Detail	MEMB.	Membrane	TEL.	Telephone
DIA.	Diameter	MET.	Metal	TER.	Terrazzo
DIM.	Dimension	MFR.	Manufacturer	T. & G.	Tongue and Groove
DISP.	Dispenser	MH.	Manhole	THK.	Thick
DN.	Down	MIN.	Minimum	T.O.C.	Top of Concrete
D.O.	Door Opening	MIR.	Mirror	T.O.P.	Top of Panel
DR.	Door	MISC.	Miscellaneous	T.O.R.	Top of Reveal
DWR.	Drawer	M.O.	Masonry Opening	T.O.RC.	Top of Deep Recess
DS.	Downspout	MTD.	Mounted	T.O.M.	Top of Mullion
D.S.P.	Dry Standpipe	MUL.	Mullion	T.O.W.	Top of Wall
DWG	Drawing			T.P.	Top of Pavement
		N.	North	T.P.D.	Toilet Paper Dispenser
E.	East	N.I.C.	Not in Contract	T.V.	Television
EA.	Each	NO.	Number	T.W.	Top of Wall
E.J.	Expansion Joint	NOM.	Nominal	TYP.	Typical
EL.	Elevation	N.O.M.	Unless Otherwise Noted	UNF.	Unfinished
ELEC.	Electrical	N.T.S.	Not To Scale	U.O.N.	Unless Otherwise Noted
ELEV.	Elevator			UR.	Urinal
EMER.	Emergency	O.A.	Overall	VERT.	Vertical
ENCL.	Enclosure	OBS.	Obscure	VEST.	Vestibule
E.P.	Electrical Panelboard	O.C.	On Center	W.	West
EQ.	Equal	O.D.	Outside Diameter (Dim.)	W/	With
EQPT.	Equipment	OFF.	Office	W.C.	Water Closet
E.W.C.	Electric Water Cooler	OPNG.	Opening	WD.	Wood
EXST.	Existing	OPP.	Opposite	W/O	Without
EXPO.	Exposed			WPM	Waterproofing Membrane
EXP.	Expansion			WRB	Weather/Water Resistive Barrier
EXT.	Exterior			WSCT.	Wainscot
				WT.	Weight

SYMBOLS



APPLICANT

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NEW GEN ENGINEERING GROUP, INC.

DBA MCINTOSH & ASSOCIATES
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DENNIS LUCAS
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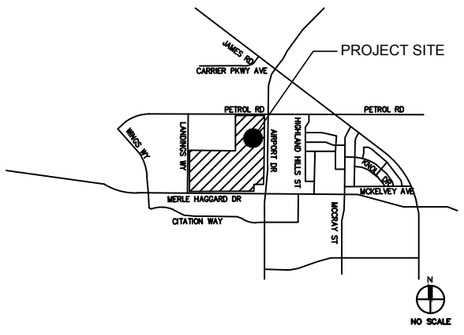
NEWPORT BECH, CA 92660

ANDREY FOMICHENKO
PH: (714) 754-7311 x224
FAX: (714) 754-9883

VICINITY MAP



BUILDING DEPARTMENT: KERN COUNTY, CA

APPLICABLE CODES:

BUILDING:	2022 CALIFORNIA BUILDING CODE
STRUCTURE:	2022 CALIFORNIA BUILDING CODE
MECHANICAL:	2022 CALIFORNIA MECHANICAL CODE
ELECTRICAL:	2022 CALIFORNIA ELECTRICAL CODE
PLUMBING:	2022 CALIFORNIA PLUMBING CODE
FIRE/LIFE SAFETY:	2022 CALIFORNIA FIRE CODE (WITH LOCAL AMENDMENTS)
ENERGY:	2022 STATE OF CALIFORNIA ENERGY CODE
	2022 STATE OF CALIFORNIA GREEN BUILDING CODE
ACCESSIBILITY:	2022 STATE OF CALIFORNIA TITLE 24 ACCESSIBILITY STANDARDS

CHAPTER 3 - USE & OCCUPANCY CLASSIFICATION:

OCCUPANCY	SECTION	USE	PROPOSED AREA (SF)
S-1 / STORAGE	(311)	WAREHOUSE	SEE ALLOWABLE AREA BELOW
B / OFFICE	(304)	OFFICE	SEE ALLOWABLE AREA BELOW
M / MERCANTILE	(309)	MERCANTILE	SEE ALLOWABLE AREA BELOW

CHAPTER 5 - GENERAL BUILDING HEIGHTS & AREAS:

ALLOWABLE BUILDING HEIGHT:

MAIN OCCUPANCY	SPRINKLER CONDITION	(TABLE 504.3) ALLOWABLE BUILDING HEIGHT IN FEET	(504.4) ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE	PROPOSED BUILDING HEIGHT IN FEET	PROPOSED NUMBER OF STORIES ABOVE GRADE PLANE
S-1 BUILDING 1	S	75'-0"	3 STORY	60'-0"	1 STORY
S-1 BUILDING 2	S	75'-0"	3 STORY	60'-0"	1 STORY
S-1 BUILDING 3	S	75'-0"	3 STORY	60'-0"	1 STORY
S-1 BUILDING 4	S	75'-0"	3 STORY	49'-0"	1 STORY
QSR 1	S	75'-0"	3 STORY	20'-0"	1 STORY
QSR 2	S	75'-0"	3 STORY	20'-0"	1 STORY

ALLOWABLE BUILDING AREA:

UNLIMITED AREA ALLOWED PER 507.4
W/ AUTOMATIC SPRINKLER AND OPEN YARDS GREATER THAN 60 FEET ON ALL SIDES

PROPOSED TOTAL BUILDING 1 AREA:	257,580 SF
PROPOSED TOTAL BUILDING 2 AREA:	192,780 SF
PROPOSED TOTAL BUILDING 3 AREA:	180,360 SF
PROPOSED TOTAL BUILDING 4 AREA:	874,720 SF
QSR 1:	5,570 SF
QSR 2:	3,840 SF
PROPOSED TOTAL BUILDING AREA:	1,514,850 SF

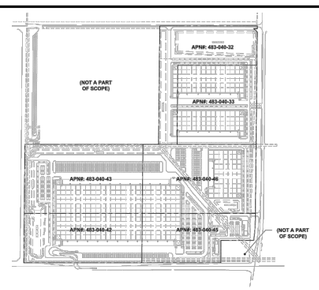
CHAPTER 6 - TYPES OF CONSTRUCTION:

TYPE OF CONSTRUCTION: (602) TYPE III-B (FULLY SPRINKLERED THROUGHOUT)

FIRE RESISTANCE RATING REQUIREMENTS FOR:

BUILDING ELEMENTS (TABLE 601)	
STRUCTURAL FRAME	0 HR.
EXTERIOR BEARING WALLS	2 HR.
INTERIOR BEARING WALLS	0 HR.
EXTERIOR NON-BEARING WALLS	SEE (TABLE 602)
INTERIOR NON-BEARING WALLS	0 HR.
FLOORS	0 HR.
ROOF	0 HR.

PARCEL NUMBER



CHAPTER 9 - FIRE PROTECTION SYSTEMS:

(903.3.1.1) AUTOMATIC SPRINKLER SYSTEM WILL BE PROVIDED.

(903.4) AUTOMATIC SPRINKLER SYSTEM MONITORING AND ALARMS WILL BE PROVIDED.

E.S.F.R. (EARLY SUPPRESSION FAST-RESPONSE) AUTOMATIC FIRE PREVENTION SPRINKLER SYSTEM PROVIDED THROUGHOUT. SPRINKLER DESIGN AND CALCULATIONS TO BE SUBMITTED UNDER SEPARATE PERMIT.

(910.2) EXCEPTION 2: SMOKE AND HEAT VENTS NOT REQUIRED WHERE E.S.F.R. SPRINKLER SYSTEM IS PROVIDED

PROJECT DATA:

SITE AREA:
GROSS: 109.49 AC / 4,769,425 SF
DETENTION: @ 9% 425,035 SF
NET: 99.73 AC / 4,344,391 SF

BUILDING AREA:	OFFICE	FOOTPRINT:
IND. BUILDING 1	25,758 SF	257,580 SF
IND. BUILDING 2	19,278 SF	192,780 SF
IND. BUILDING 3	18,036 SF	180,360 SF
IND. BUILDING 4	87,472 SF	874,720 SF
QSR 1		5,570 SF
QSR 2		3,840 SF
TOTAL:	150,544 SF	1,514,850 SF

COVERAGE:
GROSS: 32%
NET: 35%
LANDSCAPED AREA: @ 18% 878,123 SF

BUILDING 1
DOCK-HIGH DOORS 43
GRADE-LEVEL DOORS 2
PARKING REQUIRED:
WAREHOUSE
1ST 10,000 SF 1/1000 SF 10 STALLS
>10,000 SF 1/3000 SF 74 STALLS
OFFICE 1/250 SF 104 STALLS
TOTAL 188 STALLS
PARKING PROVIDED: 242 STALLS
TRAILER: *25 STALLS*
REQ. ACCESSIBLE *7 STALLS*
REQ. EV CAPABLE 48 STALLS
REQ. EV CHARGING STATION (EVCS) 13 STALLS
REQ. VAN ACC EVCS 1 STALLS
REQ. STANDARD ACC EVCS 1 STALLS
REQ. AMBULATORY EVCS 0 STALLS

BUILDING 2
DOCK-HIGH DOORS 11
KNOCK-OUTS 32
GRADE-LEVEL DOORS 2
PARKING REQUIRED:
MANUFACTURING
MANUFACTURING 1/500 SF 347 STALLS
OFFICE 1/250 SF 78 STALLS
TOTAL 425 STALLS
PARKING PROVIDED: 427 STALLS
REQ. ACCESSIBLE *9 STALLS*
REQ. EV CAPABLE 85 STALLS
REQ. EV CHARGING STATION (EVCS) 22 STALLS
REQ. VAN ACC EVCS 1 STALLS
REQ. STANDARD ACC EVCS 1 STALLS
REQ. AMBULATORY EVCS 0 STALLS

BUILDING 3
DOCK-HIGH DOORS 10
KNOCK-OUTS 8
GRADE-LEVEL DOORS 2
PARKING REQUIRED:
MANUFACTURING
MANUFACTURING 1/500 SF 325 STALLS
OFFICE 1/250 SF 73 STALLS
TOTAL 398 STALLS
PARKING PROVIDED: 400 STALLS
REQ. ACCESSIBLE *8 STALLS*
TRAILER: *8 STALLS*
REQ. EV CAPABLE 80 STALLS
REQ. EV CHARGING STATION (EVCS) 20 STALLS
REQ. VAN ACC EVCS 1 STALLS
REQ. STANDARD ACC EVCS 1 STALLS
REQ. AMBULATORY EVCS 0 STALLS

BUILDING 4
DOCK-HIGH DOORS 151
GRADE-LEVEL DOORS 4
PARKING REQUIRED:
WAREHOUSE
1ST 10,000 SF 1/1000 SF 10 STALLS
>10,000 SF 1/3000 SF 260 STALLS
OFFICE 1/250 SF 350 STALLS
TOTAL 620 STALLS
PARKING PROVIDED: 797 STALLS
REQ. ACCESSIBLE *16 STALLS*
TRAILER: *368 STALLS*
REQ. EV CAPABLE 159 STALLS
REQ. EV CHARGING STATION (EVCS) 40 STALLS
REQ. VAN ACC EVCS 1 STALLS
REQ. STANDARD ACC EVCS 1 STALLS
REQ. AMBULATORY EVCS 1 STALLS

DEVELOPMENT STANDARDS:

ZONING EXISTING: M-1 PD H, M-2 PD H, FPP
ZONING PROPOSED: M-2 PD H

MAX. HEIGHT: 60 FT

BUILDING SETBACKS:
40 FT FROM THE LEGAL CENTERLINE OF ANY EXISTING OR PROPOSED PUBLIC OR PRIVATE LOCAL STREET OR ACCESS EASEMENT. 45 FT FROM THE LEGAL CENTERLINE OF ANY EXISTING OR PROPOSED SECONDARY HIGHWAY. 55FT FROM THE LEGAL CENTERLINE OF ANY EXISTING OR PROPOSED MAJOR HIGHWAY.

LANDSCAPE REQUIRED PERCENTAGE : 5%
LANDSCAPE REQUIRED SQUARE FEET: 238,471 S.F.
LANDSCAPE PROVIDED PERCENTAGE : 18%
LANDSCAPE PROVIDED SQUARE FEET : 878,123 S.F. (20.15 AC)

OFF-STREET PARKING:

STANDARD:	9X20
COMPACT:	8X16
TRAILER STALLS	12X55
COMPACT %:	20%
DRIVE AISLE:	25 FT
OVERHANG:	2 FT
TREE WELL:	4 FT

FACILITY IMPROVEMENTS

Water: Oildale Mutual Water Co.

Sewer: NORSD

QSR 1
PARKING REQUIRED:
RESTAURANT 1/75 SF 75 STALLS

PARKING PROVIDED: 75 STALLS
REQ. ACCESSIBLE *3 STALLS*
REQ. EV CAPABLE 15 STALLS
REQ. EV CHARGING STATION (EVCS) 4 STALLS
REQ. VAN ACC EVCS 1 STALLS
REQ. STANDARD ACC EVCS 0 STALLS
REQ. AMBULATORY EVCS 0 STALLS

QSR 2
PARKING REQUIRED:
RESTAURANT 1/75 SF 52 STALLS
TOTAL 52 STALLS

PARKING PROVIDED: 60 STALLS
REQ. ACCESSIBLE *3 STALLS*
REQ. EV CAPABLE 12 STALLS
REQ. EV CHARGING STATION (EVCS) 3 STALLS
REQ. VAN ACC EVCS 1 STALLS
REQ. STANDARD ACC EVCS 0 STALLS
REQ. AMBULATORY EVCS 0 STALLS

PARCEL NUMBER:

APN#: 483-040-42 APN#: 483-040-43
APN#: 483-040-45 APN#: 483-040-46
APN#: 483-040-33 APN#: 483-040-32

LEGAL DESCRIPTION:

BEING ALL OF PARCEL 6B OF LOT LINE ADJUSTMENT No. 36-92 PER CERTIFICATE OF COMPLIANCE RECORDED JULY 28, 1993 IN BOOK 6883, PAGE 1624 AND LOTS 2, 3 AND 4 OF LOT LINE ADJUSTMENT No. 56-18 RECORDED JULY 23, 2020 AS DOCUMENT No. 220098899, BOTH OF OFFICIAL RECORDS, IN THE OFFICE OF THE KERN COUNTY RECORDER, ALSO BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 28 SOUTH, RANGE 27 EAST, M.D.M., IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA.

CONTAINING 109.49 ACRES, MORE OR LESS.

WARE MALCOMB
915 Wilshire Blvd. Suite #2150
Los Angeles, CA 90017
P: 310.803.4000

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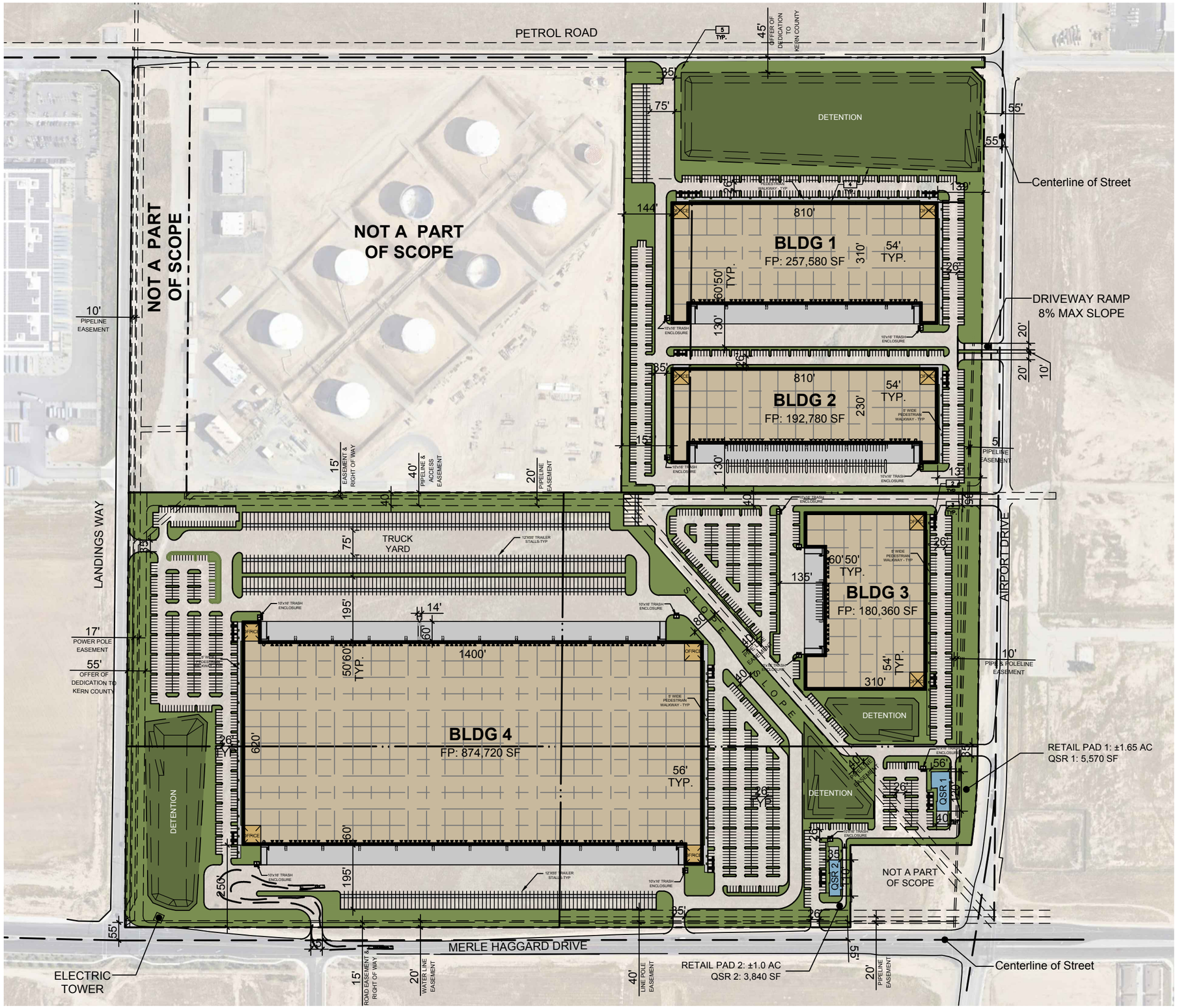
AIRPORT COMMERCE CENTER INDUSTRIAL
PROJECT BY ACC BAKERSFIELD JV, LLC
PRECISE DEVELOPMENT PLAN NO. 36, MAP 81-35
AIRPORT DRIVE
BAKERSFIELD, CA 93308

TITLE SHEET

DATE	REMARKS
2024-01-05	REVISION 1
2024-01-09	REVISION 2
2025-02-06	REVISION 3

PA / PM:
DRAWN BY: OOO
JOB NO.:

SHEET
A0.1



SITE PLAN

SCALE1/300" = 1'-0"

SITE PLAN NOTES

SEE SHEET A0.2 FOR GENERAL NOTES

1. PROPERTY LINE. (—— • • ——)
2. ACCESSIBLE PARKING STALL WITH SIGNAGE.
3. VAN ACCESSIBLE PARKING STALL WITH SIGNAGE.
4. PAINTED PARKING STRIPING PER CITY STANDARDS.
5. 14'-0" CONCRETE WALL.

DETENTION AREA:

±	259,477	S.F
±	31,728	S.F
±	36,624	S.F
±	97,206	S.F

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ARCHITECTURE CIVIL ENGINEERING
PLANNING LANDSCAPE ARCHITECTURE
INTERIORS SUSTAINABILITY

AIRPORT COMMERCE CENTER INDUSTRIAL
PROJECT BY ACC BAKERSFIELD JV, LLC
PRECISE DEVELOPMENT PLAN NO. 36, MAP 81-35
AIRPORT DRIVE
BAKERSFIELD, CA 93308

SITE PLAN

DATE	REMARKS
2004.11.13	REVISION 1
2005.01.09	REVISION 2
2005.02.06	REVISION 3

PA / PM:	
DRAWN BY:	cadd
JOB NO.:	

SHEET
A1.1

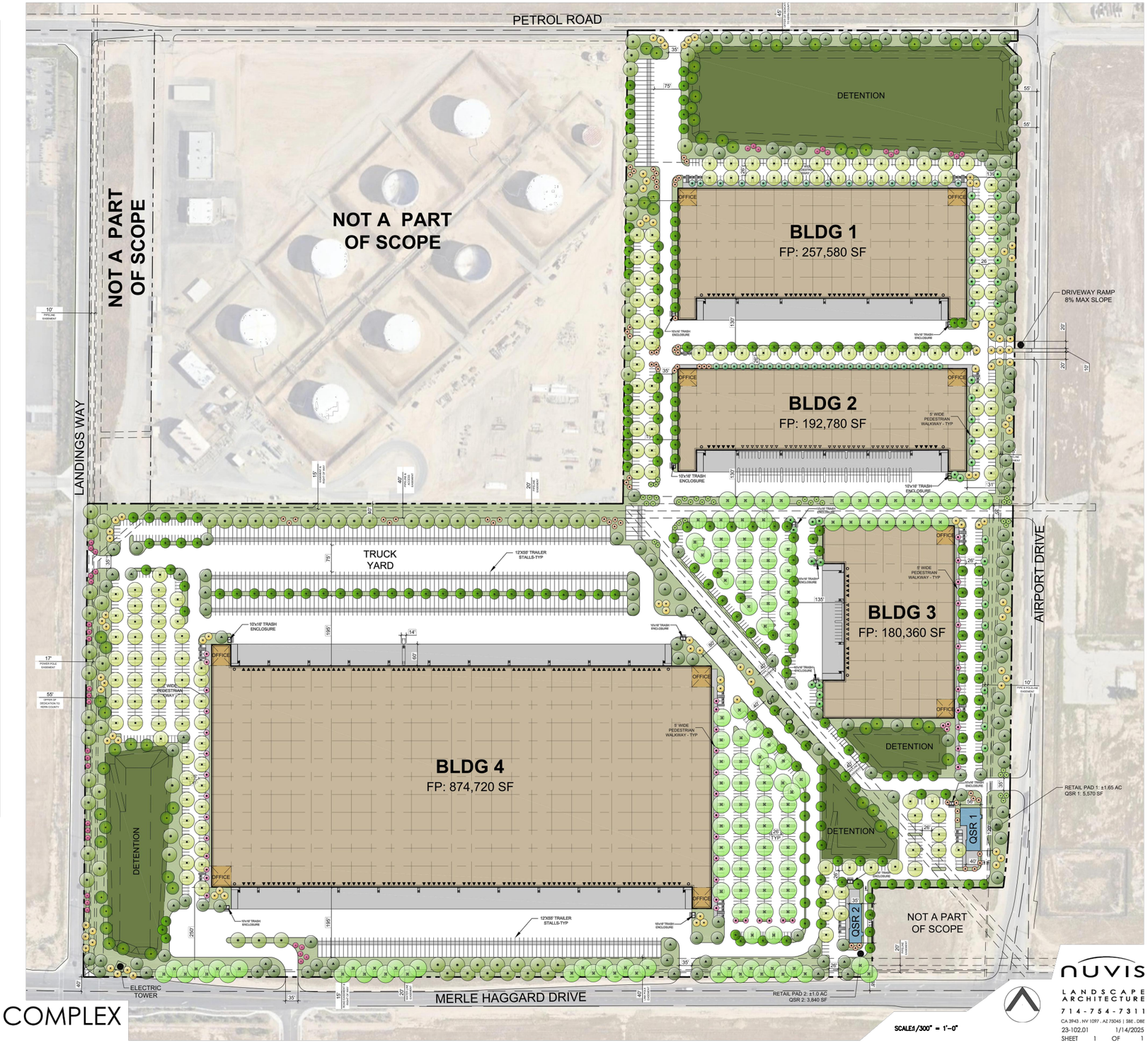
PLANT LEGEND

SYMBOL	WUCOLS	BOTANICAL NAME	COMMON NAME	SIZE
TREES				
	M	ARBUTUS 'MARINA'	MARINA ARBUTUS	15 Gal. & 24" BOX
	VL	CERCIS OCCIDENTALIS	WESTERN RED BUD	15 Gal. & 24" BOX
	L	CERCIDIUM 'DESERT MUSEUM'	DESERT MUSEUM PALO VERDE - LOW BRANCHING	15 Gal. & 24" BOX
	VL	CHILOPSIS LINEARIS	DESERT WILLOW	15 Gal. & 24" BOX
	M	ELAEOCARPUS DECIPENS	JAPANESE BLUEBERRY	15 Gal. & 24" BOX
	L	LAGERSTROEMIA INDICA 'MUSKOGEE'	LAVENDAR CRAPE MYRTLE	15 Gal. & 24" BOX
	L	LAURUS NOBILIS	SWEET BAY TREE	15 Gal. & 24" BOX
	M	MAGNOLIA GRANDIFLORA 'SAMUEL SOMERS'	SAMUEL SOMERS MAGNOLIA	15 Gal. & 24" BOX
	L	PISTACIA CHINENSIS	CHINESE PISTACHE	15 Gal. & 24" BOX
	M	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	15 Gal. & 24" BOX
	M	PYRUS CALLERYANA 'ARISTOCRAT'	ARISTOCRAT PEAR	15 Gal. & 24" BOX
	VL	QUERCUS AGRIFOLIA	COAST LIVE OAK	24" & 36" BOX
	L	QUERCUS ILEX	HOLLY OAK	24" & 36" BOX
	M	ULMUS PARVIFOLIA	CHINESE ELM	15 Gal. & 24" BOX
SHRUBS				
	L	ABELIA G. 'SHERWOODII'	ABELIA	5 GAL.
	L	ARBUTUS UNEDO	STRAWBERRY TREE- COLUMNAR SHAPED	5 GAL.
	M	BUXUS 'GREEN BEAUTY'	GREEN BEAUTY BOXWOOD	5 GAL.
	L	CALLISTEMON 'BETTER JOHN'	DWARF BOTTLE BRUSH	5 GAL.
	L	CEANOTHUS GRISEUS HOR. 'YANKEE POINT'	YANKEE POINT CEANOTHUS	5 GAL.
	L	CISTUS PURPUREUS	ORCHID ROCKROSE	5 GAL.
	L	DIETES GRANDIFLORA 'VARIEGATA'	STRIPED FORTNIGHT LILY	5 GAL.
	L	HEMEROCALLIS SPP. 'STELLA DE ORO'	DAY LILY- YELLOW	1 GAL.
	L	LIGUSTRUM J. 'TEXANUM'	WAXLEAF PRIVET	5 GAL.
	M	LOROPETALUM CHINENSIS 'PIPA'S RED'	PIPA'S RED FRINGE FLOWER	5 GAL.
	L	MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	5 GAL.
	L	PHORMIUM TENAX 'BRONZE BABY'	DWARF PURPLE NEW ZEALAND FLAX	5 GAL.
	L	PHOTINIA FRASERI	RED PHOTINIA	5 GAL.
	L	PITTOSPORUM TOBIRA TURNERS VARIEG. DWARF	DWARF VARIEGATED PITTOSPORUM	5 GAL.
	L	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GAL.
	L	RHAPHIOLEPIS INDICA 'PINK LADY'	PINK LADY INDIAN HAWTHORNE	5 GAL.
	L	ROSA SPP 'WHITE CARPET'	WHITE CARPET ROSE	5 GAL.
	L	ROSA FLORIBUNDA 'ICEBERG'	ICEBERG WHITE ROSE	5 GAL.
	L	ROSA x 'NOARE'	RED CARPET ROSE	5 GAL.
	M	TRACHELOSPERMUM ASIATICUM	ASIAN STAR JASMINE	1 GAL.
GROUNDCOVERS				
	M	ARCTOSTAPHYLOS EDMUNDSII 'CARMEL SUR'	LITTLE SUR MANZANITA	1 GAL. @ 36" O.C.
	L	MYOPORUM PARVIFOLIUM 'PUTAH CREEK'	CREEPING MYOPORUM	1 GAL. @ 36" O.C.
	L	ROSMARINUS OFFICINALIS 'COLLINGWOOD INGRAM'	ROSEMARY	1 GAL. @ 36" O.C.
	L	WESTRINGIA FRUTICOSA MUNDI'	LOW COAST ROSEMARY	1 GAL. @ 36" O.C.
DETENTION BASIN PLANTS				
	M	CALAMAGROSTIS x ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	1 GAL. @ 36" O.C.
	M	CAREX PRAEGRACILIS	CALIFORNIA FIELD SEDGE	1 GAL. @ 36" O.C.
	M	ELEOCHARIS MACROSTACHYA	COMMON SPIKE RUSH	1 GAL. @ 36" O.C.
	M	ELYMUS TRITICOIDES	CREEPING WILD RYE	1 GAL. @ 36" O.C.
	M	FESTUCA RUBRA	RED FESCUE	1 GAL. @ 36" O.C.
	M	JUNCUS PATENS	CALIFORNIS GREY RUSH	1 GAL. @ 36" O.C.
	M	SESLERIA AUTUMNALIS	AUTUMN MOOR GRASS	1 GAL. @ 36" O.C.

MULCH NOTE:
ALL SHRUB AREAS TO RECEIVE A 3" LAYER OF 'FOREST FLOOR' WOOD MULCH UNDER SHRUBS, AND 1 ¾" LAYER UNDER GROUND COVERS. MULCH SHALL BE SPREAD EVENLY THROUGHOUT ALL SHRUB PLANTER AREAS AFTER PLANTING SHRUBS.

NOTE

WHERE PARKING SPACES ABUT A PUBLIC STREET OR ROAD, A 30" HIGH LANDSCAPE BERM WITH SHRUBS SHALL BE PROVIDED TO SCREEN HEADLIGHT GLARE.



CONCEPTUAL LANDSCAPE PLAN
AIRPORT DRIVE INDUSTRIAL COMPLEX
Bakersfield, California

LANDSCAPE PLAN
SCALE:1/300" = 1'-0"

nuvis
LANDSCAPE ARCHITECTURE
714-754-7311
CA 3943 . NV 1097 . AZ 73045 | SBE . DBE

23-102.01 1/14/2025
SHEET 1 OF 1

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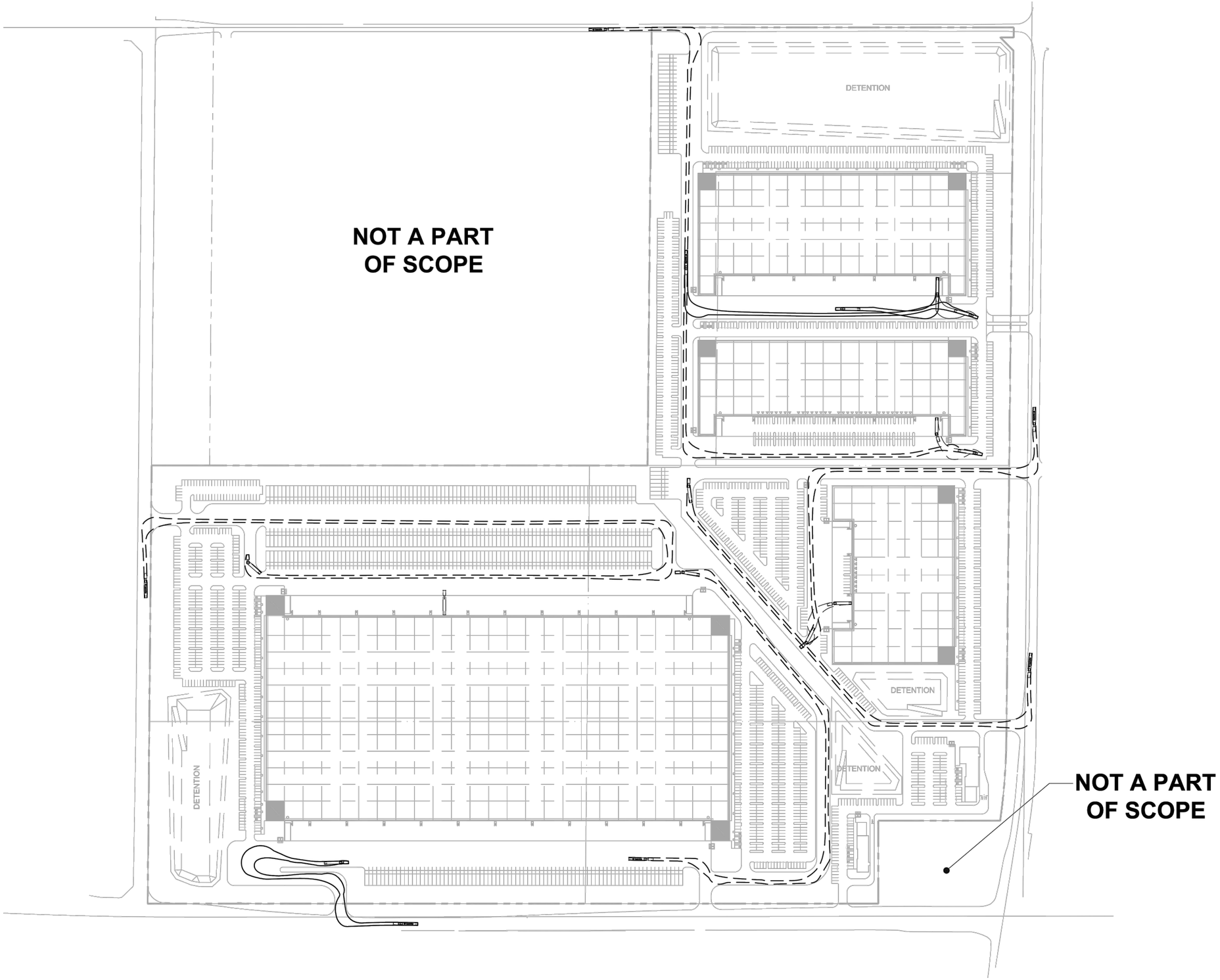
AIRPORT COMMERCE CENTER
PROJECT BY ACC BAKERSFIELD JV, LLC
PRECISE DEVELOPMENT PLAN NO. 36, MAP 81-35
AIRPORT DRIVE
BAKERSFIELD, CA 93308

LANDSCAPE PLAN

DATE	REMARKS
2024-11-13	REVISION 1
2024-01-09	REVISION 2
2025-05-06	REVISION 3

PA / PM:	
DRAWN BY:	cadd
JOB NO.:	

SHEET
A2.1



TRUCK MANEUVERABILITY EXHIBIT
SCALE:1/300" = 1'-0"

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TRUCK MANEUVERABILITY EXHIBIT

DATE	REMARKS	DATE	REMARKS
2024-12-31	REVISION 1		
2024-01-09	REVISION 2		
2025-02-06	REVISION 3		

PA / PM:	
DRAWN BY:	CADD
JOB NO.:	

SHEET
A3.1

Comments

INTEROFFICE MEMORANDUM

To: Nicole Menchaca, Division Chief
From: Emily Manriquez, EHT
Subject: GPA 5, Map 81-35; ZCC 46, Map 81-35; PD 36, Map 81-35; ZV 7, Map 81-35; Non Summary Vacation, Map 81-35
APN(s): 483-040-32

Date: September 24, 2026

The Kern County Environmental Health Division has reviewed the above referenced project. This Division has the local regulatory authority to enforce state regulations and local codes as they relate to waste discharge, water supply requirements, and other items that may affect the health and safety of the public or that may be detrimental to the environment.

The Environmental Health Division requests that the following condition(s) be placed on the subject project prior to issuance of building permits:

1. The applicant shall submit an unconditional “will serve” letter from Oildale Mutual Water Company stating its intent and ability to provide potable water for the proposed project.

2. The applicant shall submit an unconditional “will serve” letter from North of the River Sanitary District stating its intent and ability to provide sewer service to the proposed project.
    a. If a sewer exemption is reviewed and approved by the Public Works Sewer Department, the applicant shall submit a septic feasibility study to Environmental Health.

California
Department of Conservation
Geologic Energy Management Division

Gavin Newsom, Governor
Jennifer Lucchesi, Director
715 P Street, MS 1803
Sacramento, CA. 95814
T: (916) 445-5986

September 01, 2026

VIA EMAIL

Nicole Huisken
2700 M Street
Suite 100
Bakersfield, CA 93301

PROJECT TITLE: Airport Commerce Center Industrial Project

The California Geologic Energy Management Division (CalGEM) has received the above-referenced project. CalGEM's records indicate that there are wells within the vicinity, listed on the Attachment. https://maps.conservation.ca.gov/calgem/findwells/

If work is to be performed on any oil, gas, or geothermal well, prior approval from CalGEM is required. CalGEM advises against building over oil, gas, or geothermal wells, or impeding access to accommodate equipment that may be needed should an issue arise with a well. In the event that access to a well is required, impeded access could result in removal or demolition of any structure or obstacle that prevents or impedes access. CalGEM does not compensate owners for removal or demolition, when required, due to impeded well access. CalGEM advises against installing impermeable barriers over previously abandoned wells as any leaks could trap hazardous gases or liquids beneath the barrier and create a safety hazard.

CalGEM recommends that a licensed Petroleum Engineer evaluate any well that may be built over or have access impeded to determine if the well meets current standards. A well that does not meet standards can create a significant health and safety risk. CalGEM recommends that any well not meeting current standards be either abandoned or re-abandoned. https://www.conservation.ca.gov/calgem/for_operators

Should you have any questions, need approval to work on a well, or encounter any wells that are not on the following list, contact CalGEM at (661) 322-4031 or via email at CalGEMCentralCSWR@conservation.ca.gov.

Sincerely,

Emilio Flores

Emilio Flores
Office Technician

Attachment
cc:

Attachment

Based on CalGEM's WellFinder database*, the following wells are indicated to be in the project area. This information is provided as a courtesy for initial investigatory work, and all locations should be verified by physical surveys.

Wells in the Project Area		
API	**Well Designation**	**Latitude, Longitude**
0402910466	35-17	35.44382477, -119.04005432
0402910465	35-16	35.44198608, -119.04625702

Wells within 1 Kilometer of the Project		
API	**Well Designation**	**Latitude, Longitude**
0402930958	Schneider 1	35.440762, -119.047256
0402930973	33	35.436481, -119.033394
0402930974	52	35.438156, -119.028954
0402910042	Barney Cornet & Associates C-1	35.44471, -119.027863
0402910179	Kramer 3	35.455208, -119.048065
0402910180	Kramer 4	35.453983, -119.049957
0402910181	Kramer 5	35.455215, -119.048607
0402910182	Kramer 6	35.452225, -119.051498
0402910459	5	35.455318, -119.036339
0402910463	35-14	35.449337, -119.046364
0402910464	35-15	35.450054, -119.04425
0402910465	35-16	35.441986, -119.046257
0402910466	35-17	35.443825, -119.040054
0402910678	Stoner 4-5	35.447617, -119.057358
0402910679	State 1	35.453037, -119.033096
0402910680	State 2	35.45285, -119.033096
0402910681	State 3	35.454968, -119.03968
0402910838	Unspecified 26-31	35.456188, -119.037796
0402910839	Unspecified 26-32	35.456398, -119.036057
0402910840	Unspecified 26-33	35.456406, -119.034401
0402910848	Unspecified 110W	35.456589, -119.037872
0402908929	Hood-Bloemer 9	35.456348, -119.041016
0402908934	Bankline 1	35.455044, -119.044975

0403062519	Section 26 203R	35.4566, -119.03537
0403060969	SEC 26 226	35.457132, -119.036785
0403060970	SEC 26 227	35.45712, -119.036195
0403060972	SEC 26 225	35.456776, -119.03804
0403061314	SEC 26 241	35.456135, -119.037903
0403059671	Hood-Bloemer 17	35.457169, -119.038452
0403062024	Unspecified 25i	35.456478, -119.037621
0403062025	Unspecified 26i	35.45657, -119.036095
0403062026	Unspecified 27i	35.456589, -119.034515
0403061313	SEC 26 242	35.456137, -119.037536
0403066722	Section 26 20I	35.457368, -119.036657
0403067994	Section 26 TO-26	35.456742, -119.037286
0403061317	SEC 26 237	35.456596, -119.036644
0403061312	SEC 26 243	35.456139, -119.037166
0403061311	SEC 26 236	35.456517, -119.037096
0403060973	SEC 26 219	35.457378, -119.038056
0403060642	Hood-Bloemer 17A	35.457077, -119.038048
0403045880	Unspecified 26-203	35.456482, -119.035522
0402910757	Cauley 1	35.452908, -119.02906
0403061326	SEC 26 244	35.456126, -119.036146
0403061325	Unspecified 246	35.456768, -119.03582
0403061318	Unspecified 245	35.456829, -119.035889
0403066850	Section 26 26I	35.457208, -119.036614
0403066785	Section 26 25I	35.457287, -119.036637
0402970671	Tamara Fee 11	35.454838, -119.030785
0402970015	Tamara Fee 5	35.455261, -119.03186
0402967997	Crystal Fee 27	35.454323, -119.032631
0402967943	Crystal Fee 26	35.455284, -119.032394
0402967923	Crystal Fee 25	35.453426, -119.030617
0402967861	24	35.45433, -119.031548
0402965406	Crystal Fee 22	35.454304, -119.030365
0402954789	Crystal Fee 10	35.453426, -119.031837
0402954224	Crystal Fee 9	35.454533, -119.033562
0402910462	Crystal Fee 8	35.453995, -119.031105
0402910461	Crystal Fee 7	35.453983, -119.032639

0402910460	Crystal Fee 6	35.455193, -119.03196
0402910457	Crystal Fee 3	35.455242, -119.031754
0402910456	Crystal Fee 2	35.455238, -119.033272
0402910455	Crystal Fee 1	35.455269, -119.03479

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Nicole Menchaca

From: Isla, Nicholas@DOT <Nicholas.Isla@dot.ca.gov>
Sent: Monday, September 21, 2026 1:52 PM
To: Nicole Menchaca
Cc: Huff, David@DOT; Padilla, Dave@DOT
Subject: GPA #5 Map #81-35 Airport Commerce Center Industrial Project
Attachments: KER-204_GPA_5_Map_81-35_ZCC_46_PD_36 _Airport_Commerce_Center_Industrial_Project_(SCH2025030498)_comment_letter.pdf

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Hello Nicole,

We've reviewed the above-mentioned Industrial Project and our comment letter dated March 20, 2026 remain. Please contact me if you have any questions.

Thank you,

Nicholas Isla
Associate Transportation Planner
Regional and Community Planning Branch
California Department of Transportation
1352 West Olive Avenue
(559) 981-7373

BE WORK ZONE ALERT

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE |P.O. BOX 12616 |FRESNO, CA 93778-2616
(559) 981-7373 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov

March 20, 2026

06KER-204-PM 6.752
DRAFT ENVIRONMENTAL IMPACT REVIEW
AIRPORT COMMERCE CENTER
GTS: https://ld-igr-gts.dot.ca.gov/district/6/report/39358#57632

Sent via email

Nicole Menchaca- Division Chief, Advanced Planning
Kern County Planning and Natural Resources Department
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Dear Mxs. Nicole Menchaca:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed construction of the Airport Commerce Center, consisting of four single-story warehouses totaling approximately 1,505,440 square feet and two single-story quick-service restaurants totaling approximately 9,410 square feet. The proposed project is located on six parcels totaling approximately 108.74 acres, approximately 1.5 miles east of State Route (SR) 65 and approximately 1.5 miles northeast of State Route (SR) 99 within the City of Bakersfield, in Kern County.

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development Review (LDR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Within the DEIR, a traffic impact study was conducted to analyze surrounding intersections that may be affected by project-generated traffic. One such location includes the intersection of SR 65 and Merle Haggard Drive. Based on the analysis presented in the DEIR, this intersection is anticipated to operate satisfactorily under opening year conditions with project-generated traffic. However, the study indicates that the intersection is projected to experience operational deficiencies under future year (2043) conditions, even without the addition of project-generated traffic. While the project is not the sole cause of these deficiencies, cumulative growth contributes to the need for future improvements at this location.

2. In accordance with the Local Development Review Safety Review Practitioner's Guidance, it was determined that a separate safety review is not warranted in addition to the traffic study included in the DEIR. The proposed development is located approximately 1.5 miles from the nearest State Highway System intersection, does not modify state highway facilities, does not introduce new access to the State Highway System, and does not change existing intersection control.

3. As summarized in the DEIR, to ensure the continued operational capacity and safety of the nearby state highways and its surrounding local roadways, Caltrans supports the project's participation in a local or regional fee program to contribute its fair share toward future improvements needed to maintain acceptable operations on the State Highway System. This would provide the local municipality with funding for infrastructure improvements necessary to complement future highway safety improvements needed due to the growth and development in the area.

   Caltrans has no additional comments at this time based on the information provided. Continued coordination may be warranted as future improvements are identified or programmed.

If you have any further questions, please contact Nicholas Isla at (559) 981-7373 or email nicholas.isla@dot.ca.gov.

Sincerely,

DAVID PADILLA, Branch Chief
Local Development Review Branch

From:	Stanley Saltzman
To:	Department, Planning; Nicole Menchaca
Cc:	Pete Sheehan
Subject:	GSEJA Public Comment: Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC (SCH No. 2025030498), County of Kern
Date:	Wednesday, September 9, 2026 12:19:17 AM
Attachments:	GSEJA Comments on Airport Commerce Center Supp Letter_FINAL 20260908.pdf Comments on Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. EIR.pdf

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To whom it may concern:

Attached and below are public comments on behalf of Golden State Environmental Justice Alliance. These comments are submitted to the County of Kern Planning Commission to be included in the record for the Airport Commerce Center Industrial Project during its Public Hearing on 9/10/2026.

For clarification purposes, only the blue italicized portion of the body of this email is the public comment to be added into the record along with TWO attachments.

PLEASE CONFIRM RECEIPT OF THIS EMAIL.

Public Comment:

Hello, my name is Pete Sheehan and I'm with the Golden State Environmental Justice Alliance. We submitted a comment letter regarding the Environmental Impact Report (EIR). Our letter identified several deficiencies with the EIR.

During these turbulent times, we as citizens expect and deserve our local government's elected and appointed officials to protect us from environmental and social injustice, to aid in the preservation and rehabilitation of the environment in which we all share, and to ensure accountability and responsibility regarding the environmental decisions they make.

We stand by our comment letter and believe the EIR is flawed, and a new EIR must be drafted and circulated for public review.

In closing, we call on this Commission to be a leader on these issues and be the first line of defense for our citizenry and environment. Only by working together can we continue to be excellent stewards of our environment, outstanding stewards to our citizens and each other.

PLEASE CONFIRM RECEIPT OF THIS EMAIL.

Thank you.

Stanley Saltzman
Staff Analyst
Golden State Environmental Justice Alliance

Green Jobs & Clean Communities

8 September 2026

Planning Commission
County of Kern
2700 M Street, Suite 100
Bakersfield, CA 93301

Delivered via email to: planning@kerncounty.com
huiskenn@kerncounty.com

Re: Supplemental Comments on the Final Environmental Impact Report for the Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC (SCH No. 2025030498)

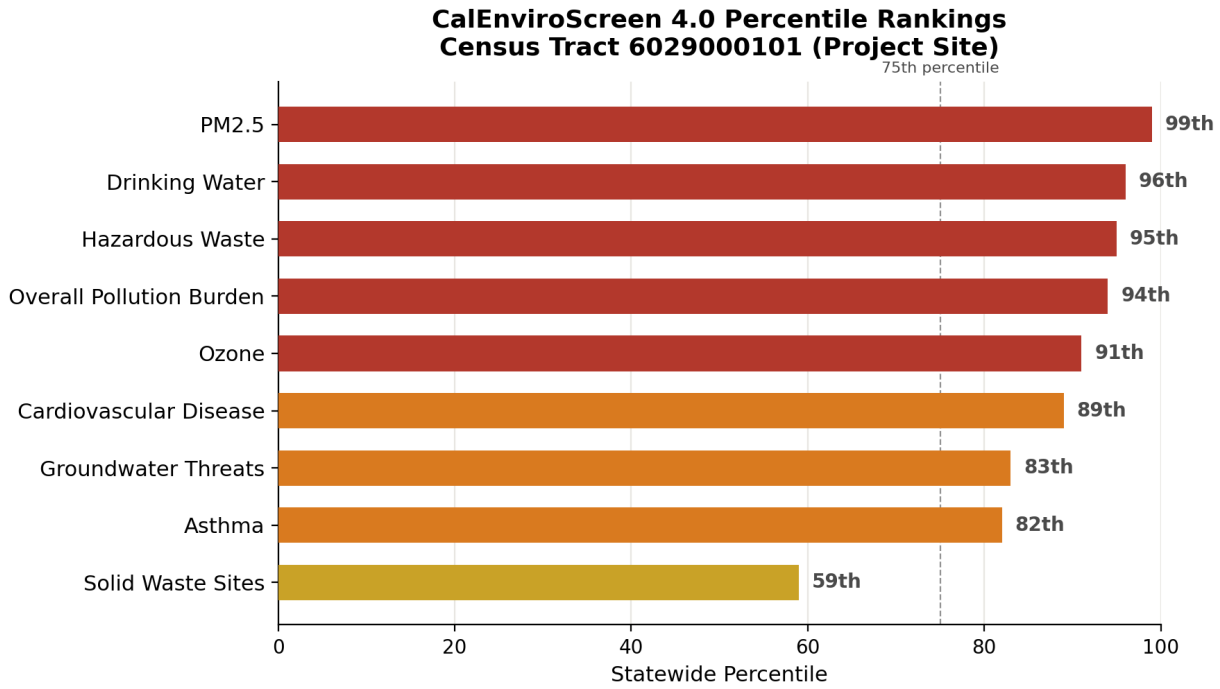
Commissioners,

Golden State Environmental Justice Alliance ("GSEJA") submits these supplemental comments on the Final Environmental Impact Report ("Final EIR") for the Airport Commerce Center Industrial Project (the "Project"), following the County's responses to GSEJA's 12 April 2026 comment letter (Comment Letter 13, Responses 13-A through 13-TTT). GSEJA appreciated the opportunity to comment and appreciates the detail in the County's responses, but the Final EIR's answers do not cure the deficiencies GSEJA identified. If anything, the Responses to Comments confirm them: the County concedes that the Project's operational criteria pollutant emissions, vehicle miles traveled, and multiple cumulative impacts will remain significant and unavoidable, that a General Plan Amendment is required to accommodate an industrial use in a community already ranked in the 94th percentile for pollution burden by CalEnviroScreen 4.0, and that the Project's airport-hazard analysis rests on a Kern County Airport Land Use Commission that has not existed since 1994. None of that squares with the Draft EIR's conclusion that the Project can be approved without a Statement of Overriding Considerations that squarely confronts the community bearing these burdens.

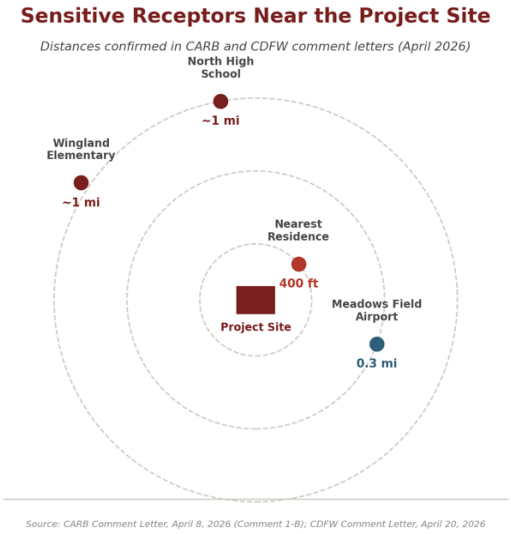
GSEJA renews its request, joined by SWAPE (Soil Water Air Protection Enterprise) and biological resources expert Shawn Smallwood, PhD, that the County decline to certify the Final EIR in its current form, or, at minimum, adopt the additional mitigation and alternatives discussed below before any approval. This supplemental letter focuses on the areas where the Responses to Comments raise new legal and factual issues that the Planning Commission and Board of Supervisors must resolve on the record before acting on the Project's General Plan Amendment, Zone Classification Change, and Precise Development Plan.

I. The County Cannot Wave Away Environmental Justice by Calling CalEnviroScreen *"Not A Threshold"*

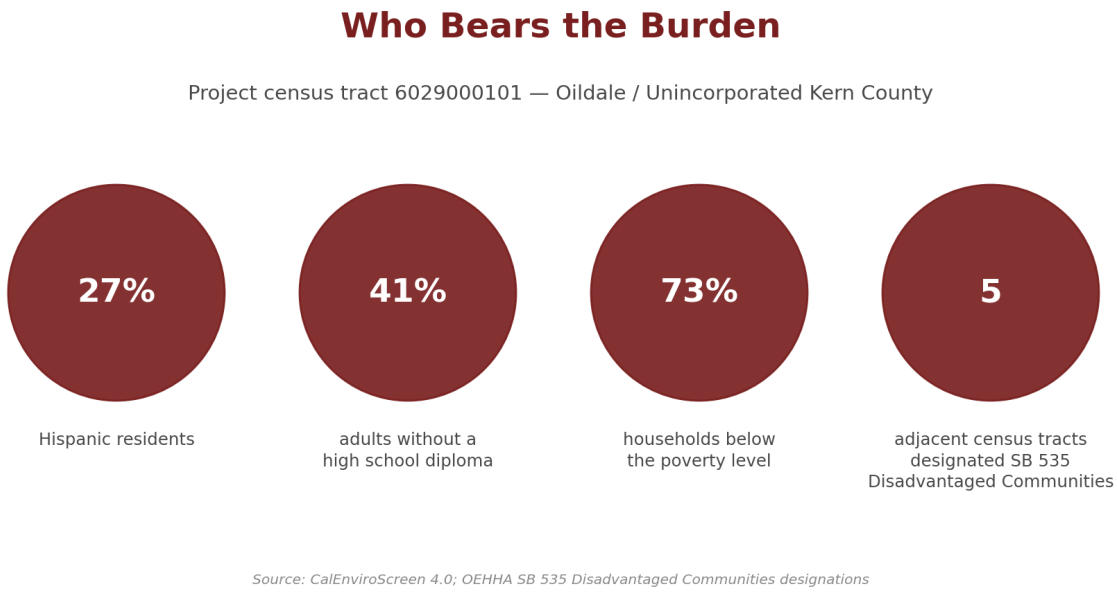
Response 13-C concedes that the Project's census tract (6029000101) ranks in the 94th percentile statewide for overall pollution burden, the 91st percentile for ozone, and the 99th percentile for PM2.5—among the most burdened communities in California—and that this tract and four adjacent tracts are SB 535 Disadvantaged Communities.



The California Air Resources Board's own 8 April 2026 comment letter confirms these figures independently and adds that the nearest residence sits within 400 feet of the Project's eastern boundary, with North High School and Wingland Elementary School approximately one mile away (Comment 1-B).



The County's answer is that CalEnviroScreen *"does not establish a CEQA significance threshold."* That misses the point of GSEJA's comment. CalEnviroScreen was never offered as a standalone significance threshold; it is the evidentiary baseline CEQA Guidelines Section 15125 requires the County to grapple with before adding a 1.5-million-square-foot warehouse complex, 401 truck/trailer stalls, and round-the-clock operations to that baseline. Responses 13-D through 13-G simply cross-reference 13-C without engaging the specific data points GSEJA raised: the 96th percentile drinking water ranking, the 95th percentile hazardous waste ranking, and a community that is 41% without a high school diploma and predominantly low-income. Acknowledging that the data *"informs the environmental setting"* while declining to weigh it anywhere in the significance analysis is not the "meaningful consideration" Section 15131(c) requires of a decision-making body, it is passing the data through the EIR without letting it touch the outcome.

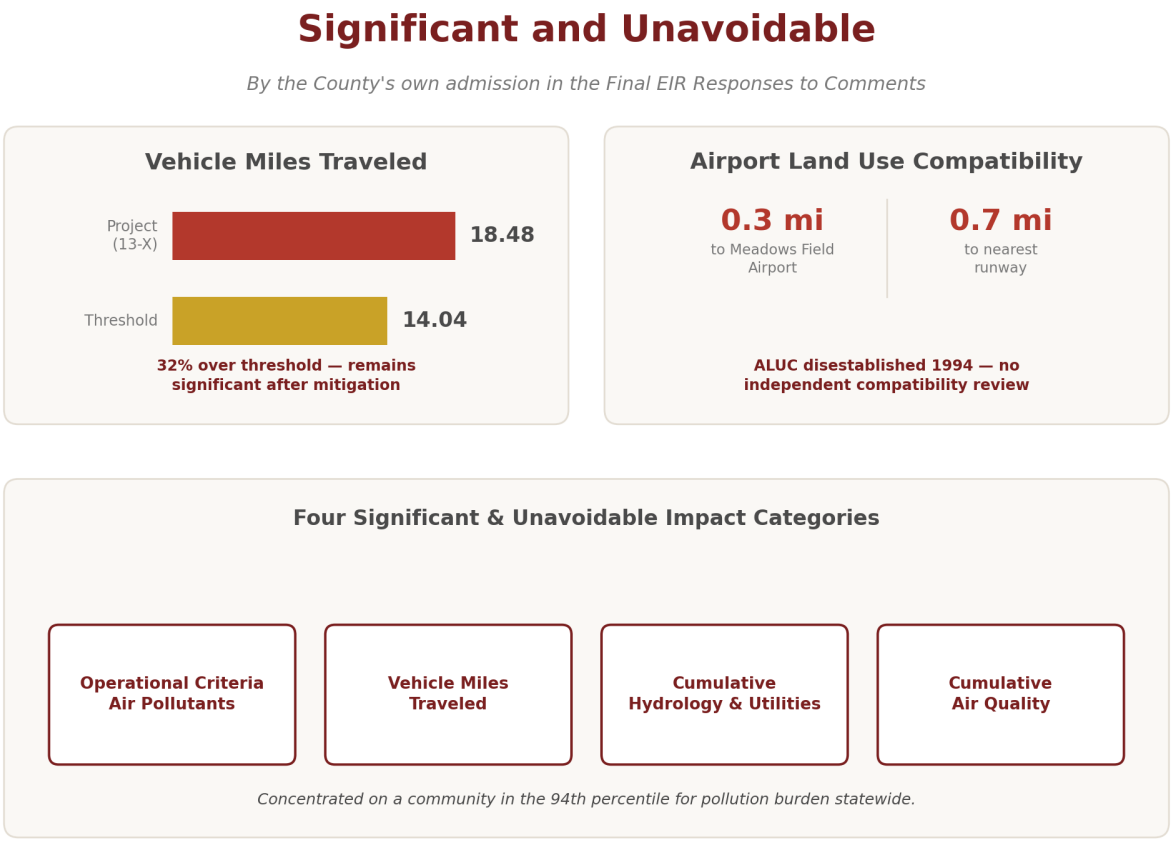


II. The County's Own Response Confirms the Project Requires Airport Land Use Commission Review That Was Never Performed

Responses 13-H and 13-I are the most legally exposed answers in the Final EIR. The County does not dispute that the Project requires a General Plan Amendment within the Meadows Field Airport planning boundary and does not dispute that PUC Section 21676(b) requires referral to *"the commission"* before such an amendment is approved. Its defense is that Kern County disestablished its own Airport Land Use Commission in 1994 and has administered airport compatibility review internally ever since. That is a defense of a thirty-year-old procedural gap, not compliance with state law. Public Utilities Code Section 21670 et seq. does not permit a county to opt out of independent ALUC review by dissolving the commission and then citing its own absence as the reason no referral occurred. If the County believes internal ALUCP administration satisfies Section 21676(b), that is a legal position the record should state plainly and that the Planning Commission and Board of Supervisors should be asked to adopt as a

finding, not something buried in a comment response with no corresponding finding in the Final EIR itself.

The County's fallback, that FAA *"Determinations of No Hazard to Air Navigation"* for the 60-foot structures substitute for the missing compatibility review, does not resolve the gap either. An FAA no-hazard determination addresses obstruction of navigable airspace; it does not address the land use compatibility findings the ALUCP itself calls for, including the density, open-land, and use-type criteria for Zone C that Response 13-H recites but that no ALUC or equivalent body has ever independently reviewed for this Project. The same is true of the solar glare analysis in Response 13-I: FAA's glare guidance is written for on-airport, utility-scale solar arrays and concentrating solar systems, and the Response acknowledges as much before applying it, by analogy, to off-airport rooftop panels roughly a third of a mile from an active runway. An analogy to inapplicable guidance is not substantial evidence. Before the Planning Commission acts on the General Plan Amendment, the County should place a specific, project-level airport compatibility finding—supported by whatever body now performs the ALUC's statutory function—on the record, rather than relying on responses to comments to do that work after the fact.



III. The Final EIR's General Plan Consistency Findings Rely on A Horizon Year That Has Already Passed and A Groundwater Basin the County's Own Exhibits Describe as Over Drafted

Responses 13-J through 13-N defend the Project's consistency with the Metropolitan Bakersfield General Plan's water and air quality policies largely by pointing back to the Draft EIR's existing significant-and-unavoidable findings, but Responses 13-Q, 13-R, and 13-EE confirm that the MBGP itself was built around a 2020 planning horizon that has now lapsed without an update. An EIR cannot credibly find a project *"consistent"* with growth patterns and infrastructure assumptions calibrated to a horizon year that closed six years ago. Response 13-K's own citation to the Kern County Subbasin's 2025 Groundwater Sustainability Plan, Section 9, Tables 9-10 and 9-11, describes a subbasin that only recently moved out of a *"probationary"* designation after the Department of Water Resources found the prior plans inadequate. Layering a construction- and operations-phase groundwater draw onto that record (while the Final EIR simultaneously discloses a significant and unavoidable cumulative hydrology and utilities impact) is not consistent with the MBGP's water resources goals; it is the precise conflict those goals exist to prevent. The County should not certify a consistency finding for Public Services and Facilities Element Goal 3 without the updated Water Supply Assessment and GSP compliance record referenced in Response 13-K, which GSEJA has not yet had an opportunity to review in full.

The County's citation for this consistency finding is also worth double-checking on the record. Response 13-K cites *"Section 9, Tables 9-10 and 9-11; Appendix N, Overdraft Conditions"* of the 2025 GSP. Tables 9-10 and 9-11 are correctly identified — they present the GSA operational water budgets for the historical (1995-2014) and current (2015-2023) periods. But *"Overdraft Conditions"* is not the title of Appendix N; it is the title of Section 9.3.5 of the GSP's main text, which finds a historical Subbasin overdraft of 274,200 acre-feet per year. The GSP's actual Appendix N is *"Public Comment Letters and Responses,"* an unrelated document. The County should correct this citation and confirm on the record which overdraft findings it is relying on before the Board of Supervisors treats Response 13-K as adequately sourced.

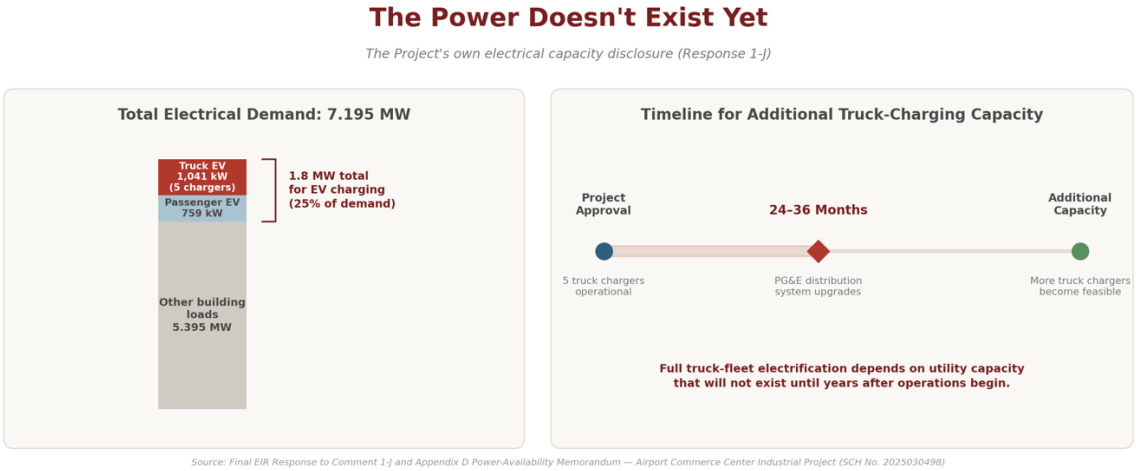
IV. The Feasible Technical Comments Demonstrate That Feasible Mitigation for Significant and Unavoidable Air Quality and GHG Impacts Was Rejected, Not Exhausted

Responses 13-LL through 13-PP respond to the technical analysis SWAPE submitted with GSEJA's April letter. The County's own Response 13-C confirms that operational criteria pollutant emissions remain significant and unavoidable after mitigation, and Response 13-X confirms the Project's VMT (18.48 per employee) exceeds the County's own 14.04 threshold and will likewise remain significant and unavoidable. Against that backdrop, Responses 13-PP's mitigation-by-mitigation rebuttal of SWAPE's zero-emission and electrification recommendations—deferring to the same feasibility findings the Draft EIR already reached before SWAPE's comments were submitted—does not show that additional mitigation was infeasible; it shows that the same analysis was repeated. CEQA requires that all feasible mitigation be adopted for impacts a lead agency intends to override, and a *"no additional measures are feasible"* conclusion is not entitled to deference where, as here, the commenter has

identified specific, technically grounded measures (zero-emission yard trucks and delivery vans, expanded on-site EV charging, and enforceable Tier 4 Final equipment requirements) that the County's response acknowledges but does not meaningfully evaluate against updated CARB fleet rules.

The County's own responses to CARB (Comment Letter 1) confirm the point. In Response 1-J, the County discloses that PG&E has allocated only 1.8 MW of the Project's total 7.195 MW electrical demand to EV charging—of which passenger vehicles alone consume roughly 759 kW, leaving capacity for only five truck chargers—and that any expansion of that allocation depends on utility system upgrades PG&E estimates will take 24 to 36 months after the County's own approval. In other words, the Project's central answer to zero-emission truck electrification is that the electricity to run it does not yet exist and will not exist for two to three years after operations begin. That is a capacity constraint, not a mitigation measure, and it undercuts the County's repeated assurances that feasible zero-emission infrastructure is being provided. The County should require, as a condition of approval, an enforceable mechanism (such as a phased occupancy limit tied to confirmed utility capacity) rather than allowing a speculative 24-to-36-month utility timeline to substitute for present-day mitigation of a significant and unavoidable impact.

The County's response to CARB's separate concern about Transport Refrigeration Unit (TRU) idling (Responses 1-G and 1-H) also illustrates how unsettled the Project's health-risk modeling remains. The County first clarifies that the Draft EIR modeled 54- and 96-minute TRU idling times, not the 30 minutes CARB believed was assumed, but then discloses (in Final EIR Appendix A) a new *"conservative"* 2.5-hour idling assumption prepared only in response to CARB's comment. Similarly, Response 1-I discloses a supplemental HRA, also prepared only after CARB questioned the Project's single modeled truck route, that redistributes truck trips across four routes and finds the Maximally Exposed Individual Resident's cancer risk rises from 8.88 to 9.68 in one million. Both changes remain below the SJVAPCD's 20-in-one-million threshold, but both also show that the Draft EIR's original assumptions were not conservative until a reviewing state agency forced a revision, the same pattern GSEJA and SWAPE identified independently. Before adopting a Statement of Overriding Considerations for these impacts, the Board of Supervisors should require the Final EIR to show its infeasibility and modeling work in full, not merely restate its conclusions after each round of outside scrutiny.



V. The County's VMT Methodology Excludes the Project's Entire Commercial Vehicle Fleet from Its Own Significance Analysis

Response 13-X confirms that the Draft EIR's VMT analysis captures only automobile and light-truck employee commute trips and excludes all medium- and heavy-duty truck, trailer, and delivery-van travel generated by a project whose entire purpose is truck-based distribution, 401 truck/trailer parking stalls and 275 loading positions. The County defends this exclusion by citing OPR's Technical Advisory language that heavy-duty VMT *"is not required"* to be included. That is true as far as it goes, but it does not answer GSEJA's point: excluding the commercial vehicle fleet from the VMT metric for a distribution warehouse project produces a VMT figure that undercounts the very travel the Project exists to generate, even as the Draft EIR simultaneously finds that undercounted figure significant and unavoidable. If the passenger-vehicle-only metric already breaches the County's threshold by nearly 32%, the County should disclose, even qualitatively as CEQA Guidelines Section 15064.3(b)(3) allows, what the full commercial fleet's regional travel would add—rather than treating the omission as resolved because no regulation compels its inclusion.

VI. Growth Inducement and Cumulative Piecemealing Remain Unresolved

Responses 13-T, 13-GG, and 13-HH acknowledge that Table 3-7 and Figure 3-13 capture a six-mile cumulative study area that includes other recently approved industrial and freight-terminal projects but defend the cumulative analysis on the ground that Kern County's 9.6% unemployment rate can absorb the combined employment growth. That defense addresses only the employment side of the ledger. It does not address GSEJA's point that combined VMT, air quality, and GHG impacts from this Project and the concurrently pending industrial projects in the same six-mile radius compound the significant and unavoidable impacts already disclosed here—impacts concentrated on a community already in the 94th percentile for pollution burden. A list-of-projects cumulative methodology that never asks whether the combined physical impacts, not just combined jobs, exceed what the community can bear is not the *"reasonable, good-faith"* cumulative analysis CEQA requires.

VII. The County's Own Trustee Agency Confirms the Original Mitigation Measures Were Inadequate—And the Fixes Still Depend on Surveys the BRA Never Performed

The California Department of Fish and Wildlife's 20 April 2026 comment letter (Comment Letter 2) corroborates Dr. Smallwood's central criticism from a different vantage point: as the State's trustee agency for fish and wildlife, CDFW independently concluded that the Draft EIR's original mitigation measures for San Joaquin kit fox, Swainson's hawk, and western burrowing owl could not *"reduce impacts to less than significant and avoid unauthorized take."* In response, the County revised Mitigation Measure MM 4.3-9 to expand the Swainson's hawk no-disturbance buffer from 500 feet to CDFW's recommended half-mile, and to add CDFW's compensatory-mitigation ratios for lost foraging habitat, one acre of habitat management land per acre developed within one mile of an active nest, three-quarters of an acre within one to five

miles, and half an acre within five to ten miles (Responses 2-K, 2-L). The County also added, for the first time in the Final EIR, a requirement that the applicant pursue a CESA Incidental Take Permit if take of San Joaquin kit fox or burrowing owl cannot be avoided (Responses 2-I, 2-J, 2-M, 2-N). None of these protections existed in the Draft EIR GSEJA and Dr. Smallwood originally reviewed; they exist only because CDFW, exercising its own regulatory authority, required them after the close of public comment. That timeline confirms Dr. Smallwood's point rather than answering it—the original document understated the mitigation this Project needs, and the public never had the opportunity to comment on the revised measures now doing the work.

The structural problem Dr. Smallwood identified in Responses 13-QQ through 13-TTT remains only partly addressed. Mitigation Measures MM 4.3-6 through MM 4.3-10 still depend on preconstruction surveys to identify which special-status species are present, but the Biological Resources Assessment's underlying potential-to-occur conclusions were developed from a single 10 November 2023 site visit without protocol-level surveys. CDFW's own Comment 2-G raised the identical concern for blunt-nosed leopard lizard (noting historical CNDDB records within five miles and the BRA's own observation of numerous mammal burrows onsite) and the County's Response 2-G answered only that the site *"lacks habitat"* based on the same non-protocol reconnaissance, without commissioning the survey CDFW's approved methodology calls for. The County should not treat CDFW's post-hoc mitigation additions as curing the underlying survey gap; it should require the protocol-level surveys CDFW and Dr. Smallwood both recommend before, not after, the Board of Supervisors relies on the BRA's absence-of-habitat findings.

VIII. The Alternatives Analysis Does Not Evaluate a Reduced-Intensity Alternative for a Project Whose Impacts Are Already Significant and Unavoidable

Response 13-II defends the Draft EIR's range of alternatives as reasonable without addressing GSEJA's central point: when a project's own analysis discloses significant and unavoidable impacts to air quality, VMT, and cumulative hydrology and utilities, CEQA Guidelines Section 15126.6 calls for genuine evaluation of alternatives capable of reducing those specific impacts—not only a no-project alternative and a reduced-footprint alternative defined by acreage rather than by trip generation or emissions intensity. A distribution-warehouse-specific reduced-intensity alternative, evaluated against the Project's own 18.48 VMT-per-employee and criteria pollutant figures, would give the Planning Commission and Board of Supervisors an actual choice other than approval with a Statement of Overriding Considerations or denial.

IX. Conclusion

For the reasons above, and those set forth in GSEJA's 12 April 2026 comment letter and the accompanying SWAPE and Smallwood technical comments, GSEJA respectfully requests that the Planning Commission decline to recommend certification of the Final EIR as currently written, or, in the alternative, condition any recommendation of approval on:

(1) completion of an airport land use compatibility finding by a body authorized to perform the statutory ALUC function;

(2) disclosure of the full commercial-vehicle VMT contribution, even if only qualitatively;

(3) a specific, quantified biological resources mitigation commitment for Swainson's hawk foraging habitat loss; and

(4) evaluation of a reduced-intensity alternative measured against the Project's own significant and unavoidable impact findings.

Onwards.

Pete Sheehan
Golden State Environmental Justice Alliance
1265 W Shaw Avenue, Suite 100
Fresno, CA 93711
+1 559 313 5065

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LOS ANGELES, CALIFORNIA 90067
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April 12, 2026

Nicole Menchaca
Advanced Planning Division Chief
Kern County Planning and Natural Resources Department
Public Services Building
2700 M Street, Suite100
Bakersfield, CA 93301

Via Email to:
HuiskenN@kerncounty.com

Subject: Comments on Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC. EIR (SCH NO. 2025030498)

Dear Ms. Menchaca,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this Project. Send all communications to Golden State Environmental Justice Alliance, P.O. Box 79222, Corona, CA 92877.

1.0 Summary

The Project proposes the construction and operation of an industrial warehouse Project with two quick-service restaurant pad buildings on an approximately 110-acre site. The industrial portion of the Project includes the development of four (4) industrial warehouse buildings totaling approximately 1,505,440 square feet, consisting of 625,446 square feet for warehousing, 393,624 square feet for cold storage, 335,826 square feet for industrial manufacturing or assembly for a food/beverage company, and 150,544 square feet for office space. The two (2) associated quick-serve restaurant pad buildings total approximately 9,410 square feet.

Specific characteristics for each proposed building are as follows:

1. Industrial Warehouse Building 1. 257,580 square feet building footprint with 231,822 square feet of warehouse and 25,758 square feet of office space, 43 dock-high doors, two grade-level doors, 242 passenger car parking stalls, and 25 truck/trailer parking stalls.
2. Industrial Warehouse Building 2. 192,780 square feet building footprint with 173,502 square feet of industrial manufacturing or assembly (food or beverage products) and 19,278 square feet of office space, 11 dock-high doors, 32 knock-out doors, two grade-level doors, 427 passenger car parking stalls, and 0 truck/trailer parking stalls.
3. Industrial Warehouse Building 3. 180,360 square feet building footprint with 162,324 square feet of industrial manufacturing or assembly (food or beverage products) and 18,036 square feet of office space, 10 dock-high doors, 8 knock-out doors, two grade-level doors, 400 passenger car parking stalls, and 8 truck/trailer parking stalls.
4. Industrial Warehouse Building 4. Designed as a cross-dock sort fulfillment center; 874,720 square feet building footprint with 393,624 square feet of warehouse, 393,624 square feet of cold storage, and 87,472 square feet of office space, 151 dock-high doors, 797 passenger car parking stalls, and 368 truck/trailer parking stalls.
5. Quick Serve Restaurant Pad with Drive Thru 1. 5,570 square foot building footprint and 75 passenger vehicle parking stalls.
6. Quick Serve Restaurant Pad with Drive Thru 2. 3,840 square foot building footprint and 60 passenger vehicle parking stalls.

The site provides a total of 2,001 passenger car parking stalls, 401 truck/trailer parking stalls, 265 truck/trailer loading docks, 40 truck/trailer knock-out doors (truck/trailer loading dock doors that can be activated at any time ("knocked out") by employees), and 10 grade-level truck/trailer loading doors. The industrial/warehouse building heights are described as "reaching up to 60 feet." The industrial/warehouse uses are proposed to include outdoor storage, manufacturing processes for food or beverage products, and cold storage facilities (quantities of each are not expressly provided). Since the future tenants are stated to be unknown, the EIR assumes the warehouse buildings will operate 24 hours a day, 365 days a year, with multiple shift rotations and approximately 532 employees, and the quick-serve restaurant pads will operate 24 hours a day with approximately 40 employees.

The following discretionary actions are required to implement the proposed Project:

1. General Plan Amendment No. 5, Map 81-35 of the Metropolitan Bakersfield General Plan Land Use Element from Map Code GC (General Commercial) to SI (Service Industrial) on an approximate 13.76-acre parcel of the 110-acre proposed Project site.
2. Zone Classification Change No. 46, Map 81-35 from M-1 PD H (Light Industrial – Precise Development Combining-Airport Approach Height Combining) to M-2 PD H (Medium Industrial - Precise Development Combining - Airport Approach Height Combining), or a more restrictive district, on an approximate 13.76-acre portion and from FPP (Floodplain Primary) to M-2 PD H (Medium Industrial - Precise Development Combining - Airport Approach Height Combining), or a more restrictive district, on an approximate 8.56-acre portion of the 110-acre proposed Project site.
3. Precise Development Plan No. 36, Map 81-35 for the development of four (4) industrial warehouse buildings totaling approximately 1,505,440 square-feet consisting of 625,446 square-feet for warehousing, 393,624 square-feet for cold storage, 335,826 square feet for industrial manufacturing or assembly for a food/beverage company, 150,544 square feet for office space, and two (2) associated quick-serve restaurants totaling approximately 9,410 square-feet on approximately 110 acres pursuant to Sections 19.38.020.D.1, 19.38.020.D.4, and 19.38.020.E.2 of the Kern County Zoning Ordinance.
4. Nonsummary Vacation, Map 81-35 to vacate two (2) drainage easements on the proposed Project site totaling approximately 10.24 acres.

4.2 Air Quality, 4.5 Energy, and 4.7 Greenhouse Gas Emissions

The EIR does not include relevant environmental justice issues for analysis in reviewing potential impacts, including cumulative impacts from the proposed Project. This conflicts with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a Project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the Project." This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[1], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability. The proposed Project's census tract (6029000101) is ranked in the 94th percentile for overall pollution burden, meaning the surrounding community bears the impact of multiple sources of pollution and is more polluted than average on several

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

pollution indicators measured by CalEnviroScreen. For example, the Project census tract ranks in the 91st percentile for ozone burden and 99th percentile for particulate matter (PM) 2.5 burden. These environmental factors are typically attributed to heavy car and truck activity in the area. While California has strict vehicle-emissions standards, exhaust from cars and trucks is the main source of air pollution in much of the state[2]. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[3]. Fine particle pollution has been shown to cause many serious health effects, including heart and lung disease, and exposure to PM 2.5 contributes to deaths across California[4]. See also the attached air quality comments and analysis from SWAPE.

The census tract ranks among the most severely impacted in several areas that impact water quality. The census tract ranks in the 83rd percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes[5]. Accordingly, the census tract ranks in the 96th percentile for drinking water impacts, which indicates that it ranks with the worst quality drinking water in the state. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state[6].

The census tract also ranks in the 59th percentile for solid waste facility impacts and 95th percentile for hazardous waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations[7]. Hazardous waste generators and facilities contribute to the contamination of air, water, and soil near waste generators and facilities can harm the environment as well as people[8].

Further, the census tract is a diverse community including 27% Hispanic, 1% African-American, and 1% Native American residents, who are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 41% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack

[2] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[3] OEHHA Ozone Burden https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[4] OEHHA Air Quality: PM 2.5 https://oehha.ca.gov/calenviroscreen/indicator/air-quality-pm25
[5] OEHHA Groundwater Threats https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats
[6] OEHHA Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water
[7] OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities
[8] OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities

health insurance or access to medical care. The community also has a high rate of poverty, meaning 73% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food, and necessary medical care[9]. Poor communities are often located in areas with high levels of pollution[10]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[11]. Living in poverty is an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 82nd percentile for incidence of asthma and 89th percentile for incidence of cardiovascular disease.

Additionally, the Project census tract (6029000101) and the census tracts adjacent to the Project site (6029000102 (east), 6029005103 (north/northeast), 6029000200 (south), and 6029003900 (west) are identified as SB 535 Disadvantaged Communities[12]. This indicates that the cumulative negative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The EIR does not discuss that the surrounding area is a disadvantaged community and does not utilize this information in its analysis. The EIR has not considered the Project's significant and unavoidable environmental impacts in relation to the SB 535 status of the Project census tract and the surrounding area. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of environmental impacts, particularly on these Disadvantaged Communities, must be included for analysis as part of a revised EIR.

4.8 Hazards and Hazardous Materials

The EIR states that the Project is within Compatibility Zone C of the Meadows Field Airport per the Kern County Airport Land Use Compatibility Plan (ALUCP). The EIR concludes the Project will have less than significant impacts because, "Ultimately, due to the distance from the airport, conformance to the design and review process, and coordination with the FAA as prescribed below in Mitigation Measure MM 4.8-12 the Project would not result in the development of structures that would result in safety hazards for airport operations, aircraft flying in the vicinity, or for people residing or working in the Project area." The EIR does not provide any substantial evidence to support a less-than-significant finding. The EIR is misleading to the public and decision makers by excluding information regarding the statutorily required review by the

[9] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[10] Ibid.
[11] Ibid.
[12] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535

ALUC. The proposed Project requires a General Plan Amendment to change the land use designation on the Project site. Prior to the amendment of a General Plan, the ALUC shall review the plan, ordinance, or regulation for consistency with the ALUCP (PUC Section 21676(b))[13]. The EIR must be revised to include a finding of significance as the Project does not comply with PUC Section 21676(b).

Additionally, delaying the ALUC review until after the close of the public review period circumvents the environmental analysis requirements of CEQA. For example, Mitigation Measure 4.8-12 requires that the Project "Obtain a Federal Aviation Administration issued 'Determination of No Hazard to Air Navigation' or make the Federal Aviation Administration's recommended changes to the Project." The Project relies upon the installation of and use of solar panels to support less than significant Energy impacts, among others. The glare generated by the installation of solar panels at the Project site can be a hazard to air navigation. The EIR has not included substantial evidence to demonstrate that the Project will obtain the FAA's "Determination of No Hazard to Air Navigation" while simultaneously preserving features relied upon for mitigation. The EIR must be revised to disclose this information and include a finding of significance.

4.10 Land Use and Planning

The EIR concludes that the proposed Project is consistent with the Metropolitan Bakersfield General Plan without considering the EIR's conclusion that the Project will result in significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gases, Noise, and Utilities (Water Supply). The EIR is inadequate as an informational document, and a revised EIR must be prepared with a consistency analysis that considers the Project's significant and unavoidable impacts in its analysis, including but not limited to the following goals and policies that were adopted for the purposes of avoiding or mitigating an environmental effect:

1. MBGP Land Use Element Policy 15. Allow for the development of a variety of commercial centers/corridors which are differentiated by their function, intended users, and level of intensity, including convenience centers serving local residential neighborhoods, sub-regional centers which serve groupings of neighborhoods, and major regional centers which serve the planning area and surrounding areas. (I-1).

[13] California Airport Planning Land Use Handbook Section 1.3.4. ALUC Review https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf

2. MBGP Circulation Element Policy 8. Limit full access median breaks on arterials to a maximum of three per mile and include left-turn lanes at each (I-10, I-11).
3. MBGP Circulation Element Policy 11. Design local collector street systems to minimize through traffic movements and include short block lengths to discourage excessive speeds (I-34).
4. MBGP Circulation Element Policy 15. Prohibit trucks from non-truck routes within incorporated areas except as necessary for direct property access for pick-up and delivery (I-13).
5. MBGP Circulation Element Policy 16. Require that truck access to commercial and industrial properties be designed to minimize impacts on adjacent residential parcels (I-14).
6. MBGP Circulation Element Policy 20. Prohibit parking on new arterials in incorporated areas. In unincorporated areas, prohibit parking when traffic studies warrant elimination. Allow parking on collectors and on residential streets (I-17).
7. MBGP Circulation Element Policy 21. Route traffic around, rather than through, pedestrian-oriented areas (I-18).
8. MBGP Circulation Element Policy 36. Prevent streets and intersections from degrading below Level of Service "C" where possible due to physical constraints (as defined in a Level of Service Standard) or when the existing Level of Service is below "C" prevent where possible further degradation due to new development or expansion of existing development with a three part mitigation program: adjacent right-of-way dedication, access improvements and/or an area-wide impact fee. The areawide impact fee would be used where the physical changes for mitigation are not possible due to existing development and/or the mitigation measure is part of a larger Project, such as freeways, which will be built at a later date (I-28, I-29).
9. MBGP Circulation Element Transit Policy 2. Consider for bus turnouts along arterials and collectors where appropriate (I-1).
10. MBGP Circulation Element Transit Policy 3. Consider transit service issues in the site plan review process (I-2).
11. MBGP Circulation Element Bikeway Policy 11. Construct bike lanes in conjunction with all street improvement projects that coincide with the Bikeway Master Plan (I-3, I-10).
12. MBGP Circulation Element Parking Policy 3. Ensure that adequate on-site parking supply and parking lot circulation are provided on all site plans in accordance with the adopted parking standards (I-3).

13. MBGP Conservation Element Goal 1 (Water Resources). Conserve and augment the available water resources of the planning area.
14. MBGP Conservation Element Goal 2 (Water Resources). Assure that adequate groundwater resources remain available to the planning area.
15. MBGP Conservation Element Goal 3 (Water Resources). Assure that adequate surface water supplies remain available to the planning area.
16. MBGP Conservation Element Policy 2 (Water Resources). Minimize the loss of water which could otherwise be utilized for groundwater recharge purposes and benefit the planning area groundwater aquifers from diversion to locations outside the area (I-3).
17. MBGP Conservation Element Policy 5 (Water Resources). Work towards resolving the problem of groundwater resource deficiencies in the upland portions of the planning area (I-5, I-6).
18. MBGP Conservation Element Policy 6 (Water Resources). Protect the planning area groundwater resources from further quality degradation (I-7).
19. MBGP Conservation Element Policy 8 (Water Resources). Consider each proposal for water resource usage within the context of total planning area needs and priorities--major incremental water transport, groundwater recharge, flood control, recreational needs, riparian habitat preservation, and conservation (I-9).
20. MBGP Conservation Element Goal 1 (Air Quality). Promote air quality that is compatible with health, well being, and enjoyment of life by controlling point sources and minimizing vehicular trips to reduce air pollutants.
21. MBGP Conservation Element Goal 3 (Air Quality). Reduce the amount of vehicular emissions in the planning area.
22. MBGP Conservation Element Policy 16 (Air Quality). Cooperate with Golden Empire Transit and Kern Regional Transit to provide a comprehensive mass transit system for Bakersfield; require large-scale new development to provide related improvements, such as bus stop shelters and turnouts (I-1).
23. MBGP Safety Element Policy 3 (Flooding). Prevent urban development encroachment, which would impede flood flows in the Kern River designated floodway (I-3, I-5).
24. MBGP Public Services and Facilities Element Goal 1 (Water Distribution). Ensure the provision of adequate water service to all developed and developing portions of the planning area.

The EIR also provides misleading and erroneous consistency analysis with other goals and policies of the MBGP. For example, the EIR concludes that the Project is consistent with Public Services and Facilities Element Goal 3 (Water Distribution), “Require that all new development

proposals have an adequate water supply available (I-3, I-4),” and refers the reader to the analysis with Water Resources Policy 2 that states, “Section 4.9, Hydrology and Water Quality, of this Draft EIR, provides an analysis of water supplies available to serve the Project. Unmetered water wells cannot be used as a source of groundwater for the permit activity. Groundwater may only be used in a permitted activity from a water well equipped with a water meter.” The EIR excludes that the Project would result in significant and unavoidable cumulatively considerable Hydrology and Utilities and Service Systems impacts, specifically Project construction and operational groundwater use, rendering the Project directly inconsistent with Public Services and Facilities Element Goal 3 (Water Distribution). The Kern County Subbasin is over drafted, and the District’s GSP has been deemed inadequate, along with the other Kern subbasin plans, where other similar known and unknown projects could occur. The Project’s construction and operational groundwater use will further deplete the basin and the available water supply. The EIR has not provided substantial evidence to support the conclusion that the Project is consistent with Goal 3 and must be revised to include a finding of significance.

The EIR also concludes the Project is consistent with Air Quality, “Policy 2. Encourage land uses and land use practices which do not contribute significantly to air quality degradation,” because “Impacts to air quality are analyzed in Section 4.2, Air Quality, in this Draft EIR. As shown in Tables 4.2-5 and 4.2-7, the proposed Project would not generate ROG emissions in excess of thresholds. The Project does not include any of the listed measures. Implementation of MM 4.2-1 would require the Project to continuously comply with applicable rules and regulations set forth by the San Joaquin Valley Air Pollution Control District.” The EIR excludes that the Project would result in significant and unavoidable cumulative considerable impacts to Air Quality, rendering the Project directly inconsistent with this policy. The EIR has not provided substantial evidence to support the conclusion that the Project is consistent with this policy and must be revised to include a finding of significance.

The EIR concludes the Project is consistent with “Conservation Element Policy 4 (Air Quality). Consider air pollution impacts when evaluating discretionary land use proposals. Considerations should include: a) Alternative access routes to reduce traffic congestion; b) Development phasing to match road capacities; c) Buffers including increase vegetation to increase emission dispersion and reduce impacts of gaseous or particulate matter on sensitive uses.,” because, “Impacts to air quality are analyzed in Section 4.2, Air Quality, in this Draft EIR. As shown in Tables 4.2-5 and 4.2-7, the proposed Project would not generate ROG emissions in excess of thresholds. The Project does not include any of the listed measures. Implementation of MM 4.2-1 would require the Project to continuously comply with applicable rules and regulations set forth by the San

Joaquin Valley Air Pollution Control District." The EIR excludes that the Project would result in significant and unavoidable cumulative considerable impacts to Air Quality, rendering the Project directly inconsistent with this policy. The EIR has not provided substantial evidence to support the conclusion that the project is consistent with this policy and must be revised to include a finding of significance.

Further, the EIR concludes the Project is consistent with "Circulation Element Goal 3. Minimize the impact of truck traffic on circulation, and on noise sensitive land uses," and "Policy 34. Minimize the impacts of land use development on the circulation system. Review all development plans, rezoning applications, and proposed general plan amendments with respect to their impact on the transportation system, and require revisions as necessary," because "Transportation and traffic analysis is provided in Section 4.16, Transportation and Traffic, of this Draft EIR. The proposed Project includes roadway improvements and mitigation measures that will address deficiencies in the roadways and provide a safe and efficient street system that links the Project site to the rest of the area. Implementation of MM 4.16-3, and MM 4.16-4 would ensure the preparation of a Transportation Demand Management Plan and Traffic Control Plan, as well as any off-site intersection improvements required to maintain the level of service standard for the surrounding area." The EIR excludes that the Project would result in significant and unavoidable cumulative considerable impacts to Transportation (VMT), rendering the Project directly inconsistent with the MBGP goal/policy. The proposed GPA and ZC will result in increased VMT, which significantly and cumulatively negatively impacts the circulation systems. The EIR has not provided substantial evidence to support the conclusion that the Project is consistent with these MBGP goal/policy and must be revised to include a finding of significance.

The EIR summarizes that the Project previously submitted an application for Zone Variance (ZV) No. 7, Map 81-35, which requested to "allow a maximum of 60-foot-tall structures where 35-foot-tall structures are the maximum allowed height." The EIR states that, "Since the circulation of the NOP, the zone variance has since been withdrawn, and no analysis regarding the zone variance has been included in the remaining sections of this Draft EIR document." The EIR does not state the reasoning for the withdrawal of the ZV, which is notable as the Project still proposes 60 feet tall buildings, and a 35-foot-tall building height limit still applies. Kern County Zoning Ordinance (KCZO) Section 19.76.080 - Height Limits requires that, "No building, structure, plant, or tree in an H district shall exceed thirty-five (35) feet in height, except as may be approved pursuant to Sections 19.76.130 and 19.76.140 of this chapter. However, in no case shall the height exceed the height allowed by the base zone with which the

H combining district is combined. KCZO Section 19.76.140 (E) requires that, "For any proposed structure or vegetation that will exceed a height of thirty-five (35) feet, a letter from the Federal Aviation Administration which shall state that the proposed development does not constitute a hazard to air traffic and does not violate any federal regulations. The letter shall also include any special conditions imposed by the Federal Aviation Administration." Section 19.76.146 also requires that, "Prior to the consideration of a development plan pursuant to this section, the development plan shall be submitted to the Kern County airports department and any applicable airport district or operator of a public use airport for review and comment."

The proposed industrial/warehouse buildings are 60 feet tall. It is clear that the Project has not been reviewed by the Federal Aviation Administration (FAA) as Mitigation Measure 4.8-12 requires that the Project, "Obtain a Federal Aviation Administration issued 'Determination of No Hazard to Air Navigation' or make the Federal Aviation Administration's recommended changes to the Project." The application for the proposed Project does not include "a letter from the Federal Aviation Administration which shall state that the proposed development does not constitute a hazard to air traffic and does not violate any federal regulations. The letter shall also include any special conditions imposed by the Federal Aviation Administration," as required by KCZO Section 19.76.140 (E). Further, KCZO Section 19.76.140 requires that, "Prior to the consideration of a development plan pursuant to this section, the development plan shall be submitted to the Kern County airports department and any applicable airport district or operator of a public use airport for review and comment," and the EIR does not include substantial evidence that the Project was submitted. The Project application is incomplete, and the county's processing of the application should not have proceeded until all required application items were submitted. The Project does not comply with Kern County Zoning Ordinance Sections 19.76.080 and 19.76.140. The EIR must be revised to include a finding of significance due to these conflicts with regulations adopted for the purposes of mitigating or avoiding an environmental effect (aviation safety and compatibility).

Additionally, the EIR does not provide an accurate consistency analysis with Kern COG'S 2022 Regional Transportation Plan (RTP)[14]. The EIR concludes that since the Project is located in an area that RTP/SCS identifies as "an area designated for strategic employment," it is fully consistent with the RTP/SCS, including the goals listed below. Due to errors in modeling, modeling without supporting evidence, and the EIR's determination that the Project will have significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gas

[14] Kern COG 2022 RTP https://www.kerncog.org/category/docs/rtp/

Emissions, Hydrology and Water Quality, Transportation (VMT), and Utilities and Service Systems (water supply), the proposed Project is directly inconsistent with Goal 1 to improve the mobility of people and freight, Goal 3 to improve the reliability and safety of the transportation system, Goal 5 to promote livable communities and satisfaction of consumers with the transportation system, and Goal 6 to minimize effects on the environment. The EIR also excludes the Project, which requires a GPA and ZC to proceed, which indicates that the Project was not accounted for in the RTP/SCS and its PEIR analysis. The EIR has not included substantial evidence to support a less-than-significant finding and must be revised to include a finding of significance due to inconsistency with the 2022 RTP document.

Further, it must be noted that the horizon year of the Metropolitan Bakersfield General Plan (MBGP) is 2020. Any development beyond 2020 is not accounted for or analyzed by the MBGP and its EIR. The Project is proposed six years after the horizon year of the MBGP and therefore is not accounted for in its growth projections or environmental analysis. The EIR is inadequate as an informational document since the horizon year of the MBGP has passed, and it has not provided a cumulative analysis of all industrial projects approved since the adoption of the MBGP to accurately quantify the existing buildout scenario of the MBGP. A revised EIR must be prepared to include this information for analysis to adequately and accurately analyze all potentially significant environmental impacts. A finding of significance must be included in a revised EIR because the Project is not accounted for in the MBGP growth projections and is beyond the 2020 horizon year analyzed in the MBGP EIR.

4.13 Population and Housing

The EIR attempts to support its less-than-significant finding by stating that, "By 2050, the unincorporated areas will have an estimated 129,818 jobs available, Metropolitan Bakersfield Area will have 269,961 jobs available, for a Countywide total of 430,044 jobs." Kern COG adopted 2035 growth projections as part of the 2022 RTP/SCS. Specifically, Table 3-2: Growth Trends for Kern County and Selected Communities within the RTP/SCS[15] notes that Metro Bakersfield will add 18,065 jobs between 2020 and 2035, with the 2020 baseline employment at 211,235 jobs and the 2035 forecast at 229,300 jobs. Utilizing the EIR's calculation of 572 operational employees, the Project represents 3.1% of Metro Bakersfield's employment growth from 2020 to 2035. A single Project accounting for this quantity of the projected employment growth within Metro Bakersfield over 15 years represents a significant amount of growth. The

[15] Kern COG 2022 RTP Planning Assumptions https://www.kerncog.org/wp-content/uploads/2022/04/CHAPTER-3-PLANNING-ASSUMPTIONS-2022-RTP-1.pdf

EIR must be revised to include this analysis, and also provide a cumulative analysis discussion of projects approved since 2020 and projects "in the pipeline" to evaluate the County's progress towards these forecasts.

For example, other recent industrial projects known as Majestic Gateway Bakersfield[16] required a GPA to the MBGP from General Commercial (GC) to Light Industrial (LI) and was anticipated to generate 1,512 employees; Westside Industrial Project[17] required a GPA to the MBGP from RIA (Intensive Agriculture) to Light Industrial (LI) and was anticipated to generate 1,830 employees; Malibu Vineyards Industrial required a GPA to the MBGP from R-IA to SI (Service Industrial) and was anticipated to generate 6,000 employees[18]; IPG Industrial Project was anticipated to generate 596 employees[19]. When considered with the proposed Project, they will cumulatively generate 10,483 employees, which is 58% of Metro Bakersfield's employment growth forecast over 15 years, accounted for by only five recent industrial projects (most of which required changes in land use designations to proceed). This total increases exponentially when other industrial and commercial development activity is added to the calculation. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since RTP adoption and projects "in the pipeline" to evaluate the County's progress towards these forecasts. Additionally, it must be noted that the proposed Project (and the cumulative projects listed here) were all proposed after 2020, indicating that they are beyond the growth assumptions and forecasts of the MBGP and its associated EIR from which the proposed Project tiers. This necessitates a finding of significance as part of a revised EIR.

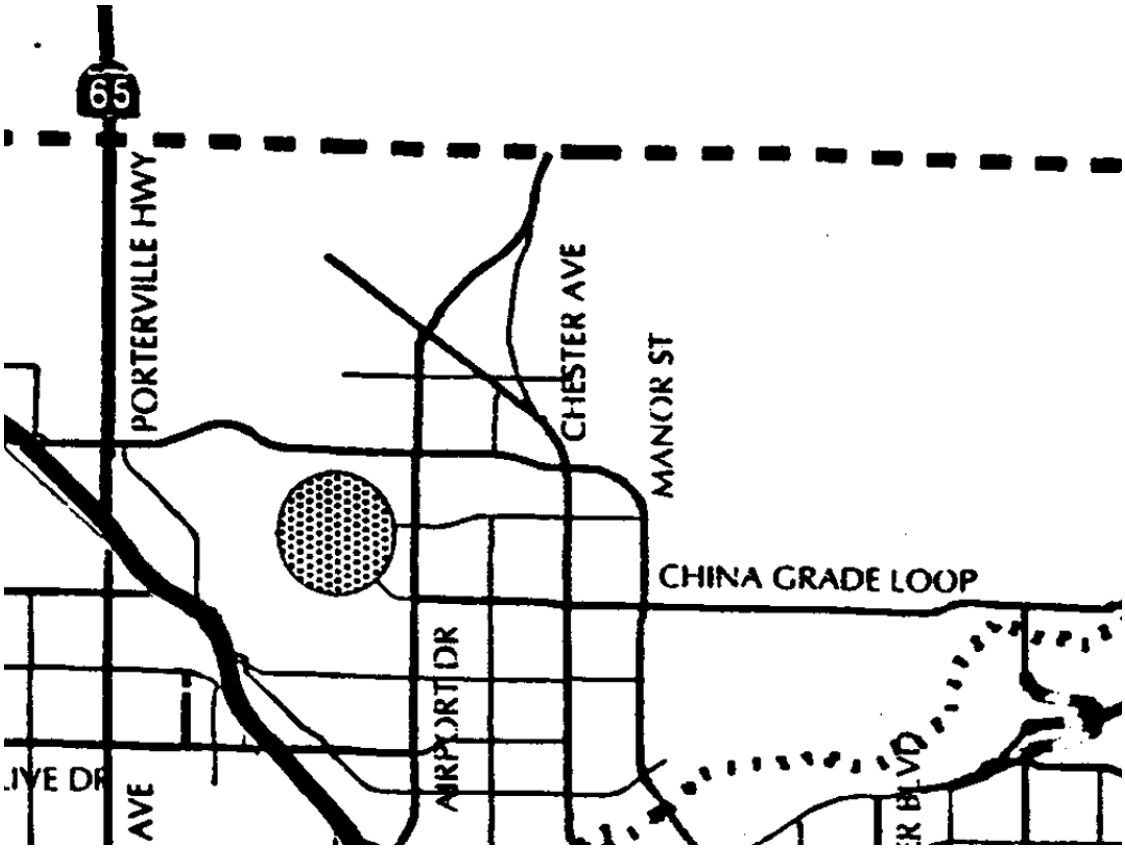
The EIR relies upon the MBGP's concept of "centers" to conclude that the Project will result in less than a significant impact. The EIR states that, "While the Project would encourage job growth in the vicinity of the Project, this growth is encouraged and planned for, per the MBGP's' centers' concept.

The MBGP has designated zones within the planning area to facilitate growth within these identified centers. The Project site is located within an area designated as an "Intensified Activity Center" as shown in Figure II-2 of the MBGP."

[16] Majestic Gateway Bakersfield https://ceqanet.opr.ca.gov/2022030196/2
[17] Westside Industrial Project https://ceqanet.opr.ca.gov/Project/2023100467
[18] Malibu Vineyards Industrial https://ceqanet.opr.ca.gov/2022080056/2
[19] IPG Industrial Project https://ceqanet.lci.ca.gov/Project/2023110442

However, the EIR excludes that the MBGP's "centers" concept is focused on mixed-use commercial and high-density residential development as "centers" of economic and community vitality. The MBGP Land Use chapter states that, "Figure II-2 conceptually illustrates these land use principles. The 'centers' concept provides for a land use pattern consisting of several concentrated mixed-use commercial and high-density residential centers surrounded by medium-density residential uses. Centers may be differentiated by functional activity, density/intensity, and physical character. Single-family residential uses are located between these mixed-use commercial/residential centers primarily…." and that, "The plan encourages that each center: (a) focus on a major open space amenity, such as a park or water body; (b) link land uses to the Kern River where possible; and (c) exhibit pedestrian sensitivity with appropriate design applied to encourage pedestrian activity. In addition to these centers, peripheral development will be focused in smaller community centers, such as in the Greenfield and Lamont areas, with local-serving commercial services and residential uses."

Notably, the Project site is not depicted within an "Intensified Activity Center" in Figure II-2 within the MBGP, which directly contrasts the EIR's claim that it is within this area. The Intensified Activity Center is the Meadows Field Airport, as shown below.



The MBGP also states that, "In addition to promoting the formation of several large concentrated mixed-use centers, the plan also attempts to consolidate smaller, neighborhood-serving commercial development by prescribing minimum distances between commercial parcels and by discouraging strip commercial development." The MBGP "centers" concept focuses on the connection between commercial and residential uses, which is not an objective or primary use proposed within the Project. The MBGP's "center" concept does not apply to the Project site and cannot be utilized as justification for a less than significant finding.

The EIR also utilizes uncertain and misleading language in stating that the Project would generate, "up to 100" jobs during construction phase, and that, "Construction workers are *likely* to commute to the Project site from various local communities and not relocate to the area given the temporary timeframe for construction and that various trades would be at the Project site during specific phases of the construction." The EIR states construction would proceed for 29 months, which is more than two years; this vastly exceeds a temporary commitment. The EIR also states that, "Additionally, Mitigation Measure MM 4.14-2, as included in Section 4.14, Public Services, would *encourage* a 50% local workforce for construction, reducing the number of workers commuting into the area for work. If temporary housing should be necessary, it is *expected* that accommodations would be available in *the nearby hotels*. Given that the increase in employment during the construction phase of the project is temporary, the short-term employment of construction workers on-site would not result in the building of new residences and would not result in unplanned population growth. The geographic distance of "nearby hotels" is undefined. Regarding the Project's operational jobs, the EIR states that, "given the relatively higher housing vacancy rate and unemployment rate compared to the State, the additional new jobs as a result of the Project would *likely* be filled by the local labor market. As a result, the increase in new jobs would not induce substantial population growth." The EIR has not provided substantial evidence to support these claims, such as the unemployed workforce's interest in or qualifications for work in the construction or industrial sectors. Relying on the workforce population of the entire Kern County and adjacent regions will increase Project related VMT that already generates a cumulatively considerable, significant, and unavoidable impact. The EIR has not provided substantial evidence to support a less-than-significant finding and must be revised to include a finding of significance.

4.16 Transportation and Traffic

The VMT analysis has underestimated the significance of the proposed Project's VMT generation. The EIR has not analyzed the Project's truck/trailer/delivery van activity. A revised EIR must be prepared to include all truck/trailer/delivery van activity for quantified VMT

analysis. The operational nature of distribution centers involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to their final delivery destinations. Once employees arrive at the proposed Project for work, they will conduct their jobs by driving trucks/trailer/delivery vans across the region as part of the daily operations as a distribution center, which will drastically increase Project-generated VMT. The Project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation, and it is misleading to the public and decision makers to exclude this activity from VMT analysis. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

The EIR has not adequately analyzed the Project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, or the Project's potential to result in inadequate emergency access. The EIR has excluded any specific truck/trailer turning exhibits from public review. There are no exhibits adequately depicting the available maneuvering and queueing space for trucks/trailers at the intersection of the Project driveways and the adjacent streets. There are also no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the site. Section 2.2 of the EIR states that the EIR is a Project-level analysis; pursuant to CEQA Section 15146, the EIR must be more detailed in its analysis of all portions of the development. However, it does not provide Project-specific analysis of the Project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, or the Project's potential to result in inadequate emergency access. The EIR must be revised to include a finding of significance, as it has not provided any meaningful evidence or analysis to support a less-than-significant finding.

The EIR includes broad, blanket statements that "The proposed Project would not include a design feature or utilize vehicles with incompatible uses that would create a hazard on the roadways surrounding the Project site. Consistent with applicable County Code requirements, all internal drive aisles and Project driveways would be designed to allow for truck turning movement. The proposed Project would not include the development of sharp curves, dangerous intersections, or other hazardous design features." These statements are not supported by substantial evidence. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA Guidelines Section 15121 and Public Resources Code Section 21003(b)). The EIR has not provided any details regarding the County requirements for Project access and/or street design or meaningful analysis of the Project's compliance or noncompliance with these requirements Deferring this environmental

analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents, as well as the EIR's status as a Project EIR that must provide a Project-level analysis in all areas of environmental analysis. A revised EIR must be prepared to include a finding of significance, as the EIR has not provided any meaningful evidence to support a less-than-significant finding.

The EIR states regarding emergency access that, "Project driveways would be designed to provide adequate and safe access to and from the Project site and would provide several routes for emergency responders to access different portions of the Project site and surrounding areas. The County's development and permitting review process would ensure that all access and circulation to and through the site would meet California Fire Code requirements. Further, consistent with County Code requirements, all internal drive aisles and Project driveways would be designed to allow for truck turning movements. In addition, all drive aisles would accommodate standard fire lane turning radii and hammerhead turnaround maneuvers to allow access for emergency vehicles."

The EIR has not provided any meaningful information, such as a list of the County's Code requirements/California Fire Code requirements and how the Project does or does not comply with the requirements, to support a less-than-significant finding. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA Guidelines Section 15121 and Public Resources Code Section 21003(b)). Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared to include a finding of significance, as the EIR has not provided any meaningful evidence to support a less-than-significant finding.

Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the Project driveways and adjacent streets. Sight distance is the continuous length of street ahead visible to the driver. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. A revised EIR must be prepared with this analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

5.3 Irreversible Impacts

The EIR has not adequately analyzed the Project's consumption of nonrenewable resources. Water in Kern County is a nonrenewable resource since it is consumed faster than it can be naturally replenished. The EIR states that if the commitment of resources, "…occur in accordance with the adopted goals, policies, and implementation measures of the Kern County General Plan, as a matter of public policy, those commitments have been determined to be acceptable. The Kern County General Plan ensures that any irreversible environmental changes associated with those commitments will be minimized." The EIR excludes that the Project would result in significant and unavoidable cumulative considerable Hydrology and Utilities and Service Systems impacts, specifically Project construction and operational groundwater use. The Kern County Subbasin is over drafted, and the District's GSP has been deemed inadequate, along with the other Kern subbasin plans, where other similar known and unknown projects could occur. The Project's construction and operational groundwater use will further deplete the basin and the available water supply. The Project is directly inconsistent with Public Services and Facilities Element Goal 3 (Water Distribution) of the MBGP. The EIR must be revised to include a finding of significance due to the Project's irreversible impact, and there is no logical justification for the Project's consumption of nonrenewable resources.

5.4 Growth Inducement

A revised EIR must be prepared to include an accurate cumulative analysis discussion here to demonstrate the impact of the proposed Project in a cumulative setting. The EIR does not include any information regarding the buildout conditions of the MBGP in order to provide an adequate and accurate environmental analysis. It must be noted that the horizon year of the Metropolitan Bakersfield General Plan (MBGP) is 2020. Any development beyond the year 2020 is not accounted for or analyzed by the MBGP and its EIR. The Project is proposed five years after the horizon year of the MBGP and therefore is not accounted for in its growth projections or environmental analysis. The EIR is inadequate as an informational document since the horizon year of the MBGP has passed, and it has not provided a cumulative analysis of all industrial projects approved since the adoption of the MBGP to accurately quantify the existing buildout scenario of the MBGP. A revised EIR must be prepared to include this information for analysis to adequately and accurately analyze all potentially significant environmental impacts. A finding of significance must be included in a revised EIR because the Project is not accounted for in the MBGP growth projections and is beyond the 2020 horizon year analyzed in the MBGP EIR.

Additionally, the EIR again utilizes uncertain and misleading language in stating that, "Construction workers would *primarily* be drawn from the *local* labor pool or would temporarily stay in hotels in *local* communities." The EIR does not provide the geographic distance of either "local labor pool" or "hotels in local communities," and does not provide substantial evidence that these areas can accommodate the Project construction staff. Regarding the Project's operational jobs, the EIR's assertion that operations staff, "…would most likely be drawn from the surrounding cities and unincorporated communities. These areas would include, but not be limited to, the unincorporated community of Oildale and the cities of Bakersfield, Kern City, City in the Hills, and Oil City. Given the size of the surrounding communities, the nature of the job, and the relatively high unemployment, it is not expected that the proposed Project during the operational phase would induce substantial population growth. This is not supported by substantial evidence, such as the specific quantity of unemployed people in the areas listed. It must be noted that Kern City and City in the Hills are neighborhoods within Bakersfield and not incorporated cities; Oil City is part of unincorporated Kern County, adjacent to the Kern River, and does not appear to have any population. Kern City is a retirement community[20] and it is unlikely that this area would provide any quantity of project employees. There is also no information given about the unemployed workforce's (within the vicinity of the Project site, as specified in the EIR) interest in or qualifications for work in the construction or industrial sectors. Ultimately, relying on the workforce population of the entire Kern County and adjacent regions will increase already significant Project-related VMT. The EIR has not provided any substantial evidence to support a less than significant finding and must be revised to including a finding of significance.

The EIR has not provided an adequate or accurate cumulative analysis discussion to demonstrate the impact of the proposed Project in a cumulative setting. Kern COG adopted 2035 growth projections as part of the 2022 RTP/SCS. Specifically, Table 3-2: Growth Trends for Kern County and Selected Communities within the RTP/SCS[21] notes that Metro Bakersfield will add 18,065 jobs between 2020 and 2035, with the 2020 baseline employment at 211,235 jobs and the 2035 forecast at 229,300 jobs. Utilizing the EIR's calculation of 572 operational employees, the Project represents 3.1% of Metro Bakersfield's employment growth from 2020 to 2035. A single Project accounting for this quantity of the projected employment growth within Metro Bakersfield over 15 years represents a significant amount of growth. The EIR must be revised to include this analysis, and also provide a cumulative analysis discussion of projects approved

[20] https://www.kerncity.org/about-us/history/
[21] Kern COG 2022 RTP Planning Assumptions https://www.kerncog.org/wp-content/uploads/2022/04/CHAPTER-3-PLANNING-ASSUMPTIONS-2022-RTP-1.pdf

since 2020 and projects "in the pipeline" to evaluate the County's progress towards these forecasts.

For example, other recent industrial projects known as Majestic Gateway Bakersfield[22] required a GPA to the MBGP from General Commercial (GC) to Light Industrial (LI) and was anticipated to generate 1,512 employees; Westside Industrial Project[23] required a GPA to the MBGP from RIA (Intensive Agriculture) to Light Industrial (LI) and was anticipated to generate 1,830 employees; Malibu Vineyards Industrial required a GPA to the MBGP from R-IA to SI (Service Industrial) and was anticipated to generate 6,000 employees[24]; IPG Industrial Project was anticipated to generate 596 employees[25]. When considered with the proposed Project, they will cumulatively generate 10,483 employees, which is 58% of Metro Bakersfield's employment growth forecast over 15 years, accounted for by only five recent industrial projects (most of which required changes in land use designations to proceed). This total increases exponentially when other industrial and commercial development activity is added to the calculation. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since RTP adoption and projects "in the pipeline" to evaluate the County's progress towards these forecasts. Additionally, it must be noted that the proposed Project (and the cumulative projects listed here) were all proposed after 2020, indicating that they are beyond the growth assumptions and forecasts of the MBGP and its associated EIR from which the proposed Project tiers. This necessitates a finding of significance as part of a revised EIR.

6.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed Project, which will avoid or substantially lessen any of the significant effects of the Project (CEQA Guidelines Section 15126.6). The alternatives chosen for analysis include the CEQA-required "No Project" alternative and only two others - the Reduced Footprint Alternative and Eastern Kern/Mojave Specific Plan Project Alternative Site. The EIR does not evaluate a reasonable range of alternatives, as only two alternatives beyond the required No Project alternative are analyzed. The EIR does not include an alternative that meets the Project objectives and also eliminates all of the Project's significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA

[22] Majestic Gateway Bakersfield https://ceqanet.opr.ca.gov/2022030196/2
[23] Westside Industrial Project https://ceqanet.opr.ca.gov/Project/2023100467
[24] Malibu Vineyards Industrial https://ceqanet.opr.ca.gov/2022080056/2
[25] IPG Industrial Project https://ceqanet.lci.ca.gov/Project/2023110442

Guidelines Section 15126.6). This must include alternatives such as development of the site with a Project that reduces all of the proposed Project's significant and unavoidable impacts to less than significant levels.

Impact on Biological Resources

Please see the attached comments and analysis from Dr. Smallwood.

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed, and a revised EIR must be prepared for the proposed Project and recirculated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this Project. Send all communications to Golden State Environmental Justice Alliance, P.O. Box 79222, Corona, CA 92877.

Sincerely,

Vashon Simien
Blum, Collins & Ho, LLP

Attachments:

1. SWAPE Technical Analysis
2. Shawn Smallwood, PhD Analysis Report

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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April 7, 2026

Gary Ho
Blum, Collins & Ho LLP
9255 W. Sunset Boulevard, Ste. 810
Los Angeles, CA 90069

Subject: Comments on the Airport Commerce Center Industrial Project (SCH No. 2025030498)

Dear Mr. Ho,

We have reviewed the February 2026 Draft Environmental Impact Report ("DEIR") for the Airport Commerce Center Industrial Project ("Project") located in Kern County ("County"). The Project proposes to construct four industrial warehouse buildings totaling approximately 1,505,440-square-feet ("SF") on the 110-acre site.

Our review concludes that the DEIR fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the Project may have on the environment.

Air Quality

Failure to Implement All Feasible Mitigation to Reduce Emissions

The DEIR estimates that the Project's operational NO_X emissions would exceed the applicable San Joaquin Valley Air Pollution Control District ("SJVAPCD") threshold (p. 4.2-47, Table 4.2-7).

Table 4.2-7: Mitigated Proposed Project Long-Term Operational Emissions

Emission Source	Annual Criteria Pollutant Emissions (tons/year)[a]					
	ROG	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Area						
Consumer Products	5.92	-	-	-	-	-
Architectural Recoating	0.35	-	-	-	-	-
Landscape Equipment	-	-	-	-	-	-
Energy						
Natural Gas	-	-	-	-	-	-
Mobile						
Trucks	0.38	26.32	4.29	0.27	4.13	1.47
TRUs[b]	0.12	0.96	0.11	0.002	0.03	0.03
Employee Passenger Vehicles	1.14	0.78	10.83	0.03	1.04	0.28
Retail Passenger Vehicles	1.14	0.63	8.44	0.02	0.70	0.19
Stationary Sources						
Six Emergency Diesel Engines (within Buildings 1 – 4)	0.24	0.89	0.62	0	0.04	0.04
Total Annual Emissions	**9.29**	**29.58**	**24.29**	**0.322**	**5.94**	**2.01**
SJVAPCD Threshold	**10**	**10**	**100**	**27**	**15**	**15**
Exceeds Threshold?	No	**Yes**	No	No	No	No

NOTES:
[a] SJVAPCD Rule 9510 ISR requirement is to reduce a development project's operational NO_X and total PM_{10} emissions by 33.3% and 50%, respectively. The emissions estimates do not account for reductions which would occur pursuant to SJVAPCD Rule 9510.
[b] Conservatively assumes that all TRU emissions occurred within the SJVAB.
SOURCE: **Appendix B**

The DEIR concludes that the impacts associated with operation of the Project would be significant-and-unavoidable, stating:

> "As shown in Table 4.2-7: Mitigated Proposed Project Long-Term Operational Emissions, mitigation would reduce operational ROG emissions to below the SJVAPCD annual criteria threshold. However, the proposed Project would still exceed the SJVAPCD's annual criteria! threshold for NOx, resulting in a significant and unavoidable impact despite implementation of all feasible mitigation" (p. 4.2-39).

The DEIR implements Mitigation Measure ("MM") MM 4.1-3 – MM 4.2-7 (p. 1-29 – 1-33). However, while we agree that the Project would result in significant air quality impacts, the DEIR's assertion that this impact is significant-and-unavoidable is unreliable. According to CEQA Guidelines §15096(g)(2):

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."[1]

[1] "Cal. Code Regs. tit. 14 § 15096." California Legislature, available at: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-7-eir-process/section-15096-process-for-a-responsible-agency.

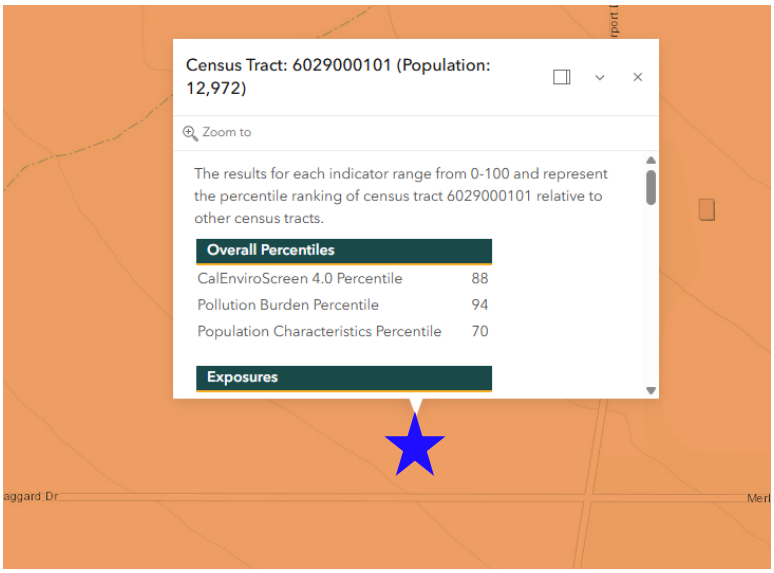
As such, the DEIR is required under CEQA to implement all feasible mitigation to reduce impacts to a less-than-significant level. To reduce the Project's air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to the maximum extent possible.

Disproportionate Health Risk Impacts of Warehouses on Surrounding Communities

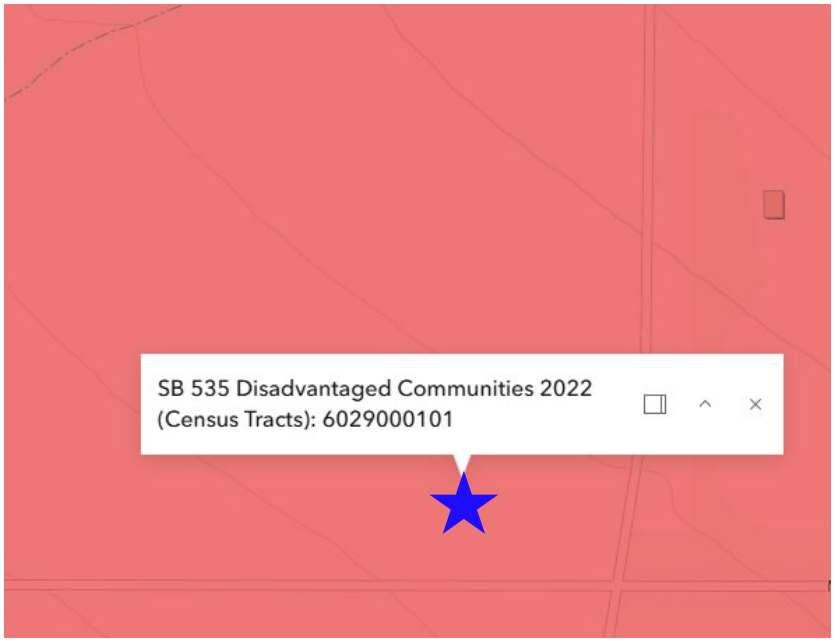
The development of the proposed Project may contribute to the disproportionate health risk impact that warehouses already pose on community members living, working, and going to school within the immediate area of the Project site. Communities of color living within a half mile of warehouses face higher health risks, including increased rates of asthma and heart attacks, along with a greater environmental burden.[2] Specifically, more than 2.4 million people live within a half-mile radius of at least one warehouse, many of which experience disproportionate levels of poverty.[3] Another study indicates that lower-income neighborhoods with higher percentages of minority groups are more likely to contain warehouse facilities, presenting a crucial environmental justice concern.[4]

The San Joaquin Valley, which includes the proposed Project site, has some of the worst ozone and particulate matter air pollution in the nation, according to the U.S. Environmental Protection Agency.[5] When using CalEnviroScreen 4.0, the Environmental Protection Agency's ("CalEPA") screening tool that ranks each census tract in the State for pollution and socioeconomic vulnerability, we found that the Project's census tract is in the 88th percentile of most polluted census tracts in the State (see screenshot below).[6]

[2] "South Coast AQMD Governing Board Adopts Warehouse Indirect Source Rule." SCAQMD, May 2021, *available at:* http://www.aqmd.gov/docs/default-source/news-archive/2021/board-adopts-waisr-may7-2021.pdf?sfvrsn=9.
[3] "Southern California warehouse boom a huge source of pollution. Regulators are fighting back." Los Angeles Times, May 2021, *available at:* https://www.latimes.com/california/story/2021-05-05/air-quality-officials-target-warehouses-bid-to-curb-health-damaging-truck-pollution.
[4] "Location of warehouses and environmental justice: Evidence from four metros in California." Metro Freight Center of Excellence, January 2018, *available at:* https://www.metrans.org/assets/research/MF%201.1g_Location%20of%20warehouses%20and%20environmental%20justice_Final%20Report_021618.pdf, p. 21.
[5] "EPA Activities for Cleaner Air in the San Joaquin Valley." EPA, January 2026, available at: https://www.epa.gov/sanjoaquinvalley/air.
[6] "CalEnviroScreen 4.0." OEHHA, October 2021, *available at:* https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.



According to CalEnviroScreen's Senate Bill ("SB") 535 Disadvantaged Communities Map, the Project site is identified as a designated disadvantaged community (see screenshot below).[7]



SB 535 provides funding for development projects that provide a benefit to disadvantaged communities. CalEPA has been given the responsibility for identifying those communities based on "geographic,

[7] "SB 535 Disadvantaged Communities (2022 Update)." California Environmental Protection Agency, *available at:* https://experience.arcgis.com/experience/1c21c53da8de48f1b946f3402fbae55c/page/SB-535-Disadvantaged-Communities/

socioeconomic, public health, and environmental hazard criteria."[8] The Project may therefore worsen disproportionate health risks for community members within the immediate area, a concern underscored by the mandates of SB 1000. SB 1000, enacted to address environmental justice concerns, requires local governments to integrate environmental justice elements into their planning processes, particularly focusing on reducing health risks for disadvantaged communities.[9] As the DEIR indicates that the proposed Project site is located approximately 400 feet, or 122 meters from a residential receptor, the Project should comply with the objectives of SB 1000 (4.2-50).

In accordance with the California Department of Justice ("CA DOJ") guidelines, the effects of air pollutants and greenhouse gas emissions from warehouses should be evaluated cumulatively. The CA DOJ states that cumulative impacts should be evaluated by considering the project's incremental effects alongside past, present, and future projects, even if the project alone does not exceed significance thresholds.[10] To more adequately assess the Project's impact on disadvantaged communities, both existing and future warehouse developments should be considered during the environmental review process.

As the Project site is in an SB 535 disadvantaged community that experiences disproportionately high levels of pollution, we recommend the DEIR reevaluate the Project's cumulative health risks to more sufficiently align with CA DOJ guidelines and SB 1000 environmental justice requirements.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The DEIR estimates that the Project would result in mitigated net annual greenhouse gas ("GHG") emissions of 53,967-metric tons of carbon dioxide equivalents per year ("MT CO_2e/year") (p. 4.7-28, Table 4.7-3).

[8] "Final Designation of Disadvantaged Communities." CalEPA, *available at:* https://calepa.ca.gov/wp-content/uploads/2022/05/Updated-Disadvantaged-Communities-Designation-DAC-May-2022-Eng.a.hp_-1.pdf, p. 1.

[9] "Environmental Justice in Local Land Use Planning." CA DOJ, *available at:* https://oag.ca.gov/environment/sb1000.

[10] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." CA DOJ, available at: https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/warehouse-best-practices.pdf, p. 6.

Table 4.7-3: Mitigated Operational Greenhouse Gas Emissions

Emissions Source	CO_2e (Metric Tons per Year)
Area	-
Energy	-
Mobile (within SJVAB)	32,534
Mobile (within SoCAB)	19,874
Transport Refrigeration Units	174
Stationary Sources	114
Waste	510
Water	485
Amortized Construction	137
Total	**53,967**

CO_2e = carbon dioxide equivalent
SOURCE: **Appendix B** of this EIR

The DEIR thus concludes that the Project would result in a significant-and-unavoidable GHG impact, stating that "despite implementation of all feasible mitigation measures, the Project would result in GHG emissions that would constitute a significant and unavoidable impact" (p. 4.7-35). The DEIR implements MM 4.2-2 — MM 4.2-5, MM 4.2-7, MM 4.5-1, MM 4.5-2, MM 4.16-1, and MM 4.16-3 (p. 1-53 – 1-84). However, while we agree that the Project would result in a significant GHG impact, the DEIR's assertion that this impact is significant-and-unavoidable is unsupported, as additional feasible mitigation is available.

As previously discussed, CEQA Guidelines § 15096(g)(2) indicates that an impact can only be labeled as significant-and-unavoidable after all available, feasible mitigation measures are considered. To reduce the Project's GHG impacts to the maximum extent possible, additional mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to less-than-significant levels.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

The DEIR is required under CEQA to implement all feasible mitigation to reduce the Project's potential impacts. As demonstrated above, the Project would result in potentially significant air quality and GHG impacts that should be mitigated further.

In order to reduce the NO_x emissions associated with Project operation, we recommend the DEIR consider incorporating several mitigation measures as listed below. The California Air Resources Board ("CARB") recommends:[11]

[11] "Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers." CARB, August 2023, *available at*: https://ww2.arb.ca.gov/sites/default/files/2023-08/CARB%20Comments%20-%20NOP%20for%20the%20%20Oak%20Valley%20North%20Project%20DEIR.pdf; Attachment A, p. 5 – 8.

- Require tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
- Requiring all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available and can be purchased using incentive funding from CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE).
- Require future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
- Require all heavy-duty trucks entering or on the project site to be zero-emission vehicles, and be fully zero-emission. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP). Additional incentive funds can be obtained from the Carl Moyer Program and Voucher Incentive Program.
- Restrict trucks and support equipment from idling longer than two minutes while on site.

In addition to recommending similar mitigation as the above-mentioned measures from CARB, the CA DOJ suggests:[12]

- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Running conduit to designated locations for future electric truck charging stations.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces (for example, requiring at least 10% of all employee parking spaces to be equipped with electric vehicle charging stations of at least Level 2 charging performance).
- Running conduit to an additional proportion of employee parking spaces for a future increase in the number of electric light-duty charging stations.

To reduce the GHG emissions associated with the Project, we recommend several mitigation measures from the CA DOJ: [13]

- Designing all project building roofs to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible.
- Oversizing electrical rooms by 25 percent or providing a secondary electrical room to accommodate future expansion of electric vehicle charging capability.
- Requiring all stand-by emergency generators to be powered by a non-diesel fuel.
- Requiring that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also

[12] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.
[13] "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, *available at*: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

require facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.

- Requiring tenants to enroll in the United States Environmental Protection Agency's SmartWay program, and requiring tenants who own, operate, or hire trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers.
- Providing tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.

CEQA Guidelines 15126.4 (c)(3) include "[o]ffsite measures, including offsets that are not otherwise required, to mitigate a project's emissions" as an option for GHG mitigation.[14] An example of this was in the case of the Oakland Sports and Mixed-Use Project, where off-site reduction measures in the neighboring communities were recommended.[15] We recommend consideration of local carbon offset programs to reduce the Project's GHG impacts as a measure of last result.

As demonstrated above, we have provided several mitigation measures that would reduce Project-related NO_x and GHG emissions developed from sources including CARB and the DOJ. These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently reduce emissions released during Project construction and operation.

A revised EIR should be prepared that includes all feasible mitigation measures, as well as updated air quality and GHG analyses to ensure that the necessary mitigation measures are implemented to reduce emissions to the maximum extent feasible. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's potentially significant emissions are reduced to the maximum extent possible

Disclaimer

SWAPE has received limited documentation regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or

[14] "Cal. Code Regs. tit. 14 § 15126.4." CEQA Guidelines, May 2024, *available at*: https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-9-contents-of-environmental-impact-reports/section-151264-consideration-and-discussion-of-mitigation-measures-proposed-to-minimize-significant-effects.

[15] "Cal. Pub. Resources Code § 21168.6.7." 2023, *available at*: https://casetext.com/statute/california-codes/california-public-resources-code/division-13-environmental-quality/chapter-6-limitations/section-2116867-oakland-sports-and-mixed-use-project-conditions-for-approval-certification-of-project-for-streamlining.

otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: Matt Hagemann CV
Attachment B: Paul Rosenfeld CV

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg.

- **Geologic and Hydrogeologic Characterization, Investigation and Remediation Strategies**
- **Industrial Stormwater Compliance**
- **CEQA Review**
- **Expert Testimony**

Professional Certifications:
California Professional Geologist, P.G.
California Certified Hydrogeologist, C.Hg.

Education:
M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Experience:
30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. Spent nine years with the U.S. EPA in the Resource Conservation Recovery Act (RCRA) and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where I identified emerging threats to groundwater. While with EPA, I served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. Led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, I developed extensive client relationships and has managed complex projects that include consultations as an expert witness and a regulatory specialist, and managing projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions held include:

Government:
Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);

Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
Geologist, U.S. Forest Service (1986 – 1998).

Educational:
Geology Instructor, Golden West College, 2010 – 2104, 2017;
Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
Instructor, College of Marin, Department of Science (1990 – 1995).

Private Sector:
Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);
Executive Director, Orange Coast Watch (2001 – 2004);
Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, responsibilities have included:

- Lead analyst and testifying expert, for both plaintiffs and defendants, in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards.
- Recommending additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce exposure to hazards from toxins.
- Stormwater analysis, sampling and best management practice evaluation, for both government agencies and corporate clients, at more than 150 industrial facilities.
- Serving as expert witness for both plaintiffs and defendants in cases including contamination of groundwater, CERCLAcompliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns, for both government agencies and corporate clients.
- Lead analyst and testifying expert in the review of environmental issues in license applicationsfor large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking

water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Lead author for a multi-volume remedial investigation report for an operating school in LosAngeles that met strict Sate of California regulatory requirements.
- Development of strategic approaches for cleanup of contaminated sites in consultation withclients and regulators.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities included:

- Leading efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiating a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identifying emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. Used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. Prepared geologic reports, conducted hearings, and responded to public comments from residents who were very concerned about the impact of designation.
- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Served as a hydrogeologist with the RCRA Hazardous Waste program. Duties included:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliancewith Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S.EPA legal counsel.

- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexicoand advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation- wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served as senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advising the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinkingwater supplies.
- Shaping EPA's national response to these threats by serving on workgroups and by contributingto guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improving the technical training of EPA's scientific and engineering staff.
- Earning an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Establishing national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities included:

- Mapping geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinating research with community stakeholders who were concerned with natural resource protection.
- Characterizing the geology of an aquifer that serves as the sole source of drinking water for thecity of Medford, Oregon.

As a consultant with Dames and Moore, led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large RCRA hazardous waste site in eastern Oregon.

Duties included the following:

- Supervising year-long effort for soil and groundwater sampling.
- Conducting aquifer tests.
- Investigating active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.
- Part time geology instructor at Golden West College in Huntington Beach, California from 2010 to 2014 and in 2017.

Summary of Testimony Experience Over Past Four Years

In Re New Jersey Department of Environmental Protection et al. vs. E.I. DuPont de Nemours and Company, in the United States District Court, District of New Jersey, Civil Action No. 1:19-cv-14766-RMB-JBC. Deposition in 2025. Representing Plaintiffs in matters regarding contamination of groundwater, wastewater, soil, and air with per- and poly-fluoroalkyl substances.

In Re Edmond Asher, et al., vs. RTX Corporation (f/k/a Raytheon Technologies Corporation, et al.) in the County of Huntington Superior Court, Indiana, Cause number 35D01-2006-CT-000338. Deposition in 2024. Representing Plaintiffs in matters regarding contamination of groundwater and soil vapor with trichlorethylene.

In Re Wright vs Consolidated Rail Corporation In the Circuit Court of Cook County, Illinois, Case No: 21L3966. Deposition in 2023, Representing Plaintiff in matters involving groundwater and drinking water contamination of perchloroethylene, trichlorethylene, 1,2-dichloroethane, and carbon tetrachloride.

In Re Behr Dayton Thermal Products LLC In the United States District Court for the Southern District of Ohio Western Division at Dayton, Case No: 08-cv-326. Deposition in 2022. Representing Plaintiff in matters regarding contamination of groundwater and indoor air with perchloroethylene and trichloethelene.

Orange County Water District vs. Sabic Innovative Plastics US, LLC, et al. In the Court of Appeal, Fourth District,

Division 1, California, Case No: D070553. Deposition in 2020. Representing Plaintiff in matters involving compliance with The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
Los Angeles Waterkeeper vs. AAA Plating and Inspection, Inc. In the United States District Court for the Central District of California, Case No: No. CV 18-5916 PA (GJSx). Deposition in 2019. Expert witness representing Plaintiff in matters involving contaminated stormwater runoff at an industrial facility in Compton, California.

Californians for Alternatives to Toxics vs. Schneider Dock and Intermodal Facility. In the United States District Court for the Northern District of California, Case No: 3:17-cv-05287-JST. Deposition in 2019. Expert witness representing Plaintiff in matters involving contaminated stormwater runoff at an industrial facility in Eureka, California.

Bells et al. vs. The 3M Company et al. In the United States District Court for the District of Colorado, Case No: 1:16-CV-02531-RBJ. Deposition in 2018. Expert witness representing Plaintiff on matters regarding the general hydrogeological conditions present in an area impacted by per- and poly-fluoroalkyl substances.

Ungar vs. Foundation for Affordable Housing. In the Superior Court, State of California, Los Angeles County, Case No. BC628890 Deposition in 2017. Expert witness representing defendant on matters involving alleged drinking water contamination.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S.EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making andPublic Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins atschools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBEReleases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells.

Presentation to the Ground Water and Environmental Law Conference, National GroundwaterAssociation.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Waterin Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Waterin the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to atribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to ameeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking WaterSupplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant.Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting ofthe National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to ameeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to AddressImpacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater(and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA andState Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublishedreport.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground StorageTanks.

Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal WatercraftUsage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George WrightSociety Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval AirStation, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui,October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Airand Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Basesin California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:
Selected as subject matter expert for the California Professional Geologist licensing examinations,2009-2011.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld, P.E., Spaeth, K.R., McCarthy, S.J. *et al.* Camp Lejeune Marine Cancer Risk Assessment for Exposure to Contaminated Drinking Water From 1955 to 1987. *Water Air Soil Pollut* **235**, 124 (2024). https://doi.org/10.1007/s11270-023-06863-y.

Rosenfeld P.E., Spaeth K.R., Remy L.L., Byers V., Muerth S.A., Hallman R,C., Summers-Evans J., Barker S. (2023) Perfluoroalkyl substances exposure in firefighters: Sources and implications, *Environmental Research*, Volume 220, https://doi.org/10.1016/j.envres.2022.115164.

Rosenfeld P.E. and Spaeth K.R., (2023) Authors' Response to Letter to the Editor from Bullock and Ramacciotti, *Water Air Soil Pollution* Volume 234, https://doi.org/10.1007/s11270-023-06165-3

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.,** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Cheremisinoff, N.P., **Rosenfeld, P.E.** Davletshin, A.R. (2008). ***Responsible Care***. Gulf Publishing. Texas.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy of Odour Wheels for Odours of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme for The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated with Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affects on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook for Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation on St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Master's thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelor's Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted at University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus on Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model for PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium on Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium on Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting for Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington.

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation with High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation with High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. The course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate the effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate the effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate the effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the District Court of Harris County Texas
Mt Davis Interest, Inc v Sesco Cement Corp
Cause No 2023-26512
Trial 6-6-2-25

In the United States Southern District of New York
Gallo vs Avon Products Inc., et al
Civil Action No.: 1:23-cv-2023
Deposition 4-24-2025

In Vanderburgh Superior Court 5, County of Vanderburgh, Indiana
Markello v CSX
Civil Action No 82D05-2011-CT-004962
Deposition 3-26-25

Iin the Circuit Court of Cook County Illinois
Jarosiewicz v Northeast Regional Railroad
Case No 2023 L 002290
Deposition 2-27-25

In the District Court 191st Judicial District Dallas County
Acklin v Poly America International
Cause No DC-22-08610
Deposition 1-8-2025

United States District Court, Norther District of California
Asustin Vs Monsanto
Case No 2:23-cv-272
Deposition 12-20-25

In Jefferson Circuit Court Division One, Louisville, Kentucky
Stafford vs, CSX
Case No. 18-CI-001790

Deposition: 8-27-24

In the Twenty-Second Judicial Circuit of St. Louis. State of Missouri
Patricia Godfrey vs, Amtrak
Case No. 2122-CC-00525
Deposition: 7-17-24

In the Circuit Court of Jefferson County Alabama
Linda Early Vs. CSX
Case number CV-2021-00241
Deposition 6-24-24

In the Court of Common Please Lucas County, Ohio
Brenda Conkright vs. CSX
Case No. G-4801-CI-0202102664-000
Deposition: 6-4-24

In the Commonwealth of Kentucky, Greenup Circuit Court
Patsy Sue Napier vs. CSX
Case No. 19-CI-0012
Deposition: 5-8-2-24

In United States District Court of Hawaii
Patrick Feindt, Jr. et al. vs. The United States of America
Case No. 1:22-cv-LEK-KJM
Trial 3-29-24 and 4-5-24

In the District Court of Hood County State of Texas
Artie Gray vs. Exxon Mobil
Case No. C-2018047
Rosenfeld Deposition:4-22-2024

In the Elkhart Superior Court State of Indiana
Estate of Clark Stacy vs. Penn Central Corporation
Cause No 2D01-2001-CT-00007
Rosenfeld Deposition 1-25-2024 and 3-7-2024

In the Circuit Court of Trempealeau County, State of Wisconsin
Michael J. Sylla et al. vs. High-Crush Whitehall LLC
Case No. 2019-CV-63, 2019-CV-64, 2019-CV-65, 2019-CV-66
Rosenfeld Deposition: 3-5-2024

In the Circuit Court of Trempealeau County, State of Wisconsin
Leland Drangstveit vs. High-Crush Blair LLC
Case No. 19-CV-66
Rosenfeld Deposition 3-5-2024

In the Circuit Court of Jefferson County Alabama
Donald Lee Ashworth vs. CSX Transportation Inc.
Case No CV-2021-901261
Rosenfeld Deposition 1-23-2024

In the United States District Court for the Eastern District of Wisconsin
Gary L Siepe vs. Soo Line Railroad
Case No. 2:21-cv-00919
Rosenfeld Deposition 1-19-2024

In the United States District Court for the Western District of Louisiana
Ricky Bush v. Clean Harbors Colfax LLC
Case No. 1:22-cv-02026-DDD-JPM
Rosenfeld Deposition 12-18-2023 and 1-15-2024

In United States District Court of Hawaii
Patrick Feindt, Jr. et al. vs. The United States of America
Case No. 1:22-cv-LEK-KJM
Rosenfeld Deposition 11-29-2023

In the Circuit Court for the Twentieth Judicial Circuit St. Clair County, Illinois
Timothy Gray vs. Rural King et al.
Case No 2022-LA-355
Rosenfeld Deposition 9-26-2023

In United States District Court Eastern District of Wisconsin
Gary L. Siepe vs. Soo Line Railroad Company
Case No. 2:21-cv-00919
Rosenfeld Deposition 9-15-2023

In the Circuit Court of Cook County Illinois
Donald Fox vs. BNSF
Case No. 2021 L12
Rosenfeld Deposition 9-12-2023

In the Court of Common Please Cuyahoga County, Ohio
Thomas Schleich vs. Penn Central Corporation
Lead Case No. CV-20-939184
Rosenfeld Deposition 8-27-2023

In the Circuit Court of Jackson County Missouri at Kansas City
Timothy Dalsing vs. BNSF
Case No. No. 2216-cv06539
Rosenfeld Deposition 7-28-2023

In the United States District Court for the Southern District of Texas Houston Division
International Terminals Company LLC Deer Park Fire Litigation
Lead Case No. 4:19-cv-01460
Rosenfeld Deposition 7-25-2023

In the Circuit Court of Livingston County Missouri
Shirley Ralls vs. Canadian Pacific Railway and Soo Lind Railroad
Case No. 28LV-CV0020
Rosenfeld Daubert Hearing 7-18-2023 Trial Testimony 7-19-2023

In the Circuit Court of Cook County Illinois
Brenda Wright vs. Penn Central and Conrail
Case No. No. 2032L003966
Rosenfeld Deposition 6-13-2023

In the Circuit Court Common Please Philadelphia of Jefferson County Alabama
Frank Belle vs. Birmingham Southern Railroad Company et al.
Case No. 01-cv-2021-900901.00
Rosenfeld Deposition 4-6-2023

In the Circuit Court of Jefferson County Alabama
Linda De Gregorio vs. Penn Central
Case No. 002278
Rosenfeld Deposition 3-27-20203

In the United States District Court Eastern District of New York
Rosalie Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-16-2023

In the Superior Court of Washington, Spokane County
Judy Cundy vs. BNSF
Case No. 21-2-03718-32
Rosenfeld Deposition 3-9-2023

In The Court of Common Pleas of Philadelphia County, PA Civil Trial Division
Feaster v Conrail
Case No. 001075
Rosenfeld Deposition 2-1-2023

In United States District Court for the Central District of Illinois
Sherman vs. BNSF
Case No. 3:17-cv-01192
Rosenfeld Deposition 1-18-2023

In United States District Court District of Colorado
Gonzales vs. BNSF
Case No. 1:21-cv-01690
Rosenfeld Deposition 1-17-2023

In United States District Court District of Colorado
Abeyta vs. BNSF
Case No. 1:21-cv-01689-KMT
Rosenfeld Deposition 1-3-2023

In United States District Court For The Easter District of Louisiana
Nathaniel Smith vs. Illinois Central Railroad
Case No. 2:21-cv-01235
Rosenfeld Deposition 11-30-2022

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division

Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022, Trial 1-10-2023

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation

Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al. vs Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois

Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants

Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintifs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. vs. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.

Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, vs. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the County of Kern, Unlimited Jurisdiction
Rose Propagation Services vs. Heppe Enterprises
Case No. S-1500-CV-278190, LHB
Rosenfeld Deposition: May 2014

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

In the Court of Galveston County, Texas 56th Judicial District
MDL Litigation Regarding Texas City Refinery Ultracracker Emission Event Litigation
Cause No. 10-UC-0001
Rosenfeld Deposition: March 2013
Rosenfeld Trial: September 2013

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the United States District court of Southern District of California
United States of America, Plaintiff vs. 2,560 Acres of Land, more or less, located in Imperial County, State of California; and Donald L. Crawford, et. al.
Civil No. 3:11-cv-02258-IEG-RBB
Rosenfeld Deposition: December 2012, January 2013

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Gary Ho
Blum, Collins & Ho LLP
10250 Constellation Boulevard
Suite 2300
Los Angeles, CA 90067
(213) 572-0400

7 April 2026

RE: Airport Commerce Center Industrial Project

Dear Mr. Ho,

I write to comment on potential impacts to biological resources that would result from development of the proposed Airport Commerce Center Industrial Project. The project would construct 1,505,440 sf of (4) warehouse buildings and 9,410 sf of (2) quick-serve restaurants and 2,910 parking spaces on 110 acres at the northwest corner of Merle Haggard Dr and Airport Dr in Bakersfield, California. My comments that follow address my concerns that the Draft Environmental Impact Report (DEIR) supported by Dudek (2025), mischaracterizes the existing environmental setting, and that its impacts analysis is flawed and its mitigation measures are inadequate.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

THE WILDLIFE COMMUNITY AS A BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts Question IV(a) asks specifically whether the project would adversely affect special-status species. However, this narrowly focused question is part of a larger policy goal of CEQA, which is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history."

Pub. Res. Code § 21001(c). This policy is not restricted to special-status species; it also applies to wildlife populations and plant and animal communities, as it must, because special-status species are inter-dependent members of ecological communities. The CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). An essential portion of the environment used by any special-status species is composed of the collection of other species of plants and wildlife, because these species provide for special-status species their forage, refugia and nest substrates, and some serve as ecological mutualists. The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see https://wildlife.ca.gov/Conservation/ Birds/Raptors).

What follows is a summary of a site visit to detect as many of the species of wildlife as possible within the short time available. The visit was also intended to detect as many of the special-status species as possible, but with the understanding that most special-status species are less readily detectable due to rarity and crypticity. Nonetheless, the species detected can indicate the ecological integrity of the site and thus the likelihood of occurrence of special-status species not yet detected.

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master of Science Degree from California State University Los Angeles, visited the site of the proposed project for 1.92 hours of diurnal survey from 17:26 to 19:21 hours, and for 2.75 hours of nocturnal survey from 19:21 to 22:06 hours on 30 March 2026, and for 2.85 hours of diurnal survey from 06:35 to 09:26 hours on 31 March 2026. During daylight, Noriko walked the site where accessible, stopping to scan for wildlife with use of binoculars. At night, Noriko affixed a Pettersson M500 acoustic bat detector to a 15-foot pole, and cabled the detector to her computer, which ran SonoBat Live. SonoBat Live identifies bats to species based on the bats' sonograms that are detected by the M500. She also scanned for nocturnal wildlife using a Pulsar Telos LRF XG50 5.5-14x 50 mm thermal-imaging monocular. Noriko recorded all species of vertebrate wildlife she detected, including

those whose members flew over the site or were seen just off the site. Animals of uncertain species identity were either recorded to the Genus or higher taxonomic level.

On 30 March 2026, conditions were cloudy with 8 MPH northwest wind and temperatures of 83-69° F. On 31 March 2026, conditions were cloudy with 8 MPH north wind and temperatures of 62-67° F. The site is primarily annual grassland with some shrubs along a drainage (Photos 1-3).

Photos 1, 2, and 3. *Views of the project site, 31 March 2026. Photos by Noriko Smallwood.*

Noriko saw San Joaquin kit fox (Photo 4), Swainson's hawk and American kestrel (Photos 5 and 6), red-tailed hawk and common raven (Photos 7-11), western kingbird (Photos 11-13), horned lark (Photo 13), loggerhead shrike and Anna's hummingbird (Photos 14 and 15), mourning dove (Photo 16), barn swallow and cliff swallow (Photos 17 and 18), white-crowned sparrow and savannah sparrow (Photos 19 and 20), lesser goldfinch and western meadowlark (Photos 21 and 22), California ground squirrel (Photo 23), among the other species listed in Table 1. Noriko detected 30 species of vertebrate wildlife at or adjacent to the project site, including five species with special status (Table 1).

Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood

Photo 4. *San Joaquin kit fox about 250 m from the project site, 31 March 2026. Photo by Noriko Smallwood.*

Photos 5 and 6. *Swainson's hawk (left), and American kestrel (right) on the project site, 31 March 2026. Photos by Noriko Smallwood.*

Photos 7 and 8. *Common raven harassing a red-tailed hawk just off the project site (left), and common raven nest on the project site (right), 31 March 2026. Photos by Noriko Smallwood.*

Photos 9 and 10. *Common raven bringing nest material to its nest (left), and common raven sitting on its nest (right) just off the project site, 30 and 31 March 2026. Photos by Noriko Smallwood.*

Photo 11. *Western kingbird harassing a common raven just off the project site, 31 March 2026. Photo by Noriko Smallwood.*

Photos 12 and 13. *Western kingbird (left), and horned lark (right) just off the project site, 31 March 2026. Photos by Noriko Smallwood.*

Photos 14 and 15. *Loggerhead shrike (left), and Anna's hummingbird (right) just off the project site, 30 March 2026. Photos by Noriko Smallwood.*

Photo 16. *Mourning doves just off the project site, 31 March 2026. Photo by Noriko Smallwood.*

Photos 17 and 18. *Barn swallow (left), and cliff swallow (right) on the project site, 30 and 31 March 2026. Photos by Noriko Smallwood.*

Photos 19 and 20. *White-crowned sparrow (left), and Savannah sparrow (right) on the project site, 31 March 2026. Photos by Noriko Smallwood.*

Photos 21 and 22. *Lesser goldfinch (left), and western meadowlark (right) on the project site, 31 March 2026. Photos by Noriko Smallwood.*

Photo 23. *California ground squirrel that's likely pregnant on the project site, 30 March 2026. Photo by Noriko Smallwood.*

Table 1. *Species of wildlife Noriko observed at the project site in 1.92 hours of diurnal survey and 2.75 hours of nocturnal survey on 30 March 2026, and in 2.85 hours of diurnal survey on 31 March 2026.*

Common name	***Species name***	**Status[1]**	**Notes**
Mallard	*Anas platyrhynchos*		Flew over
Rock pigeon	*Columba livia*	Non-native	
Eurasian collared-dove	*Streptopelia decaocto*	Non-native	
Mourning dove	*Zenaida macroura*		
Anna's hummingbird	*Calypte anna*		
Killdeer	*Charadrius vociferus*		
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Circled over site
Red-tailed hawk	*Buteo jamaicensis*	BOP	Harassed by WEKI and CORA
American kestrel	*Falco sparverius*	BOP	Hunted on site
Western kingbird	*Tyrannus verticalis*		Harassed RTHA and CORA, foraged
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Just off site
Common raven	*Corvus corax*		Nest on site, another 3 nests just off site
Horned lark	*Eremophila alpestris*		
Barn swallow	*Hirundo rustica*		Foraged

Common name	*Species name*	Status[1]	Notes
Cliff swallow	*Petrochelidon pyrrhonota*		Foraged
Northern mockingbird	*Mimus polyglottos*		Just off site
European starling	*Sturnus vulgaris*	Non-native	
American pipit	*Anthus rubescens*		Many, foraged
House finch	*Haemorphous mexicanus*		
Lesser goldfinch	*Spinus psaltria*		Foraged
White-crowned sparrow	*Zonotrichia leucophrys*		Foraged
Savannah sparrow	*Passerculus sandwichensis*		Foraged
Western meadowlark	*Sturnella neglecta*		
Brewer's blackbird	*Euphagus cyanocephalus*		Flew over
Yellow-rumped warbler	*Setophaga coronata*		
Desert cottontail	*Sylvilagus audubonii*		Just off site
Coyote	*Canis latrans*		Called in area
San Joaquin kit fox	*Vulpes macrotis mutica*	FE, CT	One observed about 250 m from site; tracks on site
California ground squirrel	*Otospermophilus beecheyi*		Likely pregnant
Botta's pocket gopher	*Thomomys bottae*		Burrows

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered; FC = federal candidate for listing; CT or CE = California threatened or endangered; CCT or CCE = Candidate California threatened or endangered; SSC_i = California Species of Special Concern with i = priorities 1, 2 and 3; WL = CDFW's Taxa to Watch List; BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); and BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

ANALYSIS OF RECONNAISSANCE SURVEY DATA

Noriko detected 30 species of vertebrate wildlife, which totaled a large number for the brevity of her survey effort. All the species in Table 1 and all six of the additional species I detected would lose habitat as the result of the project and its replacement of vegetated ground covers with arrays of solar panels. Smallwood and Smallwood (2023) confirmed this habitat loss by measuring the impacts of development projects on species richness and the abundances of wildlife. Smallwood and Smallwood (2023) directly compared the species and the numbers of animals observed prior to development to the those observed after development, while they did the same at control sites. The measured losses of these species resulting from development is indicative of habitat loss, because habitat is defined as that portion of the environment that is used for survival and reproduction by members of a species (Hall et al. 1997), and this use is inferred by observations of the presence of a species (Smallwood 2002).

However, the species of wildlife Noriko detected at the project site were not the only species that were present during her surveys, as there are always species that evade detection. To demonstrate that reconnaissance surveys cannot detect all species that use

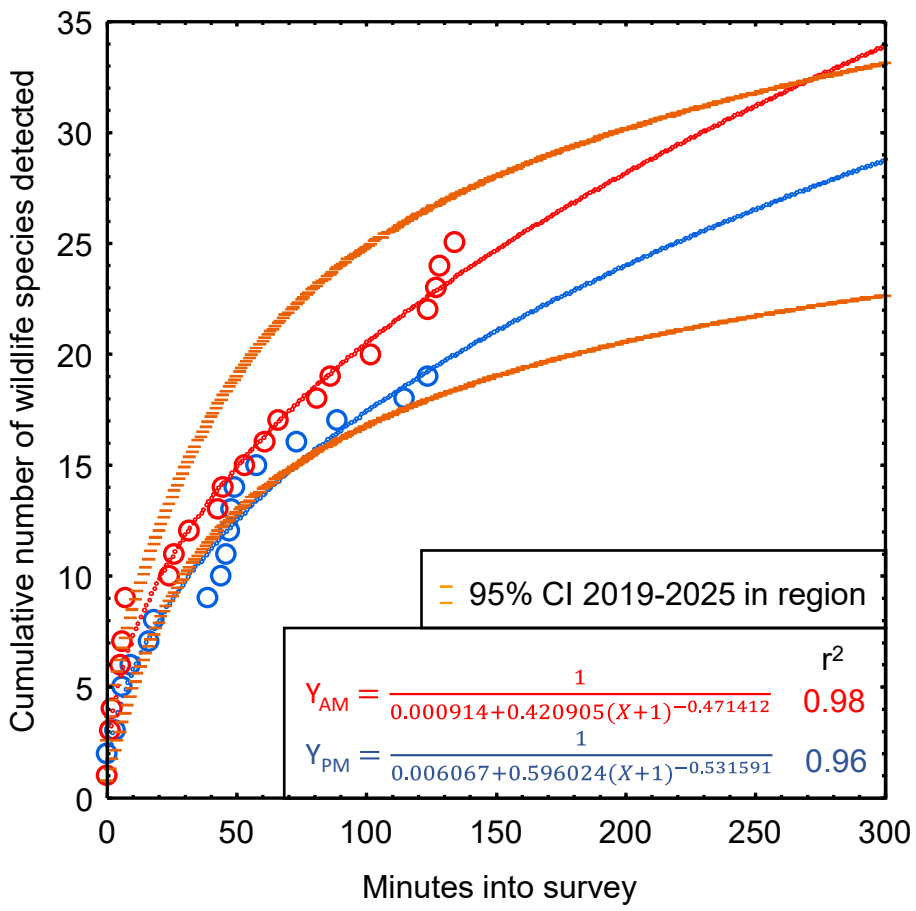
a given site, I fit nonlinear regression models to Noriko's accumulations of first detections of vertebrate wildlife species with time into her daytime surveys to predict the numbers of species that she would have detected with longer surveys or perhaps with additional biologists available to assist her. The type of model I used is a logistic growth model, which reaches an asymptote that corresponds with the theoretical maximum number of vertebrate wildlife species that could have been detected during the survey. The model I fit to Noriko's survey data from the morning of 31 March 2026 predicts 34 species of vertebrate wildlife should have been detectable after five hours of survey, or 9 more species than she detected that morning (Figure 1). No reconnaissance survey is going to detect all the species that occur on a given site. Note also that Noriko's species detections were within the bounds of the 95% confidence interval estimated from many surveys we have completed in the south Central Valley.

Unknown are the identities of species Noriko missed, but the species that Noriko did and did not detect composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, some require more survey effort because they are highly cryptic, and the members of other species would visit the site only periodically while patrolling large home ranges. Surveys on only two days cannot possibly detect all of the species of the local wildlife community.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's two surveys. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern, i.e., rate, of species detections is consistent from site to site.

As part of my research, I completed a much larger survey effort across 167 km^2 of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan surveys at the project area on 30 (blue) and 31 (red) March 2026. Note the confidence interval (orange) applies only to the morning survey (red).*



I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 16.85 species over my first 4.77 hours of diurnal surveys at my research site in the Altamont Pass (4.77 hours to match the 4.77 hours Noriko surveyed during daylight hours at the project site), which composed 29.2% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 28 species Noriko detected after her 4.77 hours of daylight survey at the project site likely represented 29.2% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $^{28}/_{0.292} = 96$ species of vertebrate wildlife detectable by daylight surveys at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 96 predicted species, then continued daytime surveys would eventually detect 17 special-status species of vertebrate wildlife that are detectable in daylight surveys.

Because my prediction of 97 species of vertebrate wildlife, including 17 special-status species, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of

the site must be larger. Noriko's reconnaissance surveys should serve only as a starting point toward characterization of the site's wildlife community, but they certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her two surveys to produce an inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort.

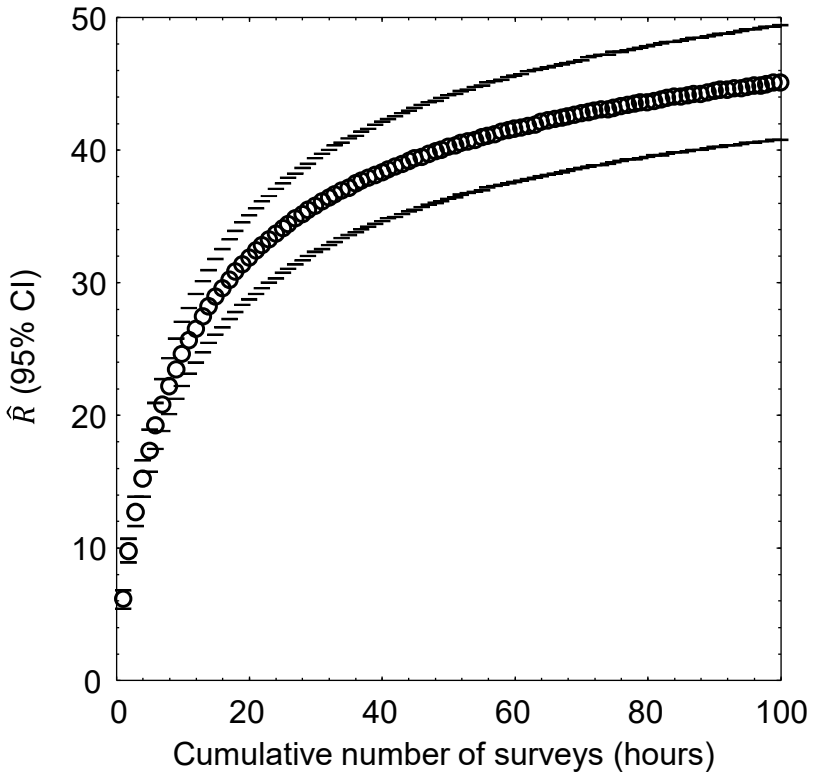


Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.*

EXISTING ENVIRONMENTAL SETTING

CEQA's primary objectives should guide the design and conduct of CEQA review. Four of CEQA's primary objectives are to (1) accurately characterize the existing environmental setting, (2) disclose potential project impacts to the public and decision-makers, (3) foster public participation with decision-making over proposed projects, and (4) identify issues and feasible alternative mitigation measures to minimize environmental impacts. The first objective is essential to the other three, because an accurate understanding of the existing environmental setting is needed to predict impacts, provide the public with the means to meaningfully participate with issues of importance, and effectively strategize mitigation and project alternatives (Figure 3). For biological resources, essential information includes the species composition of the plant and wildlife communities, key ecological interactions, identification of ecological keystone species, determining the presence of special-status species or their habitats, and identifying risk factors that could result in significant direct, indirect and cumulative impacts should the project go forward.

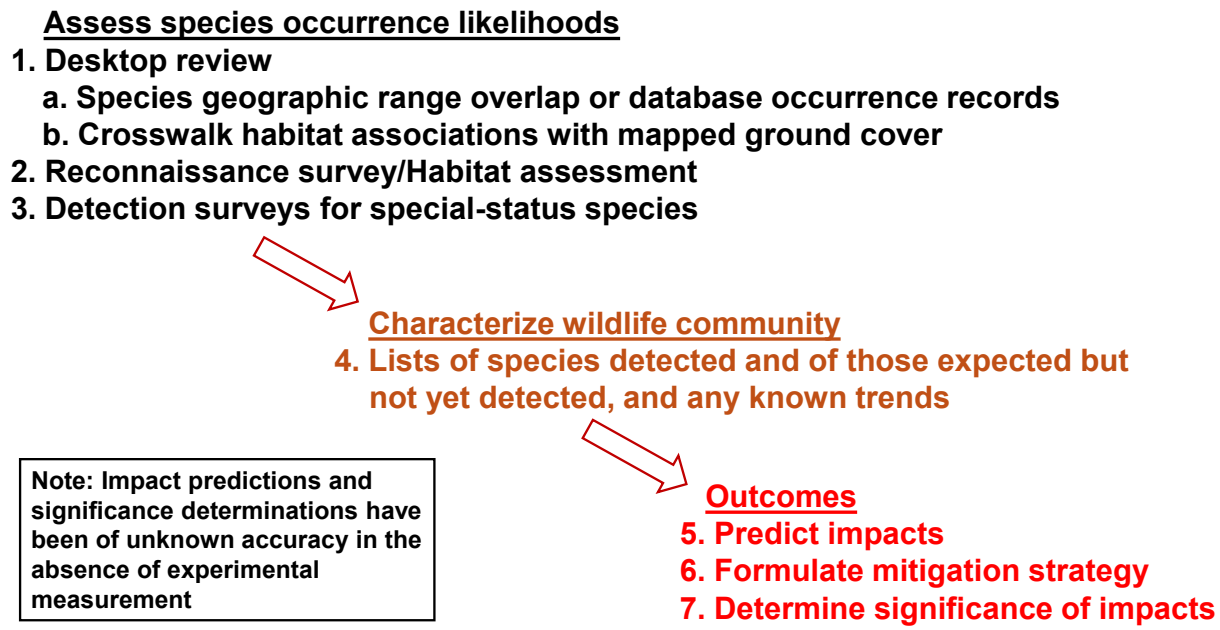


Figure 3. *General flow of information from its gathering through characterizing the existing environment to predicting impacts and their significance.*

The public and decision-makers need to know which species are susceptible to harm potentially caused by the project and its associated activities, and which are known to be vulnerable to harm once exposed to the environmental changes brought by the project. For these reasons, field studies are needed to identify as many of the species that occur on the project site as reasonably feasible, and to otherwise examine the environmental conditions for their likelihood to support species that are not detected, otherwise known as "habitat assessment." A review of species occurrence records – also known as "desktop review" – is needed to identify the other species that potentially occur on the site – a process that is also referred to as "habitat assessment." Because habitat assessments that are based on either or both field study and desktop review are prone to uncertainty, emphasis needs to be directed to adequate field study to reduce the pool of species subjected to habitat assessment, thereby weighing the review more towards certainty. Appropriately weighted reviews are less susceptible to speculation over species occurrence likelihoods. For this reason, protocol-level detection surveys have been formulated for numerous special-status species of plants and wildlife, and otherwise best scientific practices are needed to provide a reasonable likelihood of detection of species that truly occur on the project site. The negative findings of a properly conducted detection survey are the only findings that can support a determination of species absence.

Even among reviews founded on the best of field studies, there is always uncertainty over some of the determinations of species occurrences. The uncertainties of habitat assessments need to be managed to achieve CEQA's primary objectives. This means that the methodological details of both the field studies and desktop review need to be carefully and thoroughly reported, and it means that results need to be reported in context of their uncertainties. For example, the reporting of having detected 10 species

in a reconnaissance survey is nearly meaningless without also reporting the numbers of species found in surveys of similar methods and effort levels, and the reporting of the failure to detect a given species is nearly entirely meaningless without also reporting the likelihood that species would be detected given the survey methods and effort level. The same is true of desktop review; that is, there should be some means of validating habitat assessments based on the thousands of habitat assessments that have already been conducted in support of CEQA reviews. If industry standards in environmental review are to be credible, then they must include the use of the comparative method.

In the case of this project, South (2025:7) characterizes its reconnaissance survey in a subtitle: "Plant and Animal Inventories." However, a single reconnaissance survey cannot produce an inventory of the plant or animal species that compose the ecological community. A much larger survey effort would be needed to obtain a species inventory.

Environmental Setting informed by Field Surveys

South (2025:6) conducted a reconnaissance survey on 10 November 2023 "to record plants and animals observed on the project site, map plant communities, and identify other locally significant resources including native and protected trees, and water resources." The stated objectives are appropriate for achieving CEQA's primary objectives, but South (2025) fails to report much of the information that is essential for providing interpretive context to the survey findings. South (2025) reports no survey start time, no survey duration, and no description of the survey methodology. Nor does South (2025) report any comparative analysis of its findings, such as to survey findings based on similar methods at other locations.

Without contextualizing the survey findings to survey effort and to what one should expect to have been found, it is difficult for members of the public or the decision-makers to understand what Dudek's survey findings represent. For example, while South (2025:20) reports "No special-status species were documented during the survey," South fails to report that Swainson's hawks would not have been available for documentation on the project site because they had already migrated to Mexico by the date of the survey. South fails to report that in November burrowing owls are less visible, and therefore less detectable, because without the need for breeding adult males to guard nest sites, there is no reason for burrowing owls to show themselves during daylight. Similarly, no special-status species of bats would have been detectable without having conducted a directed bat survey, and no special-status species of small mammals would have been detectable without having conducted the appropriate live-trapping to detect them. The likelihood of detecting special-status species greatly diminishes without implementing the appropriate surveys, survey timing, and survey effort, but neither South (2025) nor the DEIR discusses this.

In comparison to South's eight species of vertebrate wildlife, Noriko detected 30 species of vertebrate wildlife within the project area. In only 7.5 hours of survey, Noriko detected 3.75 times more vertebrate wildlife species than did South, and she detected 5 times the number of special-status species of vertebrate wildlife. Due to South's (2025) insufficient reporting, I cannot conclude that the difference in survey outcomes resulted

from a difference in survey effort, but an explanation is needed. All I can say is that while South detected only 0.63 times the average number of vertebrate species detected by consulting biologists in desert environments, Noriko detected 1.67 times the average number we find in desert environments (Figure 3), and while South found half the average number of special-status species of vertebrate wildlife detected by consulting biologists in desert environments, Noriko detected 1.36 times our average number (Figure 4).

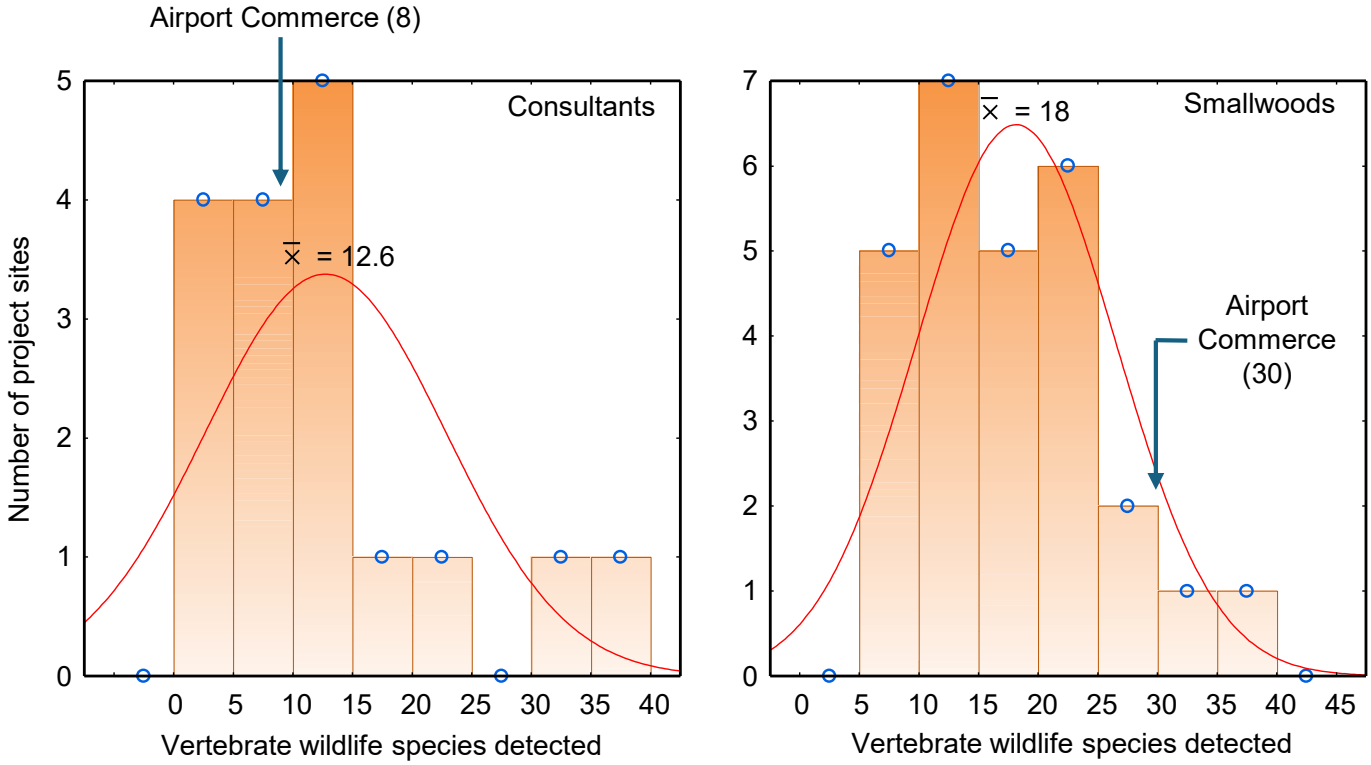


Figure 3. *Frequency distribution of the number of vertebrate wildlife species detected by consulting biologists (left graph) and by me and Noriko (right graph) among project sites surveyed in support of environmental reviews in California deserts.*

Two comparative contexts are needed to fully disclose the meanings of survey findings in the DEIR. The first is to contextualize the survey findings relative to the survey effort, because otherwise it is misleading to insinuate that the species detected were definitive of the wildlife community. As Figures 1 and 2 demonstrate, additional surveys contribute to an increasingly more accurate characterization of the wildlife community, but eventually to a point at which the species inventory would be obtained. Quicker progress toward an accurate characterization of the wildlife community can be achieved by adding nocturnal surveys as well as specialized surveys for detecting bats, small mammals, reptiles and amphibians. However the surveys are done, it is imperative to compare survey findings to the findings from other surveys and their associated survey attributes to provide interpretive context such as to quantify the uncertainty of the findings, or alternatively to understand whether the findings fall within the expected

range of findings given the survey methods and level of effort. If no such comparison is possible, then the lack of comparability should be discussed as a survey limitation.

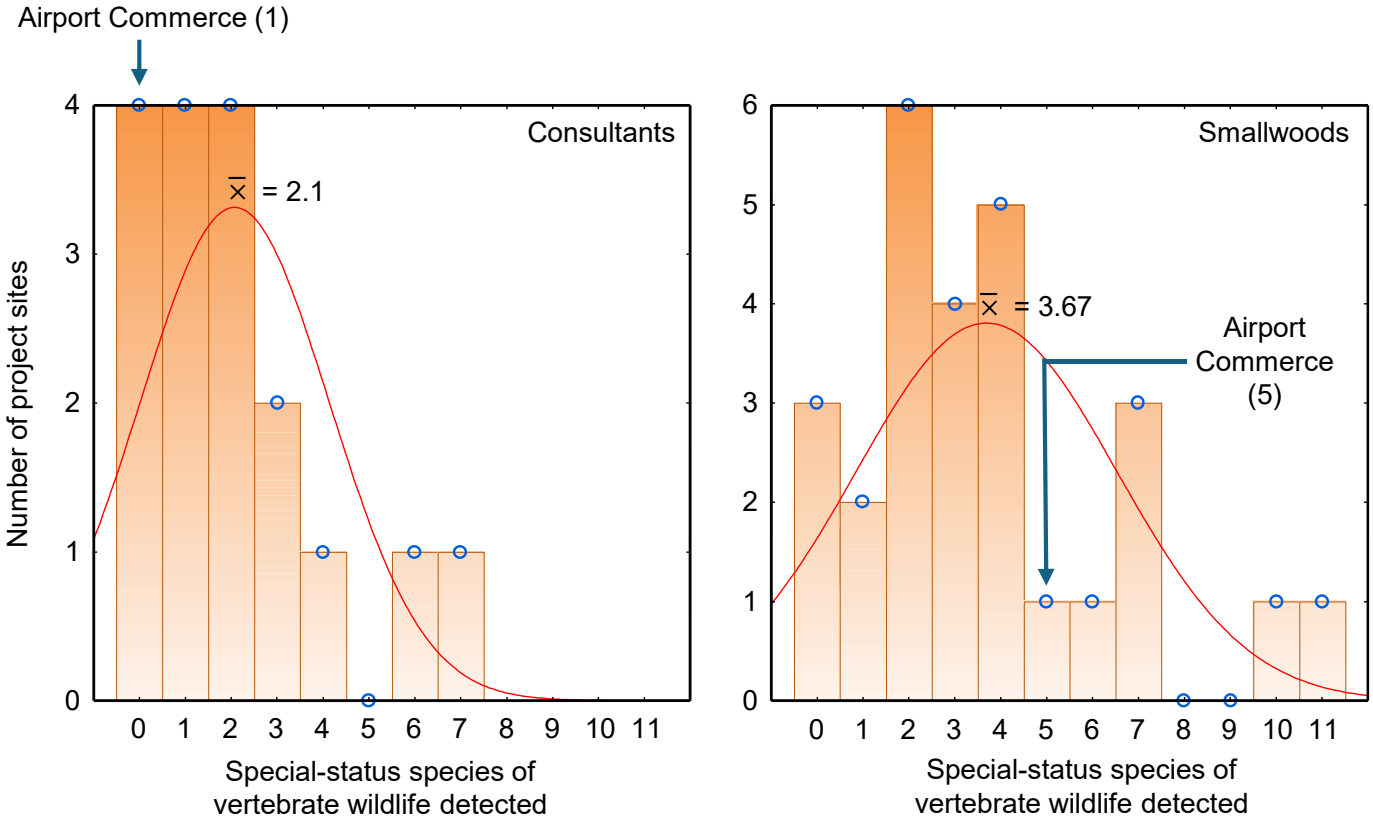


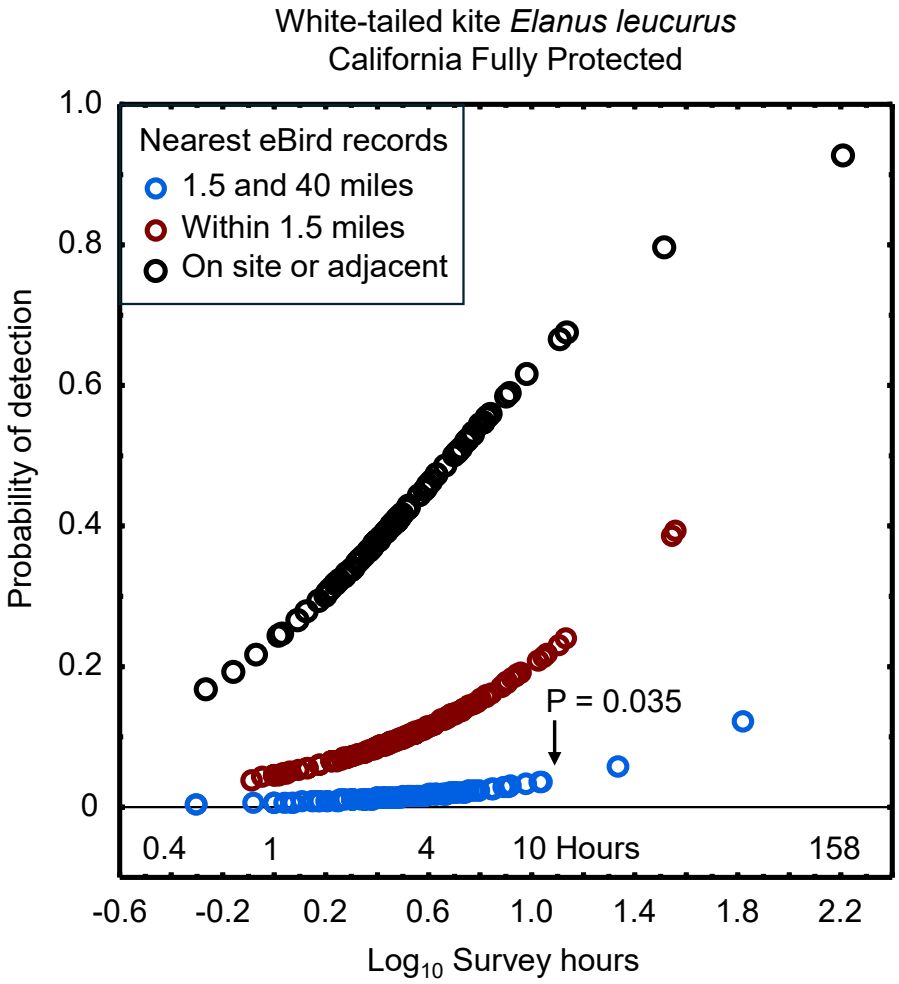
Figure 4. *Frequency distribution of the number of special-status species of wildlife detected by consulting biologists (left graph) and by me and Noriko (right graph) among project sites surveyed in support of environmental reviews in deserts.*

The second comparative context is to assess the probabilities of detection considering the survey effort of each special-status species, whether detected or not. South (2025) reports having failed to any special-status species of wildlife, but failures to detect special-status species can mean that the survey was inadequate. Each species presents survey personnel with a unique range of detection probabilities based on the species' natural history, its behavior patterns, survey effort, the study area's distance from known activity areas of the species, and the levels of skill of survey personnel. Many animals maintain home ranges that are larger than most project sites, and they periodically shift their foraging activities to various parts of their home range, hence occurring on a particular site only periodically. To detect these species, survey personnel must be at the site on the same date and time as the one or more members of the species. The probability of detection of any given species during any given survey is less than 100%, and for many species that truly occur on a given site, it is closer to 0%.

For example, South (2025) failed to detect white-tailed kite, and it further determines that white-tailed kite has no likelihood of occurring on the project site because, according to South, the project site lacks habitat. However, Noriko and I have found

white-tailed kites in environments similar to the project site. Based on hundreds of surveys within the geographic range of white-tailed kite, Noriko's 4.77 hours of daylight survey combined with the knowledge that white-tailed kite has been documented between 1.5 and 40 miles from the project site afforded Noriko a 3.5% likelihood of detection of white-tailed kite (Figure 6). Noriko would have needed to conduct many more surveys to accumulate a reasonable likelihood of detecting white-tailed kite, but the patterns of our findings from hundreds of surveys depicted in Figure 6 reveal that it is unlikely that the white-tailed kite is absent from the project site.

Figure 6.
Probability of detection of white-tailed kite as a function of survey effort and proximity of occurrence records to a project site, based on hundreds of reconnaissance surveys we completed 2019–2024.



This second comparative context is very important because it is the basis for the formulation of detection survey protocols. Experienced biologists are aware of survey limitations due to ranges of variation in the activity periods, levels of crypticity, and periodic movement patterns of wildlife species, and due to variation in the skill and commitment of survey personnel. This second comparative context acknowledges that the occurrence likelihood of a species on a particular site is rarely if ever zero, so long as the site is within the species' geographic range and it provides habitat. This second comparative context reveals that a determination of zero likelihood of occurrence is typically indicative of insufficient survey effort. A common goal of detection survey protocols is to support absence determinations with a survey effort that should have

resulted in a detection if the species had been present at the time of the surveys, but it does not prove that the species is always absent from the site. This second comparative context and its implications should not be neglected in CEQA review, but it is neglected in the case of the DEIR prepared for this project.

Protocol-level detection surveys should have been implemented for multiple special-status species of wildlife and for rare species of plants. A protocol is available for burrowing owl (CDFW 2012), and another is available for San Joaquin kit fox (USFWS 1999). A survey protocol is available for special-status species of bumble bees (CDFW 2023) and for rare plants (CDFW 2018). Considering that South (2025:13) determines a "Moderate to high potential for Bakersfield Cactus," the CDFW (2018 rare plant survey guidelines need to be implemented. Unless a compelling argument can be made for a site's lack of habitat, no special-status species whose geographic range overlaps the project site should be determined as absent.

An alternative to implementing protocol-level detection surveys is to simply conduct enough reconnaissance surveys to either detect a given special-status species or to provide reasonable confidence that the species is absent. At a nearby site in northern Bakersfield, I did not detect San Joaquin kit fox until my 17th survey of the site when I used a thermal-imaging camera for only my second time on the site. Simply walking out onto a project site in the middle of the day, which is what South's biologist might have done (the survey time is not reported), would unlikely result in the detection of San Joaquin kit fox. Noriko photographed (Photo 4) a kit fox next to the project site in the low light of early morning (07:00 hours) which is a more likely time to see San Joaquin kit fox than in the middle of the day. Noriko also found tracks of San Joaquin kit fox on the project site, but perhaps South's biologist is unfamiliar with San Joaquin kit fox tracks or just happened to survey on a date when San Joaquin kit fox had not visited over the previous few days. Again, the conduct of multiple surveys vastly increases the likelihood of a special-status species.

In another example, South (2025) failed to detect Swainson's hawk, whereas Noriko did (Photo 5). However, South surveyed while Swainson's hawks were in Mexico on winter migration, and Noriko surveyed soon after Swainson's hawks returned from Mexico to breed in California. Multiple surveys can span the times when a migratory special-status species is present.

In yet another example, South (2025) failed to detect loggerhead shrike, whereas Noriko did (Photo 14). Noriko and I know from experience that any given loggerhead shrike is not always detectable, because they patrol large territories and they often conceal themselves in dense vegetation. We surveyed a study area many times before satisfying ourselves that we had found all nest sites of loggerhead shrikes (Smallwood and Smallwood 2021). A single survey of a site should not be expected to detect the presence of loggerhead shrike.

In summary, South (2025) reports having detected few species of wildlife, whereas Noriko found many more in only a short time. It is deficient of South (2025) to have reported its findings without any comparative context to aid in interpretation. The DEIR

should be withdrawn from public circulation until either a sufficient survey effort is completed or the results in hand are appropriately interpreted and reported in support of a more accurate characterization of the project site's wildlife community.

Environmental Setting informed by Desktop Review

South (2025) relies heavily on occurrence records in the California Natural Diversity Data Base (CNDDB) to establish its pool of special-status species for assessing occurrence likelihoods, otherwise referred to as habitat assessments. South (2025) queried the CNDDB for occurrence records of special-status species within nine USGS 7.5' Quadrangles inclusive of the project site. Special-status species represented by occurrence records in these Quads were moved forward in the habitat assessment, but species lacking records were screened out of further analysis. However, the CNDDB is a volunteer, positive-sightings database, and as such it is useful for confirming presence but not for confirming absence of species because such databases are not designed for this purpose. As noted by the CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present*." South (2025) and hence the DEIR misuse the CNDDB.

The CNDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to the CNDDB. Furthermore, the CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDB than were species assigned special status since the inception of the CNDDB. Therefore, occurrence records in the CNDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because negative findings are not reported to the CNDDB, the CNDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the CNDDB is the same as an absence determination, but without the support of the detection surveys that have been formulated for this purpose.

As suggested above, South (2025) also weighs the likelihoods of occurrence of those species that passed the initial screening for inclusion. South assigns occurrence likelihood categories of None, Low, Moderate, and High. As noted above, however, the absence of occurrence records is not evidence of absence, nor is it evidence of any likelihood of occurrence. At best, CNDDB records can serve as evidence of the likelihood of detection of a species, but again, this likelihood does not parallel the likelihood of occurrence because species often occur where never detected by biologists.

In my assessment based on a database review and site visits, 109 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Not all these species should be expected to occur at the project site, but each of them should be given a closer look to determine occurrence likelihoods and whether additional surveys are needed, or implementation of detection surveys, or whether it would be reasonable to assume presence. Of these 109 species, 6 were recorded on or just off the project site, and another 9 (8%) species have been documented within 1.5 miles of the site (Very close), another 40 (33%) between 1.5 and 4 miles (Nearby), and another 39 (37%) between 4 to 30 miles (In region). Half of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports at least six special-status species of wildlife, and it carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. Evidence certainly suggests that habitat assessments are needed for these species.

South (2025) considers the occurrence likelihoods of only 21 (19%) of the special-status species listed in Table 2. Most (15) of the 21 species moved forward in the analysis are determined to have no chance of occurrence, though Noriko detected one (Swainson's hawk) on the project site, and four others have been detected between 1.5 and 4 miles from the site, including Monarch which I detected and photographed nearby. Seven more of the special-status species that South determines have no chance of occurrence have actually been detected between 4 and 40 miles from the site. The highest likelihood that South determines for any of the 21 species is moderate, and it – San Joaquin kit fox – was detected on the project site by Noriko. All considered, the accuracy of South's determinations of occurrence likelihoods is poor, especially considering that the appropriate determinations of the occurrence likelihoods of special-status species should err on the side of caution, consistent with the Precautionary Principle in risk analysis involving rare or precious resources (National Research Council 1986).

South (2025) fails to consider the occurrence likelihoods of 88 (81%) of the special-status species in Table 2, after South screened then out of the analysis in the first step of its desktop review. Of the special-status species South screened out of the analysis, 4 have been documented on or adjacent to the project site, 9 have been documented within 1.5 miles, 35 have been documented between 1.5 and 4 miles from the site, and 28 have been documented between 4 miles and 50 miles from the sites. Forty-eight (55%) of the 88 special-status species not analyzed by South have been documented within 4 miles of the project sites. South's and hence the DEIR's analysis of occurrence likelihoods is incomplete.

In place of sound evidence to support habitat assessments, South (2025) relies on speculation. For example, South (2025:20) concludes the project site "has a low value as plant and wildlife habitat." This conclusion could only have been speculated because a single survey that detected only 26% of the vertebrate species that Noriko detected over her brief survey could not have supported it. Based on my analytical bridging of Noriko's survey findings to my findings in hundreds of surveys at a research site (see Figure 2), 97 species of vertebrate wildlife should be detectable over a year or longer of diurnal

surveys, so South (2025) detected 8% of these species. Speculation is a poor basis for characterizing the wildlife community.

Similarly, South (2025:13) concludes, “The plant community is highly altered, and the presence of non-native and invasive plants reduces the quality of habitat for native wildlife, and as a result, only species adapted to ruderal and disturbed areas are expected to occur.” South did not measure habitat quality, as this attribute is measured by such productivity metrics as nest success, fecundity, and survivorship. None of these metrics are measured for any species. Furthermore, South cites no scientific source that relates habitat quality to invasive plants in any way. Moreover, Noriko detected multiple species that are not simply adapted to ruderal and disturbed areas. The loggerhead shrike is one of these species, and so is horned lark, savannah sparrow, and western meadowlark, and I would argue that Swainson’s hawk and San Joaquin kit fox best thrive in areas that are closer to pristine. Plant communities all over California have been altered in various ways, so it is not compelling to simply argue that a disturbed plant community reduces habitat qualify of wildlife species.

South (2025:14) claims. “Though the study area does not possess high quality native habitat [for San Joaquin kit fox and burrowing owl], the records of special status species nearby indicate that both burrowing owl and San Joaquin kit fox could utilize the project site as both species have the potential to occur in disturbed areas.” Again, South cannot know whether the project site lacks high quality habitat without measuring habitat quality in some way. South made no such measurements.

Lastly, South (2025:14) implies that each species live within two distinct types of habitat – one for breeding and one for foraging: “Though Swainson’s hawk are not expected to nest on the project site, the project site supports suitable foraging habitat, and adjacent lands within disturbance distance (0.5 mile) of the project site could support nesting by Swainson’s hawk.” In fact, Swainson’s hawks that cannot find sufficient forage cannot successfully breed, which is a solid clue that the habitat distinction made by South does not exist. Habitat is habitat, and it includes, by definition, all the species foraging and breeding needs. Further complicating South’s characterization of habitat, South (2025: App. C) concludes that the occurrence potential of Swainson’s hawk is “None,” because “The Study Area lacks habitat for this species.” South concludes there is habitat but later concludes there is no habitat. In fact, Noriko saw and photographed Swainson’s hawk on the project site, so the project site serves as habitat for the Swainson’s hawk.

Mischaracterization of the Wildlife Community

The DEIR’s characterization of the plant and wildlife community is based on a survey of unreported methods, and which obviously detected too few of the species that occur on the project site. The DEIR characterizes the few species detected as the wildlife community, which is obviously inaccurate. The desktop review further mischaracterizes the wildlife community by improperly using the CNDDB to screen out from further habitat assessment most of the special-status species that could occur on the site, and it relies too much on speculation to determine that all but a few special-status species have potential to occur. No protocol-level detection surveys were implemented.

Table 2. *Occurrence likelihoods of special-status species of wildlife at or near the project site, according to South (2025), eBird* or *iNaturalist records (https://eBird.org, https://www.inaturalist.org), and survey findings On site, Very close (≤1.5 miles of the site), Nearby (1.5 – 4 miles), In region (4 – 30 miles), and In range, i.e., the species' geographic range overlaps the site. Entries in bold font identify species that Noriko detected during her site visit or that one of us detected at a nearby site.*

Common name	***Species name***	**Status[1]**	**Occurrence potential**	
			South 2025	**Records, Surveys**
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT		In region
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	FT	None	In range
Monarch	*Danaus plexippus*	FC	None	**Nearby**
Crotch's bumble bee	*Bombus crotchii*	CCE	None	Nearby
Western spadefoot	*Spea hammondii*	FC, SSC	None	In region
Northwestern pond turtle	*Actinemys marmorata*	FC, SSC	None	In region
Blunt-nosed leopard lizard	*Gambelia sila*	FE, CE, CFP	None	In region
Coast horned lizard	*Phrynosoma blainvillii*	SSC	None	In region
Bakersfield legless lizard	*Anniella grinnelli*	SSC	None	In region
California glossy snake	*Arizona elegans occidentalis*	SSC	Low	In region
San Joaquin coachwhip	*Masticophis flagellum ruddocki*	SSC	Low	In region
Brant	*Branta bernicla*	SSC2		In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL		In region
Redhead	*Aythya americana*	SSC2		Nearby
Western grebe	*Aechmophorus occidentalis*	BCC		Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC		In region
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE		In range
Black swift	*Cypseloides niger*	SSC3, BCC		In range
Vaux's swift	*Chaetura vauxi*	SSC2		Nearby
Calliope hummingbird	*Selasphorus calliope*	BCC		In region
Rufous hummingbird	*Selasphorus rufus*	BCC		Nearby
Mountain plover	*Charadrius montanus*	SSC2, BCC		In region
Long-billed curlew	*Numenius americanus*	WL		In region
Marbled godwit	*Limosa fedoa*	BCC		In region

Common name	*Species name*	Status[1]	Occurrence potential	
			South 2025	Records, Surveys
Pectoral sandpiper	*Calidris melanotos*	BCC		In region
Short-billed dowitcher	*Limnodromus griseus*	BCC		In region
Lesser yellowlegs	*Tringa flavipes*	BCC		Nearby
Willet	*Tringa semipalmata*	BCC		In region
Franklin's gull	*Leucophaeus pipixcan*	BCC		In region
Western gull	*Larus occidentalis*	BCC		In region
California gull	*Larus californicus*	BCC, WL		**Nearby**
Black tern	*Chlidonias niger*	SSC2, BCC		In region
Common loon	*Gavia immer*	SSC		In region
Double-crested cormorant	*Phalacrocorax auritus*	WL		Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1		Nearby
Least bittern	*Ixobrychus exilis*	SSC2		In region
White-faced ibis	*Plegadis chihi*	WL		**Nearby**
California condor	*Gymnogyps californianus*	FE, CE, CFP		In region
Turkey vulture	*Cathartes aura*	BOP		On site
Osprey	*Pandion haliaetus*	WL, BOP		**Nearby**
White-tailed kite	*Elanus luecurus*	CFP, BOP	None	Nearby
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL		Nearby
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP		Nearby
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP		Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP		**Very close**
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP		Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP		Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	None/Moderate	Nearby/**On site**
Red-tailed hawk	*Buteo jamaicensis*	BOP		Very close/**On site**
Ferruginous hawk	*Buteo regalis*	WL, BOP		Nearby
Rough-legged hawk	*Buteo lagopus*	BOP		In region
American barn owl	*Tyto furcata*	BOP		Very close
Western screech-owl	*Megascops kennicotti*	BOP		Nearby
Great horned owl	*Bubo virginianus*	BOP		Nearby
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	High	**Nearby**

Common name	*Species name*	Status[1]	Occurrence potential	
			South 2025	Records, Surveys
Long-eared owl	*Asio otus*	BCC, SSC3, BOP		In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP		In region
Lewis's woodpecker	*Melanerpes lewis*	BCC		Nearby
Nuttall's woodpecker	*Picoides nuttallii*	BCC		Nearby
American kestrel	*Falco sparverius*	BOP		On site/**On site**
Merlin	*Falco columbarius*	WL, BOP		**Nearby**
Peregrine falcon	*Falco peregrinus*	BOP		**Nearby**
Prairie falcon	*Falco mexicanus*	WL, BOP		Very close
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2		Nearby
Willow flycatcher	*Empidonax traillii*	CE		Nearby
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE		In range
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2		Nearby
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE		In range
Loggerhead shrike	*Lanius ludovicianus*	SSC2		**Very close/Fringing**
Oak titmouse	*Baeolophus inornatus*	BCC		Nearby
Bank swallow	*Riparia riparia*	CT		Nearby
Purple martin	*Progne subis*	SSC2		In region
Wrentit	*Chamaea fasciata*	BCC		Nearby
California thrasher	*Toxostoma redivivum*	BCC		Nearby
Cassin's finch	*Haemorhous cassinii*	BCC		Nearby
Lawrence's goldfinch	*Spinus lawrencei*	BCC		Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2		In region
Black-chinned sparrow	*Spizella atrogularis*	BCC		In region
Gray-headed junco	*Junco hyemalis caniceps*	WL		Nearby
Bell's sparrow	*Amphispiza b. belli*	WL		In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2		In range
Yellow-breasted chat	*Icteria virens*	SSC3		Very close
Yellow-headed blackbird	*X. xanthocephalus*	SSC3		Nearby
Bullock's oriole	*Icterus bullockii*	BCC		Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	None	Nearby

Common name	*Species name*	Status[1]	Occurrence potential	
			South 2025	Records, Surveys
Lucy's warbler	*Leiothlypis luciae*	SSC3		In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC		In region
Yellow warbler	*Setophaga petechia*	SSC2		Nearby
Summer tanager	*Piranga rubra*	SSC1		Nearby
Little brown bat	*Myotis lucifugus*	WBWG:M		In range
Yuma myotis	*Myotis yumanensis*	WBWG:LM		**In region**
Long-eared myotis	*Myotis evotis*	WBWG:M		In range
California myotis	*Myotis californicus*	WBWG:L		**Nearby**
Small-footed myotis	*Myotis ciliolabrum*	WBWG:M		In range
Canyon bat	*Parastrellus hesperus*	WBWG:M		In range
Big brown bat	*Episticus fuscus*	WBWG:L		In range
Silver-haired bat	*Lasionycteris noctivagans*	WBWG:M		**Nearby**
Hoary bat	*Lasiurus cinereus*	WBWG:M	None	In range
Western red bat	*Lasiurus blossevillii*	SSC, WBWG:H		**Nearby**
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG:H		In range
Pallid bat	*Antrozous pallidus*	SSC, WBWG:H		In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG:L		**Nearby**
Western mastiff bat	*Eumops perotis*	SSC, WBWG:H	None	In range
Nelson's antelope squirrel	*Ammospermophilus nelsoni*	CT	Low	In region
Tipton kangaroo rat	*Dipodomys n. nitratoides*	FE, CE	None	In region
Giant kangaroo rat	*Dipodomys ingens*	FE, CE		In region
Tulare grasshopper mouse	*Onychomys torridus tularensis*	SSC	None	In region
American badger	*Taxidea taxus*	SSC	Low	In region
San Joaquin kit fox	*Vulpes macrotis mutica*	FE, CT	Moderate	**Nearby/On site**

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered; FC = federal candidate for listing; CT or CE = California threatened or endangered; CCT or CCE = Candidate California threatened or endangered; CFP = California Fully Protected (California Fish and Game Code 3511); SSC_i = California Species of Special Concern with i = priorities 1, 2 and 3; WL = CDFW's Taxa to Watch List; BGEPA = Bald and Golden Eagle Protection Act; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); and BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

The impacts analysis in CEQA review involves prediction. Impact predictions are necessary in environmental review because measuring a project's impacts directly could not happen until after the impacts occur, and the timing of this type of measurement would come too late for formulating a mitigation strategy or deciding on a project alternative. As noted earlier, the accuracy of the predictions of impacts and their significance ultimately relies on the degree of accuracy in the characterization of the existing environmental setting (Figure 3). Prediction accuracy also relies on experience, of which development projects subjected to CEQA review have been made amply available (Figure 8). CEQA prohibits the use of speculation to predict that potential project impacts would be less than significant (see CEQA Guidelines section 15145. SPECULATION), so it is experience that must be used. The type of experience proven most effective, and therefore most amenable to achieving CEQA's primary objectives, is scientific inference, as generally depicted in Figure 8. Scientific inference can be drawn from scientific studies or from the many other projects that have undergone CEQA review. The comparative method enables the use of scientific inference to predict impacts and to predict the efficacies of mitigation strategies, the latter of which should be also amply available in the record.

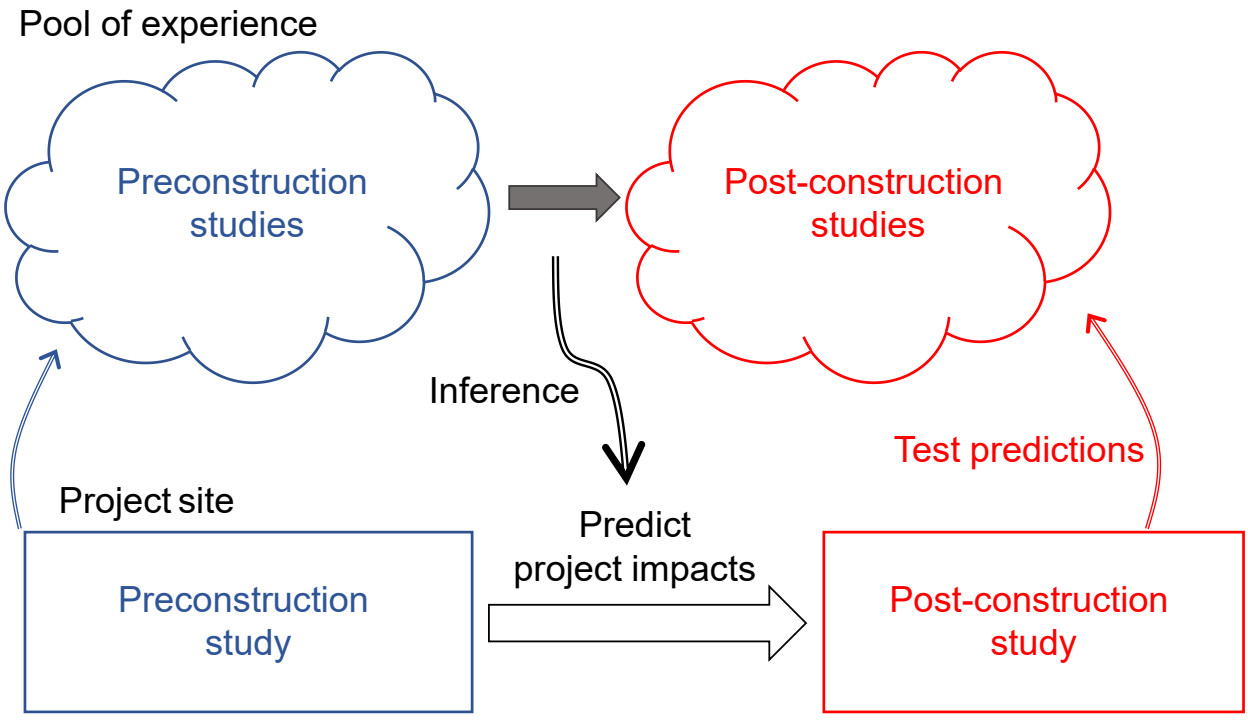


Figure 8. *A framework for arriving at predicted project impacts based on experience with other project sites. Ideally, there is a pool of similar projects in similar circumstances where predicted impacts were compared to realized impacts, and into which the proposed project can also contribute to experience.*

In the following, I analyze several types of impacts likely to result from the project, none of which are analyzed adequately in the DEIR, and some of which are not analyzed at all.

First, however, I need to comment on a mischaracterization reported by South. According to South (2025:20), "The loss of this disturbed community would be a less than significant impact according to CEQA because the community is not a sensitive natural community and because of its high level of disturbance and lack of habitat for special-status species. In the event that Bakersfield cactus, burrowing owls, or San Joaquin kit fox are present on the project site, the habitat loss for these species would be mitigated as outlined below in the Special-Status Species impacts analysis." This statement is a mischaracterization of CEQA, which does not require that the significance of the loss of an ecological community depends on whether it is regarded as a sensitive natural community. Furthermore, and regardless of the mitigation measures required in the DEIR, the applicant is not allowed to take Bakersfield cactus, burrowing owl or San Joaquin kit fox without incidental take permits issued by the regulatory agencies, and the same is true of Swainson's hawk.

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species. The site is proven to serve as habitat to at least 30 species of vertebrate wildlife which Noriko observed on or adjacent to the project site, but the number of avian nest sites remains unknown. The surveys that have been conducted on the project site were unsuitable for detecting all bird nests or estimating total nest density. South (2025) completed only one reconnaissance survey, and it was in the non-breeding season. Noriko visited the site only once, but finding nest sites requires many surveys through the breeding season. The alternative method for estimating avian productive capacity is to infer it from estimates of total nest density elsewhere. Noriko and I have been studying total avian nest density over several years, so I mostly draw from our estimates to be multiplied against 110 acres of grassland and shrub cover on the project site.

Based on total nest densities of birds in a grassland at Indian Cave State Park and Ponka State Park, Nebraska (Jorgenson et al. 2014), a grassland in the San Jacinto Wildlife Area (Noriko Smallwood 2023 unpubl. Data), two grassland sites in Murietta (Noriko Smallwood 2024 unpubl. Data), and a grassland site in eastern Yolo County (K. S. Smallwood 2024 unpubl. Data), the average total nest density is 3.3 nest sites/acre/year. This average multiplied against 110 acres predicts 363 nest sites. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 505 nest attempts per year on the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 1,465 fledglings/year at the project site.

The loss of 363 nest sites and 505 nest attempts per year would qualify as significant impacts that have not been analyzed in the DEIR. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 1,465 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling

production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 1,647 birds per year lost to California.

The loss of 1,647 birds per year would be a loss of significant habitat value that is currently provided by the project sites. Most of these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds. The annual loss of 1,647 birds would easily qualify as an unmitigated significant impact.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, this concern has not motivated any serious analysis of whether or how the project would interfere with wildlife movement in the region. South (2025) and the DEIR merely speculate that the project site is unlikely to function as a wildlife movement corridor due to its setting amid developed or disturbed properties, and due to the advanced stage of habitat fragmentation in the region. South (2025) and the DEIR further claim that the Bakersfield Cactus Ecological Reserve is also so isolated that it no longer functions as a wildlife movement corridor. All this speculation is readily refutable. Only 25% of the project site's perimeter abuts developed property, leaving 75% of it next to undeveloped open space. The Bakersfield Cactus Ecological Reserve is also mostly bounded by open space. The claims that the project site and the Bakersfield Cactus Ecological Reserve are isolated, and that they are isolated from each other, are not supported by evidence. The DEIR's Figure 3-13 depicts cumulative projects just north and a bit south of the project site, but the Figure does not disclose which projects these are, nor their status. Currently, these properties are open space.

Even if the project site was isolated – it is not, the isolation would not rule out the importance of the project site to wildlife movement in the region. In fact, as habitat fragmentation advances, the isolated fragments of habitat that remain can emerge as even more important to the ability of volant species to move across the region, as the fragments provide migrants and long-range dispersers the only opportunities for forage and refuge (Smallwood 2015).

Finally, South (2025) and the DEIR rely on the red-herring argument that the project site must act as a wildlife movement corridor before changes to it could result in significant interference with wildlife movement in the region. The premise of the argument is not true. The CEQA standard expressed in Question (d) of the CEQA's App. G Checklist applies to all types of movement and not just the movement channeled by corridors. As habitat fragmentation proceeds, the remaining patches of open space increase in their importance as stopover opportunities for wildlife on long-distance dispersal or migration.

Moreover, some of the birds Noriko observed on or adjacent to the project site are migrants. One such migrant was Swainson's hawk. Noriko also found San Joaquin kit

fox tracks on the site, which means that kit foxes are moving across the site. The site is obviously important to the movement of at least some species, but South did nothing to measure this movement. South (2025) does not even identify wildlife movement as one of its survey objectives, and it indeed implemented no study design or program of observations to characterize wildlife movement on or around the project site.

Continued habitat connectivity is of central concern to the conservation and recovery of the Endangered San Joaquin kit fox (Cypher et al. 2013; Los Padres Forest Watch and Center for Biological Diversity 2010, USFWS 2010; Nogeire-McRae et al. 2019; USFWS 2020a,b). The 2010 5-year review (USFWS 2010: 12–14) includes mapped movement corridors that connect San Joaquin kit fox Recovery Units 10 and 11, inclusive of the project site, to San Joaquin kit fox Core Areas located north and south of Bakersfield.

TRAFFIC IMPACTS ON WILDLIFE

The DEIR neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 24—27), including along roads far from the project footprint but which would nevertheless be traversed by automobiles headed to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

Photo 24. *A desert cottontail runs across the road just in Murietta, California. Such road crossings are usually successful, but too often prove fatal to the animal.*

Photo 25. *A great-tailed grackle crosses a road in the Imperial Valley.*

Photos 26 and 27. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and California kingsnake killed by a vehicle on a rural road in El Dorado County in 2024.*

A useful study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection

rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Predicting project-generated traffic impacts on wildlife

The DEIR predicts 3,476,056 VMT for construction worker and vendor trips, and it predicts 36,819,636 annual VMT generated by employees during project operations. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road in Contra Costa County daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate of mortality multiplied against predicted project VMT predicts 1,479 wildlife fatalities would result from construction worker and vendor trips, followed by 15,661 wildlife fatalities per year due to employee traffic.

Based on my analysis, the project-generated traffic would cause significant impacts on wildlife. The DEIR does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, and that these impacts would be unmitigated.

BIRD AND BAT COLLISION MORTALITY CAUSED BY SECURITY FENCE

MM 4.3-8(b) addresses the management of a construction security fence to enable passage by terrestrial Mammalian carnivores such as American badger and San Joaquin kit fox. The EIR also mentions the intention to construct an 8-foot tall security fence on the project's perimeter, but it does not describe the fence. Assuming it is of wire cyclone construction or similar, its added presence would pose a hazard to birds and bats.

Cyclone fencing is known to kill wildlife via collision and entanglement (Photos 28 and 29), so it is important to disclose the length and type of security fencing. I estimate the length of the fence would be at least 3.17 km. Recent fatality monitoring along fences of utility-scale solar projects in California provides the basis for predicting avian mortality that would be caused by the project's fence (Smallwood 2022). The greater roadrunner experienced particularly high mortality along security fences. I also found collision mortality with fencing at solar projects to be highest for canyon bats, western meadowlarks, northern flickers, burrowing owls, yellow-headed blackbirds and northern harriers (Smallwood 2022). At the project site, Noriko detected western meadowlarks, and greater roadrunners, burrowing owls, and northern harriers are likely also present.

Based on a weighted mean 14.435 (95% CI: 10.880–20.339) birds and 2.56 (95% CI: 0.17–6.54) bats per km per year along fences of California's solar projects, the project's 3.17 km of fence would likely kill 46 (95% CI: 34–64) birds per year, and 8 (95% CI: 1–21) bats per year. It is my opinion that this predicted level of mortality would qualify as an unmitigated significant impact.

Photo 28. *A great-horned owl died after becoming entangled on the razor wire placed on top of this cyclone fence surrounding a substation in Alameda County. Photo by Joanne Mount.*

Photo 29. *Fledgling house finch that fatally collided with a security fence, 26 June 2022. Photo by Noriko Smallwood.*

FLAWED CUMULATIVE IMPACTS ANALYSIS

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would contribute significantly to cumulative impacts of past, present and future projects, or to multiple types of impacts that are cumulatively considerable. Unfortunately, the DEIR fails to seriously analyze the project's contribution to cumulative impacts on biological resources. The DEIR's Figure 3-13 and Table 3-7 poorly disclose the level of habitat fragmentation that would result from cumulative project buildout. Figure 3-13 hides the sizes of some of the projects by representing each with a same-sized square. Table 3-7 fails to sum the acreages at issue. In fact, the project site combined with the projects in Table 3-7 sum to 6,798 acres. Assuming that my earlier average total nest density of 3.3 nest sites/acre/year applies to all 6,798 acres in the cumulative projects list (this assumption might not be entirely correct, but I will use it here as an example of the type of analysis that is needed), then the cumulative impact to birds would be 22,433 nest sites, 31,183 nest attempts/year, and 90,429 fledglings/year. Applying these numbers and the same assumptions I used earlier to an indicator-level model in Smallwood (2022), I predict the cumulative impact would be an annual loss to California of 101,646 birds. However, this loss is predicted solely for habitat loss, and does not account for the added impact of habitat fragmentation. If the layout of all these 53 cumulative projects eliminates connectivity and further isolates the breeding areas in habitat fragments, then the net loss of birds would be even greater. Unfortunately, the DEIR does not disclose the layout of cumulative projects.

The DEIR argues that "the implementation of **Mitigation Measures MM 4.3-1** through **MM 4.3-12** and **MM 4.8-1** would reduce Project level impacts to less than significant and therefore would not contribute to a cumulative impact. Further, past, present and reasonably foreseeable future projects in the area would also be required to

implement measures, as set forth in their respective CEQA documents, consistent with federal, State, and local regulations to avoid adverse effects to existing biological resources or to mitigate for significant impacts to these resources. The types of measures required for projects impacting protected habitat, species, and regulated resources can include avoidance, project design features, regulatory approvals, best management practices, and mitigation measures. Overall, the proposed Project would not result in significant cumulative effects." As I comment below, these measures would not avoid substantial, highly significant impacts such as habitat loss, loss of wildlife productive capacity, and collision mortality with project-generated automobile traffic. Even if each of the impacts was adequately mitigated by the list of measures, this mitigation would not necessarily avoid significant cumulative impacts on wildlife. The many other projects built, approved, or under review in the region are contributing to habitat fragmentation, which is a process of habitat loss that results in a net greater loss of a species' numerical capacity than would have resulted from the same expanse of contiguous habitat having been lost (Smallwood 2015). The effects of habitat fragmentation exemplify the types of impacts that are referred to as cumulative impacts. If these types of impacts were not important, then CEQA would not require the analysis.

The DEIR's conclusion that existing policies, regulations, and project-by-project requirements of mitigation measures would avoid significant cumulative impacts lacks evidentiary support, and it is readily refutable. Noriko Smallwood and I performed an experiment to measure the efficacy of applicable laws and regulations, permitting requirements, and required mitigation measures at avoiding or minimizing project impacts including cumulative impacts. We revisited the project sites we had surveyed as experts to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration to control these sources of variation to cleanly measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. All the developed sites had included mitigation measures to avoid, minimize or compensate for impacts to wildlife. Nevertheless, we found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. We found that "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all the mitigation measures and existing policies and regulations. Experimental evidence demonstrates the need to analyze a project's potentially significant contributions to cumulative impacts on wildlife despite existing laws, policies and project-by-project requirements of mitigation. The environmental review for this project needs to include an appropriate cumulative impacts analysis.

FLAWED MITIGATION STRATEGY

The mitigation strategy needs to be based on a sound understanding of the existing wildlife community. It needs to be known which species occur or are likely to occur on the project site as well as the nature of their occurrences. It needs to be known whether each species is resident or migratory. For special-status species, detection surveys should have been completed to either detect the species or to obtain evidence of absence. Surveys should have been completed to understand how wildlife use the site in their movement patterns. And what was found of wildlife species needs to be carefully interpreted by comparing the findings to the findings from other survey efforts at other sites. Failures to detect species should be interpreted relative to the probabilities of their detections given the survey effort. The mitigation strategy needs to follow the steps under Assess species occurrence likelihoods and Characterize wildlife community, followed by Step 7: Predict impacts (Figure 3). However, the Addendum's mitigation strategy does not follow from these steps. This pointed out, my comments follow in regular font the summary of each required mitigation measure in italics.

MM4.3-1: *Prior to the issuance of grading permits, the project operator shall retain a Lead Biologist(s) who meets the qualifications of an Authorized Biologist as defined by California Department of Fish and Wildlife (CDFW) Service to oversee compliance with protection measures for all listed and other special-status species that may be affected by the construction and operation of the project. … shall be on the project site during all construction activities which include, but are not limited to, installation of perimeter fencing, clearing of vegetation, grading activities, and facility construction. …*

Should the project go forward, I concur with this measure in concept. However, based on my own experience as a Lead Biologist on a construction project, it needs to be understood that retaining a lead biologist would not avoid the loss of wildlife habitat and its loss of productive capacity, nor would it avoid the wildlife-traffic collision mortality predicted herein. The measure's conservation benefits would be *de minimis* relative to project impacts on wildlife.

MM 4.3-1 does not cite a source that explains how CDFW defines the qualifications for a lead biologist. Without more detail about how a lead biologist would be determined qualified, the measure remains short on objective criteria and is therefore unenforceable.

MM4.3-2: *Prior to the issuance of grading permits, the Lead Biologist shall develop a Worker Environmental Awareness Training Program containing life history and identification information of special-status wildlife and plant species with potential to occur on site. … A sticker shall be placed on hard hats, indicating that the worker has completed the Worker Environmental Awareness Training. …*

Should the project go forward, a Worker Environmental Awareness Training Program should be implemented, and certainly a sticker should be placed on the hard hat of each worker who has been trained. However, it needs to be understood that the conservation

benefits of the Worker Environmental Awareness Training Program would be *de minimis* relative to project impacts. This measure would not avoid the permanent loss of habitat nor the collision mortality with automobiles.

It needs to be remembered that construction workers operate heavy machinery and otherwise work around heavy machinery and moving vehicles. Workers primarily need to be aware of their construction work performance and their safety. It is misleading to imply that a Worker Environmental Awareness Training Program is going to result in increased worker vigilance for any mouse or lizard in harm's way. This is not what should be expected or desired of construction workers.

MM4.3-3: *No more than thirty (30) days prior to the start of ground disturbance activities or issuance of any grading permits, a qualified biologist knowledgeable on the identification of rare plant species shall conduct a pre-construction plant survey of areas of proposed disturbance within the project site and 100-foot buffer (where legally accessible) to determine if any special-status plant species are present. If special-status plants are identified on-site, their locations shall be mapped and the project proponent shall confer with CDFW or USFWS as required by applicable law to facilitate salvage or seed collection.*

A preconstruction survey does not carry the same likelihood of detection of rare plants as do properly implemented surveys per the CDFW (2018) rare plant survey guidelines. The appropriate survey has yet to be conducted. A preconstruction survey cannot substitute for a protocol-level detection survey, largely because the timing of the survey would be inconsistent with the timing intended by CDFW (20198): "These protocols are meant to help people meet California Environmental Quality Act (CEQA)1 requirements for adequate disclosure of potential impacts to plants and sensitive natural communities." The appropriate timing for rare plant survey is prior to the public circulation of the DEIR, not afterwards.

MM4.3-4: *During construction of the project site, the project proponent and/or contractor(s) shall implement the following general avoidance and protective measures: a. … the Lead Biologist or their designee shall perform a pre-construction visual survey of the area to ensure that no special-status species are present. … b. Within the vicinity of any construction activities, sensitive biological resources (i.e., special-status species, jurisdictional drainages, nesting birds, etc.) shall be delineated with stakes and/or flagging. c. All construction activities shall be confined within the project construction area, … d. Any spoils shall be stockpiled in disturbed areas that lack native vegetation to the maximum extent practicable. Spoils that have been stockpiled and inactive for more than 24 hours shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing. e. To prevent inadvertent entrapment of San Joaquin kit foxes, American badgers, or other animals during construction, all excavated steep-walled holes or trenches more than two (2) feet deep shall be covered … f. All construction pipes, culverts, or similar structures with a diameter of four (4) inches or greater that are stored at the site for more than 24 hours and without endcaps shall be thoroughly inspected by a qualified biologist prior to being moved or capped. … h. A speed limit of 15 miles per hour shall be*

enforced within the limits of the project site. If night work occurs on the project site, the speed limit will be 10 miles per hour. i. Fueling of construction equipment shall take place within existing roads or disturbed areas. … j. Trash and food items shall be contained in closed containers … k. Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife. 1. No pets shall be allowed in project areas, except for trained canine animals related to security and operation of the facility. m. Intentional killing or collection of any listed plant or wildlife species shall be prohibited. n. Herbicides that may be used as vegetation control measures in project areas shall be applied in accordance with sub-measures below. …

Should the project go forward, I concur with the implementation of all Best Management Practices, but it needs to be understood that their conservation benefits would be *de minimis* relative to Project impacts. None of the identified measures would avoid habitat loss, habitat fragmentation, and wildlife-automobile collision mortality of workers and vendors traveling to and from the construction site, nor of employees commuting or traveling as per operations of the project over the years following construction.

MM4.3-5 *No more than (30) days prior to the issuance of any grading permits or the start of ground disturbance, a qualified biologist knowledgeable in the identification of all special-status wildlife species shall conduct a pre-construction survey of areas proposed for disturbance within the project site and 500-foot buffer (where legally accessible) to determine if any special-status species are present. If, as a result of this pre-construction survey it is determined that special-status wildlife species are present, the project proponent shall confer with the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife, as required by applicable law, for proper avoidance measures or the need for take authorization through the acquisition of an incidental take permit, pursuant to Fish and Game Code section 2081 subdivision (d).*

This measure substitutes a preconstruction survey for the multiple special-status species detection surveys that are needed prior to the public circulation of the EIR. The timing of the preconstruction survey – because it comes after rather than before the public circulation of the EIR – cannot achieve CEQA's primary objectives of accurately characterizing the environmental setting as the foundation for predicting project impacts, of disclosure of potential impacts, and of formulating an effective mitigation strategy. Furthermore, a preconstruction survey does not carry the same likelihood of detection as do protocol-level detection surveys, so a preconstruction survey cannot substitute for a detection survey with anywhere close to the same level of efficacy. Qualifying the measure as even more divorced from sound practice, it has the lead biologist conducting a preconstruction survey for all special-status species simultaneously, whereas detection surveys are focused on one species at a time. I would concur with this measure only if the appropriate detection surveys were completed first, and by first I mean prior to the circulation of the EIR.

MM4.3-6: *Preconstruction surveys shall be conducted by a qualified biologist to locate active breeding or wintering burrowing owl burrows no fewer than 14 days prior to commencement of ground-disturbing activities. Surveys need not be*

conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the project site disturbed.

The survey methodology shall be consistent with the methods outlined in the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. As each burrow is investigated, surveying biologists shall also look for signs of American badger and San Joaquin kit fox. ...

If burrowing owls are detected onsite, the avoidance buffers outlined below should be established. ... CDFW' s Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist, approved by CDFW, verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Visible markers shall be placed near the identified burrow(s) to ensure that machinery does not collapse the burrow(s). ...

If burrow avoidance is infeasible ... a qualified biologist shall implement a passive relocation program in accordance with Appendix El ... of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.

If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and a Mitigation Land Management Plan in, accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation, for review by CDFW .... At a minimum, the following recommendations shall be implemented: a. Temporarily disturbed habitat shall be restored, ... b. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities ... c. If compensatory mitigation is required, permanently protect mitigation land through a conservation easement, deed restriction, or similar mechanism deeded to a nonprofit conservation organization or public agency with a conservation mission. ...

Due to a rapid decline throughout California (Miller 2024), the California Fish and Game Commission voted unanimously in 2024 to designate the burrowing owl as a candidate for listing under the California Endangered Species Act. It is therefore imperative to first consult with the CDFW about whether and how to obtain an incidental take permit (ITP), and otherwise to adhere to the CDFW (2012) survey and mitigation guidelines. The DEIR indicates that there has been no consultation with CDFW, and it misrepresents CDFW's (2012) survey and mitigation guidelines by mischaracterizing breeding-season detection surveys as preconstruction take-avoidance surveys. A preconstruction take avoidance survey is different from a breeding-season survey effort, as summarized below.

For the burrowing owl, there are three types of surveys recommended and described in the CDFW's (2012) survey and mitigation guidelines: (1) Habitat assessment, (2) Detection surveys, and (3) Preconstruction survey. The habitat assessment is intended to evaluate the likelihood that the site supports burrowing owls, and to decide whether detection surveys should be performed. The detection survey, otherwise described as either or both breeding-season or non-breeding-season survey, is intended to detect whether the site truly supports burrowing owls, and if so, where and how many. The preconstruction survey, otherwise known as a take-avoidance survey, is intended to determine whether burrowing owls immigrated to the site since completion of the detection survey, or whether they returned to the site since passive or active relocations were performed as mitigation. The three types of survey carry distinct but inter-related purposes, and CDFW (2012) intends them to be completed in chronological order as numbered above.

The first two types of survey support impacts analysis, whereas the third type of survey is a mitigation measure. Burrowing owls can be determined absent at the time of the survey based on evidence derived from the habitat assessment or detection survey, but only if the surveys achieved the minimum standards of CDFW (2012). Whereas an absence determination naturally follows from the negative findings of properly performed detection surveys, the following three questions must be answered negatively to determine absence based on the habitat assessment:

A) Are there occurrence records nearby the project site?
B) Is the site's vegetation cover and height typical of where burrowing owls are found?
C) Are there fossorial mammals present which typically construct burrows useable by burrowing owls, or are there surrogate cavities that can serve as nest sites?

If the answers to these questions are compellingly negative, then detection surveys are not necessary, but they could be implemented to make certain that burrowing owls are absent on the project site. If the answers to these questions are affirmative or not compellingly negative, then it should be assumed that burrowing owl habitat exists on the site until detection surveys prove otherwise.

To question A, the nearest burrowing owl occurrence records are between 1.5 and 4 miles from the project site. In fact, I personally observed a burrowing owl only 3 miles from the site last year. Moreover, South (2025) determines burrowing owls have a High likelihood to occur on the site. The weight of the evidence easily justifies an affirmative answer to question A, and so this part of the habitat assessment warrants a detection survey effort.

To question B, the vegetation on site is typical of the area, and much of it is typical of vegetation often used by burrowing owls. The answer to question B is affirmative, and so this part of the habitat assessment warrants a detection survey effort.

To question C, ground squirrels are known to occur on the project site. Ground squirrels construct burrows used by burrowing owls, and these two species mutually alarm-call

for predators and survive better together (K. S. Smallwood, unpublished data). The answer to question C is affirmative, and so this part of the habitat assessment warrants a detection survey effort.

The answers to all three questions are affirmative. Therefore, breeding-season detection surveys are needed, and these surveys are not to be confused with preconstruction take-avoidance surveys. Breeding-season detection surveys are needed to accurately characterize the existing environmental setting and to publicly disclose potential impacts on the burrowing owl.

4.3-7: *If nighttime lighting for construction activities and operations is required and is within 50 feet of the outside edge of areas containing habitat for special-status wildlife, as determined by the qualified biologist, lighting shall be directed away from those areas that contain habitat for special-status wildlife.*

This measure belongs in MM 4.3-4 as another Best Management Practice. Its conservation benefits would be *de minimis* relative to project impacts on wildlife, because it would not avoid habitat loss, habitat fragmentation, and the collision mortality with project-generated mortality I predict herein.

4.3-8: *Prior to and during construction activities: a. If any San Joaquin kit fox dens are found during pre-construction surveys, the status of the dens shall be evaluated no more than 14 days prior to project ground disturbance. Provided that no evidence of kit fox occupation is observed, potential dens shall be marked and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following United States Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance by the lead biologist. If kit fox activity is observed at a den, the den status shall change to "known" per United States Fish and Wildlife Service guidelines (1999), and the buffer distance shall be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known or pupping dens shall occur without prior authorization from the United States Fish and Wildlife Service and California Department of Fish and Wildlife. b. To enable kit foxes and other wildlife (e.g., American badger) to pass through the project site during construction, the perimeter security fence shall leave a 5-inch opening between the fence mesh and the ground … c. All pipes, culverts, or similar structures with a diameter of four inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. … d. To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep shall be covered with plywood or similar materials at the close of each working day, … e. All vertical tubes used in project construction, such as chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.*

Most of this measure is redundant with Best Management Practices listed in MM 4.3-4. Only 4.3-8(a) is unique to this measure.

MM 4.3-8 inappropriately defers the detection survey to a time when it could no longer achieve four of CEQA's primary objectives to (1) accurately characterize the existing environmental setting as part of the CEQA review, (2) disclose potential project impacts to the public and decision-makers, and (3) foster public participation with decision-making over proposed projects to (4) identify issues and feasible alternative mitigation measures to minimize environmental impacts. The appropriate timing of the survey is essential, not just biologically but also in terms of achieving CEQA's objectives.

Furthermore, this measure would not avoid the permanent loss of habitat and productive capacities of any of these three species, as the measure cannot change the existing carrying capacities in the region. Its conservation benefits would therefore be *de minimis* relative to project impacts on these species.

MM 4.3-8(b) addresses the management of a security fence to enable passage of San Joaquin kit foxes during construction. The DEIR also mentions a permanent 8-foot-tall securing fence. As I commented above, if the fence is a cyclone fence or something similar in construction, it would add an unmitigated impact of collision mortality of birds and bats.

4.3-9: *If construction activities are conducted during the typical nesting bird season (February 15 through September 15), pre-construction surveys shall be conducted by a qualified biologist prior to any site preparation and/or construction activity to identify potential nesting bird activity. … Swainson's hawk protocol-level surveys shall be consistent with the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000); If no active nests are found within the survey area, no further mitigation is required. If nesting activity is identified during the pre-construction survey process, the following measures will be implemented: …*

If the project goes forward, preconstruction surveys for nesting Swainson's hawks should be implemented, but this measure would not avoid the permanent loss of habitat nor the collision mortality with automobiles and project infrastructure. The project's impact on Swainson's hawk would be the permanent loss of 110 acres of habitat. MM 4.3-9 requires no compensatory mitigation for the loss of this habitat, which is a flaw of this measure. The conservation benefits of this measure would be *de minimis* compared to the project's potential impacts on breeding Swainson's hawks.

MM 4.3-10: *Pre-construction protocol-level surveys by a qualified biologist for nesting birds shall be required if construction activities are scheduled to occur during the breeding season for raptors and other migratory birds (February 1- August 31), to reduce potential impacts to nesting birds and raptors. The survey shall be conducted within 30 days of ground disturbance activities. a. If any nesting birds/raptors are observed, a qualified biologist shall determine buffer distances and/or the timing of project activities so that the proposed project does not cause nest abandonment or destruction of eggs or young. …*

If the project goes forward, preconstruction surveys for nesting birds should be implemented, but this measure would not avoid the permanent loss of habitat nor the collision mortality with automobiles and project infrastructure. Preconstruction, take-avoidance surveys should consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. To be successful, these types of observations typically require many surveys on many dates spread throughout the breeding season even for a single species. To identify and locate the birds of all species nesting on a site would require a much greater survey effort than can be accomplished in MM 4.3-10's allotted timespan. Many bird nests would be missed.

I estimate the project site supports 363 nest sites in the average year, and this number does not include those that would need to be located within the defined buffer area beyond the project site's boundary. Even assuming all these nests could be found (not likely), the mitigation measure would apply only to the breeding season of the survey. After the breeding season of the preconstruction survey, there would be no further production of birds from the project site. The project's impact on birds would be permanent and of large magnitude. The conservation benefits of this measure would be *de minimis* compared to the project's potential impacts on breeding birds.

Furthermore, the mitigation language allows a single individual to make a subjective decision, outside the public's view, to determine the buffer area and buffer timing for any given species. This measure lacks objective criteria, and it is therefore unenforceable.

Lastly, the mitigation language includes the requirement that the preconstruction nest survey shall be conducted by a qualified biologist, and this requirement carries over to determinations of the buffer areas and buffer timing to avoid take caused by construction activities. Undefined, however, is what qualifies as a "qualified biologist" in these contexts. As mentioned earlier in this letter, Noriko Smallwood and I have been conducting surveys over the past several years to estimate total nest density, which is relevant to a preconstruction, take-avoidance survey because our surveys were likewise directed to all bird species that could be concurrently nesting on a site. Searching for the nests of one species is difficult, but searching for nests of all bird species at once is vastly more difficult. For this reason, there are very few published estimates of total nest density, and there are very few wildlife biologists who have experience with surveys for the nest attempts of all bird species on a given site. A technical way to qualify a wildlife biologist for the tasks outlined in this measure would be to obtain an agency Memorandum of Understanding in which the biologist is named and said to be qualified for conducting the preconstruction survey and for determining the take-avoidance buffer area and timing. However, a more compelling means of qualifying the biologist would be to require that the biologist has achieved demonstrable experience with nest surveys and avian nesting behavior. Without a better definition of what is a qualified

biologist in the contexts of these tasks, MM 4.3-10 lacks objective criteria, and it is therefore unenforceable.

MM 4.3-11: *Prior to any vegetation removal during site preparation, the areas required for construction shall be surveyed for actively nesting birds. If any wildlife is encountered during the course of construction, the wildlife shall be allowed to leave the construction area unharmed. Should any active bird nests be identified, the vegetation shall not be removed in areas that contain actively nesting birds. A biological monitor shall survey the areas of vegetation slated for removal, a report shall be submitted to the Kern County Planning and Natural Resources Department for review prior to site preparation.*

This measure is merely a repeat of part of MM 4.3-10. See my comments on MM 4.3-10.

MM 4.3-12: *A qualified biologist shall conduct a survey for Crotch's bumble bee and their requisite habitat using the California Department of Fish and Wildlife -approved protocol during the blooming period immediately prior to project construction to detect bumble bees and potential nesting sites. The survey shall be conducted within a survey area that includes a 50-foot buffer around the Project footprint and results submitted to California Department of Fish and Wildlife at least seven {7) days prior to commencing any project activities. If Crotch's bumble bee is identified during surveys or at any time during Project construction, the project proponent shall confer with California Department of Fish and Wildlife to determine if take can be avoided. If avoidance of Crotch's bumble bee nest{s) is not feasible, take authorization prior to ground disturbing activities is warranted. Take authorization would occur through issuance of an Incidental Take Permit by California Department of Fish and Wildlife, pursuant to Fish and Game Code section 2081{b). Alternatively, in the absence of surveys, the project proponent may assume presence and apply for and acquire an Incidental Take Permit for Crotch's bumble bee prior to initiating project activities.*

MM 4.3-12 inappropriately defers the appropriate detection survey to a time when it could no longer achieve four of CEQA's primary objectives to (1) accurately characterize the existing environmental setting as part of the CEQA review, (2) disclose potential project impacts to the public and decision-makers, and (3) foster public participation with decision-making over proposed projects to (4) identify issues and feasible alternative mitigation measures to minimize environmental impacts. The appropriate timing of the survey is essential, not just biologically but also in terms of achieving CEQA's objectives. According to CDFW (2023:3), "On-site surveys provide the most valuable information for determining potential impacts of proposed projects and activities on the four candidate bumble bee species, and subsequently developing measures to avoid or minimize take of these species." This guidance obviously recognizes the need to complete the detection surveys before the public circulation of the CEQA review document; otherwise, it would not be possible to determine potential impacts or formulate appropriate mitigation.

Crotch's bumble bee is a candidate for listing under the California Endangered Species Act, and it is confirmed as present on the project site. It is therefore important to implement the appropriate detection survey, which should be consistent with CDFW (2023). The survey needs to be implemented prior to the public circulation of the DEIR.

Furthermore, I found no evidence in the DEIR that efforts have been made to obtain an ITP, nor that CDFW is inclined to issue and ITP for Crotch's bumble bee.

NEEDED MITIGATION MEASURES

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by collisions with automobiles due to project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

Wildlife overcrossings and under-crossings have been built and tested for wildlife use. Strategic fencing and speed controls have also been implemented, as speed is an important factor to wildlife mortality (Illner 1992), and whereas a required mitigation includes an onsite speed limit, this measure would not apply to commuter traffic off the project site.

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation is needed, and it ought to also include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured during construction and by collisions with automobiles traveling to and from the project site during project operations.

Thank you for your consideration,

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Shawn Smallwood, Ph.D.

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Curriculum Vitae

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Born May 3, 1963 in
Sacramento, CA
Married, father of two.

Ecologist

Business **Smallwood Ecology**

- Employs Noriko Smallwood, M.S., Environmental Science with focus on wildlife

Expertise

- Finding solutions to controversial problems related to wildlife interactions with anthropogenic infrastructure and activities;
- Design of field study to detect, enumerate, or monitor wildlife and behavior patterns by visual search, GPS, thermal imaging, and acoustic bat survey;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns from that can inform conservation and management of terrestrial wildlife.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 1,072 professional reports, including:
- 96 peer reviewed publications
- 24 in non-reviewed proceedings
- 950 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 98 public presentations of research results

Expert testimony regarding potential impacts from development projects: To check on the accuracy of the characterization of wildlife communities at sites of proposed residential, commercial and industrial projects, I perform visual-scan surveys for

wildlife, thermal-imaging at night, and acoustic detection of bats using a Petterson M500 detector and Sonobat Live to identify bats by sonograms of their calls. I predict project impacts and I compare my findings to those in the environmental review documents. I also testify on potential outcomes of water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans, Natural Communities Conservation Programs, proposed Federal Rules and State and Federal policies and regulations affecting wildlife. I deliver oral testimony to government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. I prepare expert witness reports and court declarations, and I participate with depositions.

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and it advised the County on how to reduce wildlife collision mortality.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Professor Shu Geng and Dr. Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities based on ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a database of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human

health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling method for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects and Studies

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. I also collaborated, and continue to collaborate with, Dr. Douglas Bell in a GPS telemetry study of 44 golden eagles originating from the northern Diablo Range. The goal was to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. I performed focused behavior surveys from May 2012 through 2019, and golden eagle telemetry monitoring from 2013 through the present. Collision hazard models were prepared for eight wind projects, three of which were built.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a $718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founds of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook et al. v. Rockwell International et al., No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental management in China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess opportunities for research collaboration in the environmental and agricultural sectors.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200-mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Peer Reviewed Publications

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Smallwood, K. S. 2025. Background Mortality of Wildlife on Renewable Energy Projects. Diversity 2025, 17, 628. https://doi.org/10.3390/d17090628

Smallwood, K. S. and M. L. Morrison. 2024. Burrowing owls require mutualist species and ample interior habitat space. Diversity 2024, 16, 590. https://doi.org/10.3390/d16090590

Smallwood, K. S., and N. L. Smallwood. 2023. Measured effects of anthropogenic development on vertebrate wildlife diversity. Diversity 15, 1037. https://doi.org/10.3390/d15101037.

Bell, D. A., S. A. Snyder, J. E. DiDonato, and K. S. Smallwood. 2023. Conspecific carcass removal from a wind project study plot by a great horned owl (*Bubo Virginanus*). Journal of Raptor Research 57:489-492.

Kitano, M., K. S. Smallwood, and K. Fukaya. 2022. Bird carcass detection from integrated trials at multiple wind farms. Journal of Wildlife Management: In press.

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Smallwood, K. S. 2020. USA wind energy-caused bat fatalities increase with shorter fatality search intervals. Diversity 12(98); https://doi.org/10.3390/d12030098

Smallwood, K. S., D. A. Bell, and S. Standish. 2020. Dogs detect larger wind energy impacts on bats and birds. Journal of Wildlife Management 84:852-864. DOI: 10.1002/jwmg.21863.

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- PCUP24-017 Kinder Morgan Ontario Terminal Tank OT-4, Ontario International Airport (2026; 7);
- Del Puerto Canyon Reservoir PRDEIR, Del Puerto Water District (2026; 37);
- Replies to responses to comments on Bridgehead Industrial Project DEIR, City of Oakley (2026; 49);
- Pacific Palmdale DEIR, Palmdale (2026; 50);
- Village Farms Project FEIR, Davis (2026; 17);
- Village Farms Project DEIR, Davis (2025; 19);
- PS Solar Project DEIR, Twentynine Palms (2026; 52);
- Baker Street Warehouse Project DEIR, Lake Elsinore (2026; 55);
- Dexter Village IS/MND, Lake Elsinore (2026 ; 52);
- 83 Princess Street, California Design Review, City of Sausalito (2026; 39);
- Replies to responses to comments on Bridgehead Industrial Project DEIR, City of Oakley (2026; 49);
- Delta Conveyance Project Incidental Take Permit, California Department of Water Resources (2025; 37);

- Tri Pointe Homes Staff Report, City of Banning (2025; 38);
- Replies to responses to comments on Locust Gateway Development Project DEIR, City of Rialto (2025; 30);
- Meredith International Centre Specific Plan Amendment – Planning Area 3 Project FEIR Addendum, City of Ontario (2025; 44);
- Pepper 210 Commerce Center Project IS/MND, City of Rialto (2025; 35);
- Pacific Gateway Specific Plan Project DEIR, San Joaquin County (2025; 57);
- Lake Creek Logistics Center DEIR, City of Apple Valley (2025; 49);
- Replies to responses to comments on E&P Technology Way - Building A & B IS/MND, County of Napa (2025; 56);
- Menifee 27 Residential Staff Report (2025; 46);
- Shingle Springs Band of Miwok Indians 295.7-Acre Fee-to-Trust Project Environmental Assessment (2025; 17);
- Catavina Residential Project IS/MND, Palm Desert (2025; 52);
- Menifee Business Park DEIR (2025; 43);
- Replies to responses to comments on Ophir Road Warehouse Project DEIR, Oroville (2025; 19);
- Thermal Ranch Specific Plan DEIR, County of Riverside (2025; 53);
- Camino Pablo Single-Family Residential Subdivision IS/MND, Morgan Hill (2025; 44);
- Adesa Foods Project IS/MND, City of Rialto (2025; 34);
- Entrada South and Valencia Commerce Center SEIR, County of Los Angeles (2025; 61);
- Malibu Vineyards Industrial Parkway Project DREIR, City of Bakersfield (2025; 37);
- Locust Gateway Development Project DEIR, City of Rialto (2025; 41);
- FSRE Industrial Concord Project DEIR, City of Concord (2025; 34);
- Bridgehead Industrial Project DEIR, City of Oakley (2025; 40);
- San Francisco Housing Element 2022 Update FEIR Addendum (2025; 22);
- Trails at Lyons Canyon DEIR, County of Los Angeles (2025; 55);
- Replies to responses to comments on Conejo Summit Project DEIR, Thousand Oaks (2025; 30);
- Replies to responses to comments on Rome Hill Commercial IS/MND, City of Lake Elsinore (2025; 16);
- Rome Hill Commercial IS/MND, City of Lake Elsinore (2025; 34);
- Replies to responses to comments on Town & Country Village Project DEIR, County of El Dorado (2025; 46);
- Arroyo Vista Project DEIR. County of Riverside (2025; 46);
- Rubio Village Mixed-Use Project IS/MND, City of San Gabriel (2025; 64);
- Replies to responses to comments on Bickmore Warehouse IS/MND, Hesperia (2025; 4);
- Vesting Tentative Tract Map 7500 Staff Report, City of Bakersfield (2025; 10);
- Spirit Living at 55 Thomas Dr/70 Knoll Rd Design Plans, Tiburon (2025; 39);

- Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project IS/MND (2025; 40);
- Fontana Master Case No. 23-0101, Conditional Use Permit No. 24-0022, and Design Review No. 23-0024 Class-32 CEQA Categorical Exemption, City of Fontana (2025; 32);
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- Replies to responses to comments on Upper Westside Specific Plan DEIR, County of Sacramento (2025; 56);
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- Flat Creek Solar Project Major Renewable Energy Facility Siting Permit pursuant to Article VIII of the New York State Public Service Law, Towns of Root and Canajoharie, Montgomery County, New York (2025; 37);
- Replies to responses to comments on Dogwood Geothermal Energy Project DEIR, Imperial County (2025; 22);
- Wineville Development Project DEIR, Jurupa Valley (2025; 43);
- Desert Business Park MSD Addendum, County of Riverside (2025; 29);
- Chino Gateway Terminal Project DEIR Addendum, Chino (2025; 39);
- Mesa Verde Specific Plan DSEIR, City of Calimesa (2025; 53);
- Harvest Landing Retail Center & Business Park DEIR, City of Perris (2025; 40);
- Hive Live Project DEIR, Costa Mesa (2025; 37);
- Perris Airport Logistics Center DEIR, Perris (2025; 41);
- Vehicle-Caused Mortality of Western Snowy Plovers On Oceano Dunes State Vehicular Recreation Area (2025; 17);
- Dakota Warehouse Project IS/MND, Apple Valley (2025; 36);
- Delta Conveyance Project FEIR, CDFW ITP, California Department of Water Resources (2025; 45);
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- Replies to responses to comments on Dogwood Geothermal and Solar DEIR, Imperial County (2025; 22);
- Pinyon Solar Project EA, BLM, Phoenix (2025; 63);
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- Intex Corporate Office and Fulfillment Center Project, Long Beach (2025; 35);
- Sywest Industrial Building FEIR, Goleta (2025; 42);
- Vista Santa Domingo Warehouse Project rezone, Otay Mesa (2025; 28);
- Replies to responses to comments on Airport South Industrial Park and City Annexation DEIR, Sacramento (2025; 33);
- Flat Creek Solar Project 94-c Permit for Major Renewable Energy Facility, Montgomery County, New York (2025; 29);
- Bickmore Warehouse IS/MND, Hesperia (2025; 25);
- Replies to responses to comments on Brew Enterprises Warehouse, Perris (2025; 41);

- Nexus Hotel IS.MND, Palm Springs (2025; 33);
- Ranegras Plains Energy Center Project DEIS, Arizona (2025; 58);
- Riverside County General Plan Amendment for 350,000+ sf warehouse (2025; 31);
- Riverside County General Plan Amendment for 224,800 sf warehouse (2025; 29);
- Hageman Industrial Park DEIR, Bakersfield (2025; 42);
- Adelanto Warehouse CEQA Exemption (2025; 25);
- Tire Recycling Facility IS/MND, Adelanto (2025; 29);
- Replies to responses to comments on Sites Reservoir Application to California Water Board (2025; 41);
- Bakersfield General Plan Amendment/Zone Change No. 24-0372, Bakersfield (2025; 29);
- The Pointe Apartments CEQA Exemption, Oxnard (2025; 37);
- Mill Point Solar I Article VIII Permit for Major Renewable Energy Facility, Montgomery County, New York (2025; 36);
- Conejo Summit Project DEIR, Thousand Oaks (2025; 45);
- Replies to responses to comments on March Plaza IS/MND, Perris (2025; 5);
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- Temecula Resort and Spa Class 32 Exemption, Temecula (2025; 34);
- Briones Regional Park Staff Report, East Bay Regional Park District (2024; 63);
- Declaration regarding Havana Warehouse, Riverside County (2024; 6);
- 11623 Glenoaks Blvd (no CEQA review), City of Los Angeles (2024; 28);
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- Replies to responses to comments on ENV-2022-6190-CE Categorical Exemption - Class 32, City of Los Angeles (2024; 17);
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- 380 North First Street DEIR, San Jose (2024; 21);
- Site Plan Review 23-014 IS/MND, Lancaster (2024; 29);
- Big Ranch Road Annexation Exemption, City of Napa (2024; 43);
- E&P Technology Way - Building A & B IS/MND, County of Napa (2024; 30);
- Outlaw Battery Energy Storage Project IS/MND, Kings County (2024; 26);
- Replies to responses to comments on Hills Preserve Project DEIR, Anaheim (2024; 57), and update (2024; 4);
- Replies to responses to comments on Tennessee Village Mixed-Use Project IS/MND, Redlands (2024; 26);
- Glen Annie Site (#11) in the Housing Element Update, County of Santa Barbara (2024; 61);
- Quail Meadows Apartments CEQA Exemption, Encinitas (2024; 61);
- Dogwood Geothermal and Solar DEIR, Imperial County (2024; 60);

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- Temescal Commercial Project EA/IS, County of Riverside (2024; 36);
- 11011 Torreyana Road Project SMND, Torrey Pines (2024; 42);
- Rosemount Storage Project IS/MND, Cathedral City (2024; 9);
- Town & Country Village Project DEIR, El Dorado County (2024; 40);
- Maruchan Expansion Project EIR Addendum, Irvine (2024; 30);
- American River One Project CEQA Exemption, Sacramento (2024; 35);
- Spruce & Red Oak Apartments Project Notice of Exemption Supplement Information, Rancho Cucamonga (2024; 38);
- SDG Commerce 220 Distribution Center DEIR, American Canyon (2024; 39);
- Simi Pak Industrial Project IS/MND, Simi Valley (2024; 33);
- Replies to responses to comments on 4th & Hewitt Project DEIR, Los Angeles (2024; 5);
- Replies to responses to comments on Hardt and Brier Business Park IS/MND, San Bernardino (2024;
- Riverview Development Project IS/MND, Santa Clarita (2024; 37);
- Replies to responses to comments on 1360 N. Vine Street Project DEIR, Los Angeles (2024; 5);
- 1360 N. Vine Street Project DEIR, Los Angeles (2024; 29);
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- Airport South Industrial Park and City Annexation DEIR, Sacramento (2024; 53);
- Early Times Cell Tower at 12415 Fig Road IS/MND, County of Sacramento (2024; 29);
- University Community Plan, San Diego (2024; 10);
- 2720 S Willow Industrial Project IS/MND, Rialto (2024; 31);
- Elisabeth Solar Energy Project EA, Yuma Arizona (2024; 75);
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- Tennessee Village Project IS/MND, Redlands (2024; 43);
- Declaration on Whistling Ridge Energy Project Site Certification Agreement, Washington Energy Facility Site Evaluation Council (2024; 30);
- Replies to responses to comments on Dynamo Solar IS/MND, Napa (2024; 11);
- Dynamo Solar IS/MND, Napa (2024; 37);
- Shirk & Riggin Industrial Park DEIR, Visalia (2024; 37);
- Replies to responses to comments on Cal 98 Holdings IS/MND, Imperial County (2024; 10);
- Cal 98 Holdings IS/MND, Imperial County (2024; 39);
- 2nd Replies to responses to comments on Amazing 34 Distribution Center IS/MND, San Bernardino (2024; 28);
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- Patterson Business Center IS/MND, Perris (2024; 30);
- Replies to responses to comments on Sunset and Everett Project SCEA, Los Angeles (2024; 24);

- Sunset and Everett Project SCEA, Los Angeles (2024; 33);
- 605-613 Bridgeway, Sausalito (2024; 28);
- PBP Industrial Project IS/MND, Palmdale (2024; 35);
- Replies to responses to comments on Lockwood III Apartments IS/MND, Oxnard (2024; 19);
- Lockwood III Apartments IS/MND, Oxnard (2024; 42);
- 1169 8th Ave. Mixed-use Development City Posting, San Diego (2024; 16);
- 2nd Brew Enterprises Warehouse IS/MND, Perris (2024; 39);
- Replies to responses to comments on Hughes SMCC Industrial Project DEIR, San Marcos (2024; 5);
- Hughes SMCC Industrial Project DEIR, San Marcos (2024; 44);
- Harvill and Water Warehouse IS/MND, County of Riverside (2024; 41);
- Brew Enterprises Warehouse IS/MND, Perris (2024; 34);
- Garden Street Hotel Staff Report, Santa Barbara (2024; 31);
- River Walk Specific Plan DEIR, Riverbank (2024; 72);
- Woodlake Holdings Industrial Park DEIR (2024; 34);
- 2nd Quail Meadows Apartments CEQA Exemption, Encinitas (2024; 60);
- Replies to responses to comments on One Hamilton Drive Affordable Housing DEIR, Mill Valley (2024; 29);
- Glen Annie Housing Element Update, County of Santa Barbara (2024; 53);
- Replies to responses to comments on 4260 Arch North Drive Class 32 Categorical Exemption, Los Angeles (2023; 10);
- 4260 Arch North Drive Class 32 Categorical Exemption, Los Angeles (2023; 27);
- 2nd Replies to responses to comments on Rubio Village IS/MND, San Gabriel (2023; 17);
- West Foothill Development IS/MND, Upland (2023; 9);
- Costco Camarillo IS/MND (2024; 37);
- Shiloh Business Park General Plan Consistency Checklist, Windsor (2023; 25);
- Assembly and Light Industrial Building IS/MND, Grand Terrace (2024; 33);
- SMP 38, SMP 39. SMP 40 DEIR, Livermore (2023; 41);
- Summit Ridge Wind Farm second visit, The Dalles (2024; 43);
- Summit Ridge Wind Farm first visit, The Dalles (2023; 31);
- 3601 E. Mission Class 32 Categorical Exemption, Los Angeles (2023; 31);
- [Redacted] Conservation Easement, Tennessee (2023; 55);
- Hardt and Brier Business Park IS/MND, San Bernardino (2023; 32);
- Sacramento Street CEQA Exemption, San Francisco (2023; 22);
- One Hamilton Drive Affordable Housing DEIR, Mill Valley (2023; 48);
- Elmore North Geothermal site visit, Salton Sea (2023; 32);
- Morton Bay Geothermal site visit, Salton Sea (2023; 53);
- Black Rock Geothermal site visit, Salton Sea (2023; 29);
- Covelop Warehouse IS/MND, Paso Robles (2023; 39);
- Walnut Creek Flow Trail IS/MND (2023; 34);

- Replies to responses to comments on Rubio Village IS/MND, San Gabriel (2023; 15);
- Ashley Warehouse Environmental Checklist, Lathrop (2023; 38);
- Replies on 6615 Pacific Coast Highway Site Plan Review, Long Beach (2023; 12)
- Science Research Park Expansion Project EIR Addendum, San Diego (2023; 40);
- Rubio Village IS/MND, San Gabriel (2023; 14);
- Havana Investment Industrial Categorical Exemption, Jurupa Valley (2023; 22);
- New Cal Centre EIR Addendum, Kern County (2023; 39);
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- Replies to responses to comments on 6615 Pacific Coast Highway Site Plan Review, Long Beach (2023; 12);
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- Moonlight Apartments biological assessment, Encinitas (2023; 46);
- Replies to responses to comments on Modera Melrose Mixed-use DEIR, Oceanside (2023; 11);
- Modera Melrose Mixed-use DEIR, Oceanside (2023; 39);
- 550 Piercy Road Industrial IS/MND, San Jose (2023; 28);
- Living Spaces Development IS/MND, Fresno (2023; 28);
- FIND Food Bank Staff Report, Indio (2023; 19);
- Replies to responses to comments on Shadowbox Studios DEIR, Santa Clarita (2023; 35);
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- Garden Street Hotel Staff Report, Santa Barbara (2023; 19);
- Replies to responses to comments on 975 Manhattan Apartments Discretionary Approval, Los Angeles (2023; 10);
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- 67h visit Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2023; 14);
- Coachella Airport Business Park IS/MND, Coachella (2023; 31);
- 3400 Tecate Warehouse Staff Report, Camarillo (2023; 26);
- Green Valley III Apartments DEIR, Fairfield (2023; 50);
- Pacific Specific Plan DEIR, San Marcos (2023; 55);
- Amara Bay Mixed Use Staff Report, Chula Vista (2023; 46);
- Greenlaw Partners Warehouse IS, Fresno (2023; 23);
- PODS Warehouse IS/MND, Desert Hot Springs (2023; 30);
- 6th visit Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2023; 9);
- Replies on Ormat Brawley Solar Project DEIR, Brawley (2023; 80);
- One Hamilton as part of City of Mill Valley's 2023-2031 Housing Element Update DSEIR (2023; 31);

- Second letter on Shinohara Project IS/MND, Chula Vista (2023; 22);
- 3890 Depot Road Project IS/MND, Hayward (2023; 33);
- Wellprofit Wellness Mixed-use project CEQA Exemption, Temecula (2023; 31);
- Quail Meadows Apartments CEQA Exemption, Encinitas (2023; 55);
- RCCB Fresno Distribution Center Notice of Exemption, Fresno (2022; 14);
- Stoddard Wells Industrial Project IS/MND, City of Victorville (2022; 31);
- 16454 Adelanto Road Warehouse Distribution Facility Class 32 Categorical Exemption, Adelanto (2022; 17);
- Replies on Pure Water Project – Las Virgenes-Triunfo Joint Powers Authority FPEIR, Agoura (2022; 26);
- Desert Gateway MND Addendum, Desert Hot Springs (2022; 35);
- Blue Oaks Commerce Center MND Addendum, City of Roseville (2022; 12);
- Replies on Coachillin Amendment to Specific Plan, Desert Hot Springs (2022; 24);
- Island View Mixed-Use CEQA Compliance Memo, City of Rancho Cucamonga (2022; 17);
- Prairie Station Apartments IS/MND, City if Inglewood (2022; 32);
- Golden Land Warehouse CEQA Exemption, City of Rialto (2022; 12);
- South Juarez Street Design Review, Banning (2022; 17);
- Replies on Pentair Expansion Industrial Warehouse FMND, Moorpark (2022; 13);
- 2nd Replies on Greentree FEIR, Vacaville (2022; 16);
- Replies on Temporary Outdoor Vehicle Storage FEIR, Port of Hueneme (2022; 21);
- National City-Bayfront, San Diego DEIR (2022; 56);
- Goshen Community Plan General Plan Amendment & Addendum (2022, 6);
- Primrose and Adelanto warehouse Categorical Exemption, Adelanto (2022, 14);
- TenTen Hollywood Categorical Exclusion (2022, 17);
- Waste to Hydrogen project IS/MND, Lancaster (2022, 36);
- Las Virgenes-Triunfo Pure Water Project <Agoura Hills, (2022; 43);
- Shinohara Project IS/MND, Chula Vista (2022; 30);
- Marlborough-Northgate Warehouse IS/MND, Riverside (2022; 33);
- Meyers Ave, Warehouse IS/MND, Escondido IS/MND (2022; 27);
- Northgate Industrial Park IS/MND, Sacramento (2022; 28);
- Ramona-Indian Warehouse IS/MND, Perris (2022; 44);
- Norwalk Entertainment District EIR (2022; 29);
- Breeze Luxury Apartments IS/MND, Oceanside (2022; 40);
- Paso Commons Golden Hills Commerce Center IS/MND, Paso Robles (2022; 35);
- YS Industrial Park Application, Visalia (2022; 20);
- Pentair Expansion Industrial Warehouse IS/MND, Moorpark (2022; 28);
- Salvador Solar IS/MND, Riverside (2022; 27);
- Fresno General Plan Amendment 555 IS/MND (2022; 21);
- 570 Crespi Drive IS/MND, Pacifica (2022; 40);
- Renaissance Ranch Commerce Center DEIR, Temescal Valley (2022; 53);
- Replies on Glen Ivy Senior Living IS/MND, Temescal Valley (2022; 24);

- Glen Ivy Senior Living IS/MND, Temescal Valley (2022; 46);
- FedEx Distribution Warehouse IS, Lancaster (2022; 35);
- Urban Villages EIR Addendum, San Marcos (2022; 32);
- NextEra San Ardos Solar IS/ND, San Ardo (2022; 20);
- Summit Avenue Warehouse IS/MND, Fontana (2022; 28);
- Gateway at the Oaks DEIR, Thousand Oaks (2022; 30);
- Primrose and Adelanto Warehouse CEQA Exemption, Adelanto (2022; 11);
- Fore Apartments Staff Report, Oxnard (2022; 29);
- 975 Manhattan Rd. discretionary approval, Los Angeles (2022; 12);
- Coachillin DEIR, North Palm Springs (2022; 30);
- 2740 W. Nielsen Ave Warehouse IS/MND, Fresno (2022; 25);
- Golf Center Warehouse Staff Report, Indio (2022; 26);
- Desert Peak Energy IS/MND, Palm Springs (2022; 26);
- Replies on Greentree FEIR, Vacaville (2022; 13);
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- 2nd Replies on Freedom Circle Focus Area and Greystar General Plan Amendment Project FEIR, San Jose (2022; 3);
- Corydon III CEQA Categorical Exemption, Lake Elsinore (2022; 11);
- Park Edge Apartments IS/MND, Santa Maria (2022; 30);
- Replies on UCSF New Hospital FEIR at Parnassus Heights FEIR. San Francisco (2022; 13);
- Replies on North Central Valley BESS Project IS/MND, Stockton (2022; 21);
- 9248 Holly Road Cannabis CEQA Exemption, Adelanto (2022; 12);
- Replies on Amazing 34 Distribution Center IS/MND, San Bernardino (2022; 10);
- Amazing 34 Distribution Center IS/MND, San Bernardino (2022; 28);
- Replies on Freedom Circle Focus Area and Greystar General Plan Amendment Project FEIR, San Jose (2022; 5);
- Replies on Alviso Hotel Project IS/MND, San Jose (2022; 49);
- Bussetto Foods IS/ND, Fresno (2022; 34);
- Spruce Ave Commerce Center, Rialto (2022;);
- 5006 and 5010 Mission Boulevard Warehouse IS/MND, Montclair (2022; 18);
- Conejo Summit IS/MND, Thousand Oaks (2022; 28);
- Sixth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 4);
- TC NO. CAL. Development Warehousing and Distribution Facility Project DEIR, Stockton (2022; 33);
- Replies on Davidon Homes FEIR, Petaluma (2022; 49);
- Rural preservation and net conservation benefit coalition reply to post hearing briefs, Garnet Solar (2022; 24);
- Garnet Solar direct testimony, New York (2022; 17);
- Fifth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 11);

- Shirk & Riggin Industrial Park Application, Visalia (2022; 22);
- Duarte Industrial Application, Visalia (2022; 17);
- Amond World Cold Storage Warehouse IS/MND, Madera (2022; 23);
- Replies on Schulte Logistics Centre EIR, Tracy (2022; 28);
- Alta Cuvee Mixed Use Project Recirculated IS/MND, Ranch Cucamonga (2022; 8);
- Fourth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 9);
- Replies on 1242 20th Street Wellness Center Project FEIR, Santa Monica (2022; 5);
- 656 South San Vicente Medical Office Project EIR, Los Angeles (2022; 21);
- UCSF New Hospital at Parnassus Heights DEIR. San Francisco (2022; 40);
- DPR-21-021Warehouse IS, Modesto (2022; 19);
- Ormat Brawley Solar Project DEIR, Brawley (2022; 37);
- Site visits to Heber 1 Geothermal Repower Project IS/MND (2022; 31);
- Heritage Industrial Center Design Review, Chula Vista (2022; 13);
- Temporary Outdoor Vehicle Storage DEIR, Port of Hueneme (2022; 31);
- CNU Medical Center and Innovation Park DEIR, Natomas (2022; 35);
- Beverly Boulevard Warehouse IS/MND, Pico Rivera (2021; 28);
- Hagemon Properties IS/MND Amendment, Bakersfield (2022; 23);
- Airport Distribution Center IS/MND, Redding (2021; 22);
- Orchard on Nevada Warehouse Staff Report, Redlands (2021; 24);
- Landings Logistics Center Exemption, Bakersfield (2021; 19);
- Replies on Hearn Veterans Village IS/MND, Santa Rosa (2021; 22);
- North Central Valley BESS Project IS/MND, Stockton (2021; 39);
- 2nd Replies on Heber 1 Geothermal Repower Project IS/MND (2022; 21);
- Stagecoach Solar DEIR, Barstow (2021; 24);
- Updated Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2021; 35);
- Freedom Circle Focus Area and Greystar General Plan Amendment Project EIR, San Jose (2021; 43);
- Operon HKI Warehouse IS/MND, Perris (2021; 26);
- Fairway Business Park Phase III IS/MND, Lake Elsinore (2021; 23);
- South Stockton Commerce Center IS/MND, Stockton (2021; 31);
- Starpoint Warehouse IS/MND, San Bernardino (2021; 24);
- Replies on Heber 1 Geothermal Repower Project IS/MND (2021; 15);
- Heber 1 Geothermal Repower Project IS/MND (2021; 11);
- Alviso Hotel Project IS/MND, San Jose (2021; 43);
- Replies on Easton Research Park West IS/MND, Rancho Cordova (2021; 3);
- Easton Research Park West IS/MND, Rancho Cordova (2021; 31);
- US Cold Storage DEIR, Hesperia (2021; 30);
- 1242 20th Street Wellness Center Project FEIR, Santa Monica (2021; 23);
- Third visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 10);
- Roseland Creek Community Park Project IS/MND, Santa Rosa (2021; 23);

- Vista Mar Declaration of Irreparable Harm, Pacifica (2021; 3);
- LogistiCenter at Fairfield IS/MND (2021; 25);
- Alta Cuvee Mixed Use Project IS/MND, Ranch Cucamonga (2021; 29);
- Caligrows Architectural and Site Plan Review, Patterson (2021; 21);
- 1055 E. Sandhill Avenue Warehouse IS/MND, Carson (2021; 10);
- Chestnut & Tenth Street Commercial Project IS/MND, Gilroy (2021; 27);
- Libitzky Management Warehouse IS/MND, Modesto (2021; 20);
- 3rd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 10);
- Medical Office Building DEIR, Santa Cruz (2021; 30);
- Scannell Warehouse DEIR, Richmond (2021; 24);
- Diamond Heights Application, San Francisco (2021; 24);
- Costa Azul Mixed-Use EIR Addendum, San Diego (2021; 25);
- Woodland Research Park DEIR (2021; 45);
- 2nd Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 9);
- Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 3);
- Diamond Street Industrial IS/MND, San Marcos (2021; 28);
- DHS 109 Industrial Park IS/MND, Desert Hot Springs (2021; 33);
- Jersey Industrial Complex Rancho Cucamonga (2022; 22);
- 1188 Champions Drive Parking Garage Staff Report, San Jose (2021; 5);
- San Pedro Mountain, Pacifica (2021; 22);
- Pixior Warehouse IS/MND, Hesperia (2021; 29);
- 2nd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 9);
- Hearn Veterans Village IS/MND, Santa Rosa (2021; 23);
- Second visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 11);
- Replies on Station East Residential/Mixed Use EIR, Union City (2021; 26);
- Schulte Logistics Centre EIR, Tracy (2021; 30);
- 4150 Point Eden Way Industrial Development EIR, Hayward (2021; 13);
- Airport Business Centre IS/MND, Manteca (2021; 27);
- Dual-branded Hotel IS/MND, Santa Clara (2021; 26);
- Legacy Highlands Specific Plan EIR, Beaumont (2021; 47);
- UC Berkeley LRDP and Housing Projects #1 and #2 EIR (2021; 27);
- Santa Maria Airport Business Park EIR, Santa Maria (2021; 27);
- Replies on Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 20);
- Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 35);
- Inland Harbor Warehouse NOD, Ontario (2021; 8);
- Alvarado Specific Plan DEIR, La Mesa (2021; 35);
- Harvill Avenue and Rider Street Terminal Project MND, Riverside (2021; 23);
- Gillespie Field EIR Addendum, El Cajon (2021; 28);
- Heritage Wind Energy Project section 94-c siting process, New York (2021: 99);
- Commercial Street Hotels project Site Plans, Oakland (2021; 19);

- Heber 1 Geothermal Repower Project MND, El Centro (2021; 11);
- Citrus-Slover Warehouse Project MND, Fontana (2021; 20);
- Scott Ranch Project RDEIR (Davidon Homes), Petaluma (2021; 31);
- Replies on StratosFuel Renewable H2 Project MND, Victorville (2021; 5);
- StratosFuel Renewable H2 Project MND, Victorville (2021; 25);
- Replies on PARS Global Storage MND, Murietta (2021; 22);
- Baldwin-Zacharias Master Plans EIR, Patterson (2021; 38);
- 1000 Gibraltar Drive EIR, Milpitas (2021; 20);
- Mango Avenue Industrial Warehouse Project, Fontana, MND (2021; 20);
- Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 25);
- Replies on UCSF Comprehensive Parnassus Heights Plan EIR (2021; 13);
- 14 Charles Hill Circle Design Review (2021; 11);
- SDG Commerce 217 Warehouse IS, American Canyon (2021; 26);
- Mulqueeney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);
- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);
- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2nd comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
- Wister Solar Energy Facility EIR, Imperial County (2020; 28);
- Crimson Solar EIS/EIR, Mojave Desert (2020, 35) not submitted;
- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);

- 2400 Barranca Office Development Project EIR, Irvine (2020; 25);
- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);
- 2nd comments on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 8);
- Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 3);
- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses to comments on responses on Casmalia and Linden Warehouse, Rialto (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses to comments on responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);
- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2nd comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);
- Beale WAPA Interconnection Project EA & CEQA checklist (2020; 30);
- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19:
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
- Pinnacle Pacific Heights Design Review, San Diego (2019; 19);
- Pinnacle Park & C Design Review, San Diego (2019; 19);
- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);

- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2nd replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);
- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
- Desert Highway Farms IS/MND, Imperial County (2019; 12);
- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses to comments on responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);
- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);
- Replies to responses to comments on responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otay 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
- SDG Commerce 330 Warehouse IS, American Canyon (2019; 21);
- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);

- Lake House IS/ND, Lodi (2019; 33);
- Campo Wind Project DEIS, San Diego County (DEIS, (2019; 14);
- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
- We Be Jammin rezone MND, Fresno (2019; 14);
- Gray Whale Cove Pedestrian Crossing IS/ND, Pacifica (2019; 7);
- Visalia Logistics Center & DDG 697V Staff Report (2019; 9);
- Mather South Community Masterplan Project EIR (2019; 35);
- Del Hombre Apartments EIR, Walnut Creek (2019; 23);
- Otay Ranch Planning Area 12 EIR Addendum, Chula Vista (2019; 21);
- The Retreat at Sacramento IS/MND (2019; 26);
- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
- Sunroad – Centrum 6 EIR Addendum, San Diego (2018; 22);
- North First and Brokaw Corporate Campus Buildings EIR Addendum, San Jose (2018; 30);
- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2nd Replies to responses to comments on responses on Dove Hill Road Assisted Living Project MND (2018; 11);
- Replies to responses to comments on responses on Dove Hill Road Assisted Living Project MND (2018; 7);
- Dove Hill Road Assisted Living Project MND (2018; 12);
- Deer Ridge/Shadow Lakes Golf Course EIR, Brentwood (2018; 21);
- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2nd comments on Zeiss Innovation Center IS/MND, Dublin (2018: 12);
- Zeiss Innovation Center IS/MND, Dublin (2018: 32);
- City of Hope Campus Plan EIR, Duarte (2018; 21);
- Palo Verde Center IS/MND, Blythe (2018; 14);
- Logisticenter at Vacaville MND (2018; 24);
- IKEA Retail Center SEIR, Dublin (2018; 17);
- Merge 56 EIR, San Diego (2018; 15);
- Natomas Crossroads Quad B Office Project P18-014 EIR, Sacramento (2018; 12);
- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
- At Dublin EIR, Dublin (2018; 25);

- Fresno Industrial Rezone Amendment Application No. 3807 IS (2018; 10);
- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
- 750 Marlborough Avenue Warehouse MND, Riverside (2018; 14);
- Replies to responses to comments on responses on San Bernardino Logistics Center IS (2018; 12);
- San Bernardino Logistics Center IS (2018; 19);
- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018: 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);
- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR "Peer Review", Los Angeles County (2018; 9);
- Replies to responses to comments on responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
- Northlake Specific Plan SEIR, Los Angeles County (2017; 27);
- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
- Ferrante Apartments IS/MND, Los Angeles (2017; 14);
- The Villages of Lakeview EIR, Riverside (2017; 28);
- Data Needed for Assessing Trail Management Impacts on Northern Spotted Owl, Marin County (2017; 5);
- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Gorgonio Crossings EIR, Riverside County (2017; 22);
- Replies to responses to comments on responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);

- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);
- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
- Pyramid Asphalt IS, Imperial County (2016; 4);
- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
- City of Palmdale Oasis Medical Village Project IS/MND (2016; 7);
- Comments on proposed rule for incidental eagle take, USFWS (2016, 49);
- Replies on Grapevine Specific and Community Plan FEIR, Kern County (2016; 25);
- Grapevine Specific and Community Plan DEIR, Kern County (2016; 15);
- Clinton County Zoning Ordinance for Wind Turbine siting (2016);
- Hallmark at Shenandoah Warehouse Project Initial Study, San Bernardino (2016; 6);
- Tri-City Industrial Complex Initial Study, San Bernardino (2016; 5);
- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
- Jupiter Project IS and MND, Apple Valley, San Bernardino County (2016; 9);
- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);
- Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 31);
- Second Reply on White Pines Wind Farm, Ontario (2015, 6);
- Reply on White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 10);
- White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 9);
- Proposed Section 24 Specific Plan Agua Caliente Band of Cahuilla Indians DEIS (2015, 9);
- Replies on 24 Specific Plan Agua Caliente Band of Cahuilla Indians FEIS (2015, 6);
- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
- Columbia Business Center MND, Riverside (2015; 8);
- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);
- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);

- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
- Palen Solar Electric Generating System FSA (CEC), Blythe (2014, 20);
- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
- Seven Mile Hill and Glenrock/Rolling Hills impacts + Addendum, Wyoming (2014; 105);
- Rising Tree Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Rising Tree Wind Energy Project DEIR, Mojave (2014, 15);
- Soitec Solar Development Project PEIR, Boulevard, San Diego County (2014, 18);
- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
- Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS (2015, 49);
- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
- Tule Wind project FEIR/FEIS (Declaration) (2013; 31);
- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
- Plainview Solar Works MND, Lancaster (2013; 10);
- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);
- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
- Casa Diablo IV Geothermal Development Project (2013; 6);
- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013;);

- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);
- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects IS/MND Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
- Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 9);
- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);
- Mount Signal and Calexico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County's Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);

- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);
- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7.);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Declaration) (2008; 16);
- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008: 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008: 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008: 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses to comments on responses on North Table Mountain MND, Butte County (2006; 5);
- North Table Mountain MND, Butte County (2006; 15);
- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
- Winters Highlands Subdivision IS/ND (2004; 13);
- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);

- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
- Atwood Ranch Unit III Subdivision EIR (2002; 19);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);
- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Skyranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);
- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

Volunteer comments on other Environmental Review Documents:

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.'s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);

- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (Ovis candensis) (2000);
- Draft Recovery Plan for the California Red-legged Frog (Rana aurora draytonii), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);
- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No. 103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Posters at Professional Meetings

- Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.
- Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.
- Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.
- Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.
- Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.
- Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County, California. White Mountain Research Station Open House, Barcroft Station.
- Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.
- Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.
- Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported Sorex shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Smallwood, N., and S. Smallwood. 2025. Improving methods in environmental review Part 1: Habitat assessment of wildlife species with potential to occur on a project site. The Wildlife Society – Western Section, Visalia, California, 5 February 2025.

Smallwood, S., and N. Smallwood. 2025. Improving methods in environmental review part 2: reconnaissance surveys for characterizing the wildlife community. The Wildlife Society – Western Section, Visalia, California, 5 February 2025.

Eagle mortality at wind turbines. Wings over the Columbia Gorge. Friends of the Columbia Gorge, 4 January 2024.

Ecology and recent population trend of burrowing owls in the Altamont Pass Wind Resource Area. The Wildlife Society – Western Section Burrowing Owl Symposium, Riverside, California, 6 February 2023.

Renewable energy impacts to burrowing owls. The Wildlife Society – Western Section Burrowing Owl Symposium, Riverside, California, 7 February 2023.

Smallwood, K.S. and D.A. Bell. Long-Term Population Trend of Burrowing Owls in Vasco Caves. Via Zoom to Audubon Society, 21 October 2021.

Long-Term Population Trend of Burrowing Owls in the Altamont. Golden Gate Audubon, 21 October 2020.

Long-Term Population Trend of Burrowing Owls in the Altamont. East Bay Regional Park District 2020 Stewardship Seminar, Oakland, California, 18 November 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Society, 28 September 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Society, 28 September 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Survey, 7 February 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Survey, 7 February 2020.

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

“No Surprises” -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomyidae*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asylomar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion; Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.
- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm, Sweden, February 2013.
- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.
- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.
- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.
- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.
- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.
- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Reviews of Journal Papers (Some scientific journals for whom I've provided peer review)

Journal	**Journal**
American Naturalist	Journal of Animal Ecology
Journal of Wildlife Management	Western North American Naturalist
Auk	Journal of Raptor Research
Biological Conservation	National Renewable Energy Lab reports
Canadian Journal of Zoology	Oikos
Western Birds	Journal of Caribbean Ornithology
Ecosystem Health	The Prairie Naturalist
Environmental Conservation	Restoration Ecology
Environmental Management	Southwestern Naturalist
Functional Ecology	The Wildlife Society--Western Section Trans.
Journal of Zoology (London)	Proc. Int. Congress on Managing for Ecosystem Health
Journal of Applied Ecology	Transactions in GIS
Ecology	Tropical Ecology
Wildlife Society Bulletin	Peer J
Conservation Biology	Biology Open
Western Wildlife	PLOS One
Heliyon	Global Ecology and Conservation
Wildlife Monographs	Journal for Nature Conservation
Biological Control	Ecological Solutions and Evidence
Wind Energy	Environmental and Ecological Statistics
The Condor	Ecosphere
Diversity	Renewable and Sustainable Energy Reviews
Northeastern Naturalist	

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis

- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of $553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

The Wildlife Society
Raptor Research Foundation

Honors and Awards

Fulbright Research Fellowship to Indonesia, 1987
J.G. Boswell Full Academic Scholarship, 1981 college of choice
Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Northern California Athletic Association Most Valuable Cross Country Runner, 1984
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977
CIF Section Champion, Cross Country in 1978
CIF Section Champion, Track & Field 2 mile run in 1981
National Junior Record, 20 kilometer run, 1982
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member

Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002

Served on campaign committees for City Council candidates

Planning Commission Resolutions

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 178-26

APPLICATION FOR GENERAL PLAN AMENDMENT CASE NO. 5, MAP 81-35

Southern end of the San Joaquin Valley in the unincorporated community of Oildale, approximately 1.7 miles northeast of the City of Bakersfield and three (3) miles east of the City of Shafter; approximately 1.5 miles east of State Route (SR) 65 and approximately 1.5 miles northeast of State Route (SR) 99; on the north side of Merle Haggard Drive and west side of Airport Drive (APNs: 483-040-32, -33, -42, -43, -45, -46)
ACC Bakersfield JV, LLC (PP24405)

FINDINGS AND DETERMINATION

I, Craig M. Murphy, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Mr. Ashley, seconded by Ms. Skidmore, was duly passed and adopted by said Planning Commission at an official meeting hereof this **10th** day of **September, 2026,** by the following vote, to wit:

AYES: Ashley, Oliver, Skidmore

NOES: None

ABSTAINED: None

ABSENT: Brooks, Dunbar

SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65354 (known as the Planning and Zoning Law), the Kern County Planning Commission considers proposed amendments to the County's General and Specific Plans and must provide a recommendation on all such proposed amendments to the Kern County Board of Supervisors; and

(b) Pursuant to the Zoning Ordinance, Section 19.102.135, such advisory actions shall be considered by the Planning Commission prior to consideration by the Board of Supervisors, following submission of an application containing the information specified in the applicable section of this title and a properly noticed public hearing; and

(c) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.425** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(d) Said parcel of real property is described as follows:

APN: 483-040-32, -33, -42, -43, -45, -46

Section 35, Township 28 South. Range 27 East MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(e) Said application has been made pursuant to provisions of Chapter 19.102 of said Ordinance Code, and requests The proposed Airport Commerce Center Industrial Project would involve the development of four (4) industrial warehouse buildings totaling approximately 1,505,440 square feet consisting of 625,446 square feet for warehousing, 393,624 square feet for cold storage, 335,826 square feet for industrial manufacturing or assembly for a food/beverage company, 150,544 square feet for office space, and two (2) associated quick-serve restaurants totaling approximately 9,410 square-feet on approximately 110 combined acres across six (6) privately owned parcels. The proposal includes:

General Plan Amendment No. 5, Map 81-35 of the Metropolitan Bakersfield General Plan Land Use Element from Map Code GC (General Commercial) to SI (Service Industrial) on an approximate 13.76-acre parcel of the 110-acre proposed project site; and

(f) The Planning and Natural Resources Department has reviewed the matter and prepared a report containing detailed description and analysis of the proposed amendment to the General Plan, (copy of the report is on file with the Planning and Natural Resources Department and incorporated herein by this reference as if set forth in full); and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y**

said Environmental Impact Report; **A D O P T** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; **A D O P T** Mitigation Measure Monitoring Program; and recommended for **A P P R O V A L**, as recommended by Staff, by the Board of Supervisors, the application for the reasons specified in this Resolution; and

(b) The findings of this Commission upon which its decision is based are as follows:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and the Board of Supervisors makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

(3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Monitoring and Reporting Program specifies the required steps to satisfy each mitigation measure.

(4) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Design components have been incorporated from the Environmental Impact Report as conditions of approval.

(5) The proposed use is consistent with the goals and policies of the Metropolitan Bakersfield General Plan.

(6) Approval of the requested General Plan Amendment would promote development that is consistent with existing and potential land uses surrounding the area and will allow a reasonable use of this property.

(7) Approval of the requested General Plan Amendment to change the existing land use designation of 13.76 acres from GC (General Commercial) to SI (Service Industrial) will be consistent with the existing surrounding land uses which include major transportation corridors, and industrial development.

(8) The project will require minimal expansion of infrastructure to support the proposed development.

(9) The project site is more suitable for industrial development, which supports Affirmatively Furthering Fair Housing goals by preserving residentially zoned land for housing that can better meet long-term health, safety, and livability standards.

(10) Existing site conditions in the project vicinity, such as noise, industrial operations, and potential safety hazards, make it better suited for non-residential uses, thereby reinforcing the County's commitment to high-quality, integrated housing opportunities elsewhere.

(11) While the project site is not suitable for traditional residential development, the project includes specific design features and conditions of approval that promote compatibility with nearby uses while ensuring the project does not conflict with Affirmatively Furthering Fair Housing goals.

(12) Excluding this project site from the County's housing inventory does not impede the County's ability to meet its Regional Housing Needs Allocation obligations or implement Housing Element programs. Other more appropriate, higher-opportunity sites have been identified to meet the County's fair housing goals.

(13) In accordance with State law and the California Tribal Consultation Guidelines, the appropriate Indian tribes were consulted with respect to the project's potential impacts on Native American places, features, and objects and provided an opportunity for review and consultation.

(14) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and

(c) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

ACC Bakersfield JV, LLC (PP24405) (agent) (applicant) (applicant/owner) (1)
LiUNA (1)
File (3)

jw

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 179-26

APPLICATION FOR ZONE CHANGE CASE NO. 46, MAP NO. 81-35

Southern end of the San Joaquin Valley in the unincorporated community of Oildale, approximately 1.7 miles northeast of the City of Bakersfield and three (3) miles east of the City of Shafter; approximately 1.5 miles east of State Route (SR) 65 and approximately 1.5 miles northeast of State Route (SR) 99; on the north side of Merle Haggard Drive and west side of Airport Drive (APNs: 483-040-32, -33, -42, -43, -45, -46)
ACC Bakersfield JV, LLC (PP24405)

FINDINGS AND DETERMINATION

I, Craig M. Murphy, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Mr. Ashley, seconded by Ms. Skidmore, was duly passed and adopted by said Planning Commission at an official meeting hereof this **10th** day of **September,** by the following vote, to wit:

AYES: Ashley, Oliver, Skidmore

NOES: None

ABSTAINED: None

ABSENT: Brooks, Dunbar

SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297. 425** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: 483-040-32, -33, -42, -43, -45, -46

Section 35, Township 28 South. Range 27 East MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.112 of said Ordinance Code, and requests a zone change insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly The proposed Airport Commerce Center Industrial Project would involve the development of four (4) industrial warehouse buildings totaling approximately 1,505,440 square feet consisting of 625,446 square feet for warehousing, 393,624 square feet for cold storage, 335,826 square feet for industrial manufacturing or assembly for a food/beverage company, 150,544 square feet for office space, and two (2) associated quick-serve restaurants totaling approximately 9,410 square-feet on approximately 110 combined acres across six (6) privately owned parcels. The proposal includes: Zone Classification Change No. 46, Map 81-35 from M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) to M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining), or a more restrictive district, on an approximate 13.76-acre portion of the proposed project site, and from FPP (Floodplain Primary) to M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach

Height Combining), or a more restrictive district, on an approximate 8.56-acre portion of the 110-acre proposed project site; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report **A D O P T** Section 15091 Findings of Facts and Section 15093 Statement of Overriding Considerations; **A D O P T** Mitigation Measure Monitoring Program and recommended for **A P P R O V A L**, as recommended by Staff, by the Board of Supervisors, the application for the reasons specified in this Resolution; and

(c) The findings of this Commission upon which its decision is based are as follows:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Commission makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 2108 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby adopts a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

(3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Monitoring and Reporting Program specifies the required steps to satisfy each mitigation measure.

(4) The requested zone change is consistent with the applicable provisions of the Metropolitan Bakersfield General Plan, and with previous zone change approvals in the area.

(5) The PD (Precise Development Combining) District will provide a means for public input and comments thorough the public hearing process and will allow for the imposition of conditions so that conflicts can be avoided with neighboring properties and ensure that the development will be compatible with adjacent uses.

(6) Approval of the requested zone change, and implementation of the required mitigation measures will not be materially detrimental to the health, safety and welfare of the public or the property and residents in the vicinity.

(7) Implementation of the proposed zone change from M-1 PD H (Light Industrial – Precise Development Combining – Airport Approach Height Combining) to M-2 PD H (Medium Industrial - Precise Development Combining – Airport Approach Height Combining) on approximately 13.76 acres and FPP (Floodplain Primary) to M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining) on approximately 8.56 acres will facilitate development of a 110-acre industrial warehouse facility and associated quick-serve restaurants. The M-2 PD H District is consistent with the existing character of the proposed location and implementation of the proposed industrial warehouse facility with associated quick-serve restaurants for warehousing, industrial manufacturing and assembly for a food/beverage company is compatible with existing major transportation corridors, and industrial development in the area.

(8) Approval and implementation of the request zone change will facilitate the construction and operation of a 1,505,440 square-feet industrial warehouse facility. This facility and the anticipated economic benefits associated with the operation of the facility to the County, which include but are not limited to the anticipated of up to 100 employees during construction and approximately 532 full time operational jobs, are consistent with the objectives of the Metropolitan Bakersfield General Plan that encourage economic development that creates jobs and capital investments in unincorporated areas that benefit residents, businesses, and industries, as well as ensuring future governmental fiscal stability, though collection of taxes, while encouraging new development to utilize existing transportation infrastructure and services.

(9) Approval of the change in zone classification will allow for the construction and operation of a warehouse facility with industrial manufacturing or assembly for a food/beverage company, quick-serve restaurants in an area that does not consist of dense urban development, in an area where adequate site access is available, and in an area that is close to existing north/south transportation corridors.

(10) Approval of the requested zone change will authorize the implementation of development that is compatible with surrounding land uses and provide opportunities to capitalize on existing transportation infrastructure.

(11) The project site is more suitable for industrial development, which supports Affirmatively Furthering Fair Housing goals by preserving residentially zoned land for housing that can better meet long-term health, safety, and livability standards.

(12) Existing site conditions in the project vicinity, such as noise, industrial operations, and potential safety hazards, make it better suited for non-residential uses, thereby reinforcing the County's commitment to high-quality, integrated housing opportunities elsewhere.

(13) While the project site is not suitable for traditional residential development, the project includes specific design features and conditions of approval that promote compatibility with nearby uses while ensuring the project does not conflict with Affirmatively Furthering Fair Housing goals.

(14) Excluding this project site from the County's housing inventory does not impede the County's ability to meet its Regional Housing Needs Allocation obligations or implement Housing Element programs. Other more appropriate, higher-opportunity sites have been identified to meet the County's fair housing goals.

(15) Approval of this project shall not be considered operative, vested, or final until such time as the required verification from the Office of the county Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made.

(16) In accordance with State law and the California Tribal Consultation Guidelines, the appropriate Native American Tribes were consulted with respect to the project's potential impacts on Native American places, features and objects, and provided an opportunity for review and consultation; and

(d) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

ACC Bakersfield JV, LLC (PP24405) (1)
LiUNA (1)
File (3)

jw

BEFORE THE PLANNING COMMISSION

COUNTY OF KERN, STATE OF CALIFORNIA

In the matter of:

RESOLUTION NO. 180-26

APPLICATION FOR PRECISE DEVELOPMENT PLAN NO. 36, MAP 81-35

Southern end of the San Joaquin Valley in the unincorporated community of Oildale, approximately 1.7 miles northeast of the City of Bakersfield and three (3) miles east of the City of Shafter; approximately 1.5 miles east of State Route (SR) 65 and approximately 1.5 miles northeast of State Route (SR) 99; on the north side of Merle Haggard Drive and west side of Airport Drive (APNs: 483-040-32, -33, -42, -43, -45, -46)
ACC Bakersfield JV, LLC (PP24405)

FINDINGS AND DETERMINATION

I, Craig M. Murphy, Secretary of the Planning Commission of the County of Kern, State of California, do hereby certify that the following resolution, proposed by Mr. Ashley, seconded by Ms. Skidmore, was duly passed and adopted by said Planning Commission at an official meeting hereof this **10th** day of **September, 2026**, by the following vote, to wit:

AYES: Ashley, Oliver, Skidmore

NOES: None

ABSTAINED: None

ABSENT: Brooks, Dunbar

SECRETARY OF THE PLANNING COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

R E S O L U T I O N

SECTION 1. WHEREAS:

(a) Pursuant to the California Government Code, Title 7, Section 65000, et seq. (known as the Planning and Zoning Law), the Kern County Board of Supervisors has adopted the Official Land Use and Zoning Ordinance for the County of Kern (Ordinance Code of Kern County, Chapter 19.02, et seq.), herein called the Zoning Ordinance; and

(b) The Zoning Ordinance establishes various classes of zones, prescribes land uses and regulations for the various zones, and adopts zoning maps for the purposes of dividing the County into zones and showing the zone boundaries; and

(c) The Zoning Ordinance regulates the use of buildings, structures, and land, as between agriculture, industry, business, residence, and other purposes, and other uses more specifically set forth in Section 65850 of said Government Code; and

(d) The Kern County Planning and Natural Resources Department has received an application pertaining to a parcel of real property which is located within that portion of the unincorporated area of the County for which an official Zoning Map has been adopted under Section **7297.425** of said Ordinance Code and for which precise land use and zoning regulations are in effect; and

(e) Said parcel of real property is described as follows:

APN: 483-040-32, -33, -42, -43, -45, -46

Section 35, Township 28 South. Range 27 East MDB&M, County of Kern, State of California (A complete legal description is on file with the Kern County Planning and Natural Resources Department); and

(f) Said application has been made pursuant to provisions of Chapter 19.56 of said Ordinance Code, and requests a precise development plan, insofar as said requirements are applicable to the aforedescribed parcel of real property, and more particularly The proposed Airport Commerce Center Industrial Project would involve the development of four (4) industrial warehouse buildings totaling approximately 1,505,440 square feet consisting of 625,446 square feet for warehousing, 393,624 square feet for cold storage, 335,826 square feet for industrial manufacturing or assembly for a food/beverage company, 150,544 square feet for office space, and two (2) associated quick-serve restaurants totaling approximately 9,410 square-feet on approximately 110 combined acres across six (6) privately owned parcels. The proposal includes: Precise Development Plan No. 36, Map 81-35 for the development of four (4) industrial warehouse buildings totaling approximately 1,505,440 square feet consisting of 625,446 square feet for warehousing (Section 19.38.020.E.2), 393,624 square feet for cold storage (Section 19.38.020.E.2), 335,826 square feet for industrial manufacturing or assembly for a food/beverage company (Section 19.38.020.E.1), 150,544 square feet for office space (Section 19.38.020.D.1), and two (2) associated quick-serve restaurants (Section 19.38.020.D.4) totaling approximately 9,410 square feet, on approximately 110 acres; and

(g) Said application has been made in the form and in the manner prescribed by said Zoning Ordinance and is on file with the Secretary of this Commission, designated as above, and reference is hereby made thereto for further particulars; and

(h) The Secretary of this Commission has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and the affidavit of mailing on file with the Secretary of this Commission; and

(i) Said notice of hearing stated that an Environmental Impact Report has been prepared for this project; and

(j) Said public hearing has been duly and timely conducted, during which the proposal was explained by a representative of the Planning and Natural Resources Department and all persons so desiring were duly heard; and

(k) Before making any findings on said Environmental Impact Report or any consideration of the proposal on its merits, this Commission called for any objections or comments on said Environmental Impact Report; and

The Director of the Planning and Natural Resources Department has furnished to this Commission, and the Commission has incorporated into the record of this matter, a document setting forth the significant environmental effects identified in said Environmental Impact Report, with proposed findings and consideration by this Commission in relation to said significant effects for the purposes of Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines, and setting forth evidence in support of the proposed findings; and a member of the Planning and Natural Resources Department Staff appeared before the Commission and gave additional testimony in support of the proposed findings; and

During said hearing, this Commission duly considered the adequacy and scope of said Environmental Impact Report and thereafter reviewed and considered the information therein contained with respect to the merits of the matters under consideration; and

(l) This Commission has considered the recommendation of the Planning and Natural Resources Department and all the testimony presented during said public hearing, after which said public hearing was concluded.

SECTION 2. NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the County of Kern, as follows:

(a) This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and

(b) This Commission has fully reviewed and considered the information in said Environmental Impact Report and Mitigation Measure Monitoring Program and hereby recommends it to be certified in relation to the subject of this resolution and, after careful consideration of all facts and evidence as presented at said hearing, it is the decision of the Planning Commission that the application herein described be, and hereby, recommends the Board of Supervisors **C E R T I F Y** said Environmental Impact Report and **A D O P T** Mitigation Measure Monitoring Program and **A P P R O V E**, as recommended by Staff, the application for the reasons specified in this Resolution with development to be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval:

(1) Development shall be in substantial conformity with the approved plan, and the approved plan shall be revised to include the following conditions of approval.

(2) This approval authorizes the construction and operation of four (4) industrial warehouse buildings totaling approximately 1,505,440 square-feet consisting of 625,446 square-feet for warehousing, 393,624 square-feet for cold storage, 335,826 square feet for industrial manufacturing or assembly for a food/beverage company, 150,544 square feet for office space, and two (2) associated quick-serve restaurants totaling approximately 9,410 square-feet on approximately 110 acres pursuant to Sections 19.38.020.D.1, 19.38.020.D.4, and 19.38.020.E.2 of the Kern County Zoning Ordinance. Any additions or expansions to this plan may be subject to a minor plan modification, a formal modification through the public hearing process or approval of a new precise development plan as determined by the Director of the Kern County Planning and Natural Resources Department.

(3) Any additional on-site development or expansion activities beyond those items described in the staff report and certified Final Environmental Impact Report associated with initial approval of this Precise Development Plan, and which are deemed to be more intensive by the Director of the Kern County Planning and Natural Resources Department, shall be subject to review and approval and may entail further environmental review. Approval of such development or expansion activities may also require modification of this Precise Development Plan or the approval of a new Precise Development Plan at the discretion of the Director of the Kern County Planning and Natural Resources Department.

(4) All mitigation measures included in the adopted Mitigation Measure Monitoring Program for the Airport Commerce Center Industrial Project by ACC Bakersfield JV, LLC (General Plan Amendment No. 5, Map 81-35; Zone Change Case No. 46, Map 81-35; Precise Development Plan No. 36, Map 81-35included as Exhibit C of this Resolution, are hereby incorporated as Conditions of Approval.

(5) All necessary building permits must be obtained.

(6) Prior to the issuance of building or grading permits, the applicant shall submit documentation of the following:

(a) The project proponent shall demonstrate compliance with all applicable mitigation measures as listed in the approved Mitigation Monitoring and Reporting Program (MMRP).

(b) The method of water supply and sewage disposal shall be as required and approved by the Kern County Public Health Services Department/Environmental Health Division. The following shall be satisfied as required by the Environmental Health Division:

1. The applicant shall secure and submit an unconditional "will serve" letter from the Oildale Mutal Water Company stating its intent and ability to provide potable water for the proposed project.

2. The applicant shall secure and submit an unconditional "will serve" letter from North of River Sanitary District stating its intent and ability to provide sewer service to the proposed project. If a sewer exemption is requested and approved, the applicant shall submit a soils report that includes a septic feasibility study to the Environmental Health Division for review.

(c) Fire flows, fire protection facilities, and access ways shall be as required and approved by the Kern County Fire Department, including but not limited to the following:

1. All new construction will require fire water flowing a minimum 1,500 gallons per minute for two (2) hours with 20 PSI residual.

2. All fire access roads to each parcel must meet specifications set forth in Section 503.2 of the California Fire Code and the applicable Appendix and Ordinance sections.

3. Any structures that exceed 10,000 square feet will require fire sprinklers and a fire alarm to be installed.

4. Any aboveground flammable liquid tanks in excess of 125 gallons will require permitting through Kern County Fire Department.

(d) A plan for the disposal of drainage waters originating on-site and from adjacent road rights-of-way shall be approved by the Kern County Public Works Department - Building & Development – Floodplain, if required. Easements or grant deeds shall be given to the County of Kern for drainage purposes or access thereto, as necessary. Associated flood hazard requirements shall be incorporated into the design of this project per the Kern County Floodplain Management Ordinance.

(e) The applicant shall pay the required Metropolitan Bakersfield Transportation Impact Fees.

(f) A comprehensive landscaping and maintenance irrigation plan shall be approved in accordance with the requirements of Chapter 19.86 of the Zoning Ordinance and California Code of Regulations, Title 23, Division 2, Chapter 2.7 Model Water Efficient Landscape Ordinance. A minimum of 5% percent or five (5) acres, whichever is greater, of the total project area shall be landscaped and continuously maintained in good condition. Landscaping shall be installed or bonded for prior to occupancy of the building or site. Minimum tree size shall be 15-gallon. Minimum shrub size shall be five (5) gallon, and

minimum size for small shrubs and groundcover shall be one (1) gallon. The landscape plan shall list the location, size (in gallons), and type of plant and tree material to be used throughout the site. All landscaping shall be consistent with the State Fire Safe regulations contained in Section 4290 of the Public Resources Code and in Title 14, California Code of regulations, Division 1.5, Chapter 7, Subchapter 2. If more than 2,500 square feet of landscaping area will be required or proposed, landscaping and irrigation for the project shall comply with the Water Efficient Landscape requirements as set forth in Sections 19.86.065, 19.86.070, and 19.86.080 of the Zoning Ordinance.

(g) An Outdoor Lighting Plan shall be submitted for review and approval by Kern County Public Works Department in accordance with Chapter 19.81 (Outdoor Lighting "Dark Skies Ordinance") of the Zoning Ordinance. A copy of the approved Outdoor Lighting Plan shall be submitted to the Kern County Planning and Natural Resources Department upon approval.

(h) Prior to the issuance of building or grading permits, the Project proponent shall coordinate with the Kern County Department of Airports and the Federal Aviation Administration to obtain a determination of no hazard for the scope of the project's construction, site components, and operations.

(i) The Project proponent shall coordinate with Pacific Gas & Electric (PG&E) staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed Project. The Project proponent shall comply with and adhere to all requirements identified by PG&E to adequately accommodate the proposed Project, including avoiding damage to PG&E electric services and facilities, as needed as Project construction progresses.

(j) All survey monuments shall be tied out by a Licensed Land Surveyor. A corner record for each monument or record of survey shall be submitted to the County Surveyor for review and processing, per Section 8771 of the Professional Land Surveyor's (PLS) Act.

(k) The Project proponent shall coordinate with SoCalGas staff to determine the specific requirements regarding any potential natural gas service or facility issues needed to adequately accommodate the proposed Project. The Project proponent shall comply with and adhere to all requirements identified by SoCalGas adequately accommodate the proposed Project, including avoiding damage to SoCalGas natural gas services and facilities, as needed as Project construction progresses.

(7) Prior to final occupancy approval, the following conditions shall be verified by the building inspector and shall be continuously maintained while this permit is active:

(a)* The following traffic improvements shall be performed in compliance with the requirements of the Kern County Public Works department and shall be accomplished at no cost to the County of Kern or the California Department of Transportation (Caltrans):

1. Record an irrevocable offer of dedication to the County of Kern of all subject property for Merle Haggard Drive, 55 feet in width, and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance and Development Standards.

2. Record an irrevocable offer of dedication to the County of Kern of all subject property for Airport Drive, 55 feet in width, and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance and Development Standards.

3. Record an irrevocable offer of dedication to the County of Kern of all subject property for Landings Way, 45 feet in width, including the off-site portion of Landings Way from the northerly project boundary line to southerly right-of-way of Petrol Road for orderly development per the Kern County Land Division Ordinance and Development Standards.

4. Record an irrevocable offer of dedication to the County of Kern of all subject property for Petrol Road, 45 feet in width, including the off-site portion of Petrol Road from the westerly project boundary line to easterly right-of-way of Landings Way for orderly development, per the Kern County Land Division Ordinance and Development Standards.

5. Record pedestrian access easements at all wheelchair ramp locations, per the Kern County Land Division Ordinance and Development Standards.

6. Revise final site plan to demonstrate access from Merle Haggard Drive shall only be by two drive approaches, and access from Airport Drive shall only be by two drive approaches for ingress and egress. Access from Landings Way shall only be by one drive approach, and access from Petrol Road shall only be by one drive approach for ingress and egress. Drive approach locations shall adhere to the Kern County Development Standards, Plate R-58.

7. Revise final site plan and demonstrate all drive approaches shall be a maximum of 35' wide per Kern County Development Standards, Plate R-60.

8. Provide a 20-foot by 20-foot right of way corner cutoff at all intersections.

9. Under street improvement plans approved by the Kern County Public Works Department, construct Merle Haggard Drive project frontage to Type "A" Subdivision Standards, half width arterial street, in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, drive approaches, median, right turn lanes (Plate R-40) at main entrance, restriping and the necessary tie-ins.

10. Under street improvement plans approved by the Kern County Public Works Department, construct Airport Drive project frontage to Type "A" Subdivision Standards, half width arterial street, in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, drive approaches, right turn lanes (Plate R-40) at each entrance, restriping and the necessary tie-ins.

11. Under street improvement plans approved by the Kern County Public Works Department, construct Landings Way project frontage to Type "A" Subdivision Standards, half width Collector Street, in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, drive approaches, and the necessary tie-ins.

12. Under street improvement plans approved by the Kern County Public Works Department, construct Petrol Road project frontage to Type "A" Subdivision Standards, half width Collector Street, in accordance with the Kern County Development Standards and Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, drive approaches, and the necessary tie-ins.

13. Under street improvement plans approved by the Kern County Public Works Department, construct Landings Way off-site portion, to Type "A" Subdivision Standard, half width Collector Street, for orderly development, per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins.

14. Under street improvement plans approved by the Kern County Public Works Department, construct Petrol Road off-site portion, to Type "A" Subdivision Standard, half width Collector Street, for orderly development, per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins.

15. Include a striping plan and streetlight plan with all street improvement plans.

(b) All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Section 19.08.225 and Section 19.80.030.C of the Kern County Zoning Ordinance and Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, or similar obstructions, shall be removed from the ultimate road rights of way in accordance with Section 18.55.030 of the Land Division Ordinance. Compliance with this requirement is the responsibility of the applicant and may result in significant financial expenditures.

(c) All storage and pressure tanks shall be painted an earthen hue color.

(d) Any sump sites or detention basins shall be wholly enclosed within a six-(6-)foot-high chain link fence constructed with screening slats.

(e) Parking shall be provided as detailed in the approved plan. Handicap accessible parking spaces shall be provided in accordance with the requirements of Title 24 of the California Administrative Code. Parking shall be provided in accordance with Chapter 19.82 of the Zoning Ordinance.

(f) Parking for large trucks shall be provided as illustrated on the approved plan. Parking spaces and freight loading spaces shall be provided in accordance with Chapter 19.82 of the Zoning Ordinance.

(g) All access drives, parking areas, and vehicle maneuvering areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete paving constructed over a minimum of three (3) inches of compacted base material or material of higher quality. Where the project site does not have direct access to a County-maintained Road, a paved access drive shall connect to the closest County maintained road and shall be continuously maintained in good condition. A paved tie-in shall be provided under encroachment permit from the Kern County Public Works. The paved access road shall be continuously maintained in good condition.

(h) Standard vehicle parking spaces shall be nine (9) feet by 20 feet or larger in size and shall be designated by white painted stripes. A maximum of 20 percent of the required parking spaces may be designated as compact spaces and shall be eight (8) feet by 16 feet or larger in size.

(i) Concrete wheel blocks or a six-(6-)inch raised A.C. curb shall be installed at each parking space that abuts a structure or property line.

(j) Where the parking area abuts Airport Drive or Merle Haggard Drive, it shall be separated therefrom by an ornamental fence, wall, or evergreen landscaping or berm, or any combination of the above, shall be established between the parking area and the subject road to eliminate headlight glare. Fence materials or method of landscaping shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to construction. Said fence or hedge shall be continuously maintained in good condition.

(k) All trash and recyclable bin receptacles shall be enclosed within a six-(6-)foot-high, three-(3-)sided masonry enclosure with securable iron gate and shall be installed on an impervious surface at a location that is outside the required front yard and convenient for refuse haulers and which does not interfere with on- or off-site parking or circulation. For all commercial and industrial uses with five (5) or more employees, adequate space shall be provided for the collection and loading of recyclable materials. The location for all trash and recycling bin enclosures shall be approved by the Director of the Kern County Planning and Natural Resources Department prior to construction.

(l) From the drop point of any overhead power pole on the periphery of the site, all new on-site utility services shall be placed underground.

(m) Permitted uses that include the placement of any solid or liquid material directly on the ground which has the potential to leach into the ground and adversely impact groundwater, the applicant shall consult with, and be subject to review and approval by, the California Regional Water Quality Control Board or, alternatively, the Kern County Public Health Services Department/Environmental Health Division.

(n) All survey monuments that were destroyed during construction shall be re-set or have a suitable witness corner set. A post construction corner record for each monument re-set or a record of survey shall be submitted to the County Surveyor for processing, per Section 8771 of the PLS Act.

(8) The property owner shall continuously comply with the following conditions of approval during implementation of this permit:

(a) The development shall comply with any requirements of the San Joaquin Valley Air Pollution Control District.

(b) The sump sites shall be maintained free of debris and weeds at all times.

(c) All signs shall comply with the signage regulations of the applicable base zone district and with Chapter 19.84 and Chapter 19.81.040(h) of the Zoning Ordinance.

(d) All used oil (as defined in Section 25250.1 of the California Health and Safety Code) shall be disposed of in accordance with all local, State, and federal regulations following consultation with the Kern County Public Health Services Department/Environmental Health Division/Hazardous Materials Section, the State of California Department of Health Services, and the Environmental Protection Agency. All used oil and other wastes shall be transported by a registered waste hauler.

(e) All statutory fees shall be paid to the Kern County Superintendent of Schools.

(f) Upon completion of the project, all survey monuments shall be accessible by a Licensed Land Surveyor or their representatives, with prior notice, per Section 8774 of the PLS Act and Civil Code 846.5(a).

(9) Should a conflict occur between the statistical data shown on the plan and the conditions of approval, the conditions of approval shall prevail.

(10) If development for which this precise development plan has been approved pursuant to the provisions of the Zoning Ordinance has not commenced within five (5) years of the approval, the approval shall become null and void and of no effect, unless an extension has been granted by the Planning Director upon written request for an extension before the expiration of the five-(5-)year period.

(11) At the time building permits are applied for, a filing fee may be imposed to ensure that final plans are consistent with adopted conditions of approval. This fee may serve as an initial deposit for particularly complex cases, in which case a cost recovery agreement will be required, and charges will be billed in accordance with the approved fee schedule.

*Denotes Mitigation measure; and

(c) Noncompliance with the adopted conditions of approval may cause permit revocation proceedings in accordance with Section 19.102.020 of said Ordinance Code; and

(d) The findings of this Commission upon which its decision is based are as follows:

(1) The applicable provisions of the California Environmental Quality Act, the State CEQA Guidelines, and the Kern County Guidelines have been duly observed in conjunction with said hearing in the consideration of this matter and all of the previous proceedings relating thereto.

(2) This project is recommended for approval despite the existence of certain significant environmental effects identified in said Environmental Impact Report, and this Board of Supervisors makes and adopts the findings with respect to each thereof set forth in Exhibit A, appended hereto and made a part hereof by reference, pursuant to Section 15091 of the State CEQA Guidelines (Title 14, Administrative Code) and Section 21081 of the Public Resources Code and declares that it considered the evidence described in connection with each such finding in Exhibit A and that such evidence is substantial and supports such finding.

This Board acknowledges that approval of this project will produce certain environmental impacts which cannot be mitigated and, in accordance with Section 15093 of the State CEQA Guidelines (Title 14, Administrative Code) hereby recommends the Board of Supervisors adopt a Statement of Overriding Considerations set forth in Exhibit B, appended hereto, and made a part hereof, which summarizes the reasons why this project, despite certain environmental impacts, has been approved.

Said Environmental Impact Report is complete and adequate in scope and has been completed in compliance with the California Environmental Quality Act and with the State CEQA Guidelines and the Kern County Guidelines for implementation thereof.

(3) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Mitigation measures have been incorporated from the Environmental Impact Report as conditions of approval, and the adopted Mitigation Measure Monitoring Program specifies the required steps to satisfy each mitigation measure.

(4) The effect upon the environment of such project and the activities and improvements which may be carried out thereunder will not interfere with maintenance of a high-quality environment now or in the future. Design components have been incorporated from the Environmental Impact Report as conditions of approval.

(5) The proposed development is consistent with the designations, goals, and policies of the Metropolitan Bakersfield General Plan.

(6) The proposed use is consistent with the purpose of the M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining) District.

(7) The proposed use for the industrial warehouse facility is listed as a use subject to a precise development plan in the applicable M-2 PD H District.

(8) The proposed use meets the minimum requirements of this chapter applicable to the use and complies with all other applicable laws, ordinances, and regulations of the County of Kern and the State of California.

(9) With implementation of the identified mitigation measures and identified conditions of approval, the proposed development will not be materially detrimental to the health and safety of the public or to property and residents in the vicinity.

(10) Approval of the precise development plan, as conditioned, will allow the reasonable development of the property while ensuring the protection of neighboring land uses and the safety of the public.

(11) Approval of this request would promote development that is consistent with existing and potential land uses of the surrounding area and will allow a reasonable use of this property.

(12) The project will require minimal expansion of infrastructure to support the proposed development.

(13) Existing site conditions, such as noise, industrial operations, and potential safety hazards, make it better suited for non-residential uses, thereby reinforcing the County's commitment to high-quality, integrated housing opportunities elsewhere.

(14) The project site is more suitable for industrial development, which supports Affirmatively Furthering Fair Housing goals by preserving residentially zoned land for housing that can better meet long-term health, safety, and livability standards.

(15) While the project site is not suitable for traditional residential development, the project includes specific design features and conditions of approval that promote compatibility with nearby uses while ensuring the project does not conflict with Affirmatively Furthering Fair Housing goals.

(16) Excluding this project site from the County's housing inventory does not impede the County's ability to meet its Regional Housing Needs Allocation obligations or implement Housing Element programs. Other more appropriate, higher-opportunity sites have been identified to meet the County's fair housing goals.

(17) The project will provide the following net benefits in lieu of nondevelopment: introduction of new job opportunities within walking distance to a historically disadvantaged community, fiscal benefits through sales and use tax revenue to aid the County in funding essential public services, installation of road improvements as well as visually appealing vegetative barriers that enhance pedestrian activity.

(18) While the project site is not suitable for traditional residential development, the project includes specific design features and conditions of approval that promote compatibility with nearby uses while ensuring the project does not conflict with Affirmatively Furthering Fair Housing goals. Features include the construction of varied and strategically designed buffers, such as distance, dense landscaping and building orientation.

(19) In accordance with CEQA, the Lead Agency may conclude that certain mitigation measures identified are infeasible or otherwise ineffective during review. In those circumstances, the Lead Agency may alter those mitigation measures or substitute them for other mitigation measures the Lead Agency finds are equivalent or more effective in mitigating significant effects so long as they do not cause potentially significant effects. It is the Lead Agency's determination that clarification to proposed mitigations are considered more effective in mitigating significant effects and are not considered new significant information requiring the recirculation of the Final Environmental Impact Report under CEQA and does not create new significant effects on the environment.

(20) The revised mitigation measures remain equivalent or more effective in mitigating or avoiding the potentially significant effects identified and were revised for clarification purposes. The revised measures themselves will not cause any potentially significant effect on the environment. Furthermore, adoption of the revised mitigation measures is in conformance with CEQA requirements and would not result in the need for recirculation of the document.

(21) The requirement for road improvements is necessary for the protection of the public health, safety, and welfare and is in compliance with Section 65909 of the California Government Code, inasmuch as the proposed development will generate more traffic in the immediate vicinity.

(22) Approval of this project shall not be considered operative, vested, or final in such time as the required verification from the Office of the County Clerk is submitted, attesting that payment of fees for the filing of a "Notice of Determination" for the benefit of the California Department of Fish and Wildlife, as required by AB 3158 (Section 10005 Public Resources Code) has been made; and

(e) The Secretary of this Commission shall cause a Notice of Determination to be filed with the County Clerk; and

(f) The Secretary of this Commission shall cause copies of this resolution to be transmitted to the following:

ACC Bakersfield JV, LLC (PP24405) (1)
LiUNA (1)
Kern County Assessor/Chief, Realty Division (1)
File (3)

jw

Exhibit A
15091 Findings of Fact

EXHIBIT A

FINDINGS OF FACT IN SUPPORT OF FINDINGS
RELATED TO SIGNIFICANT ENVIRONMENTAL IMPACTS

State CEQA Guidelines Section 15091

For

AIRPORT COMMERCE CENTER INDUSTRIAL PROJECT

by ACC Bakersfield JV, LLC (PP22405)

General Plan Amendment No. 5, Map No. 81-35
Zone Classification Change No. 46, Map No. 81-35
Precise Development Plan No. 36, Map No. 81-35

Board of Supervisors – October 13, 2026

Final Environmental Impact Report
(SCH #2025030498)

Lead Agency: Kern County Planning and Natural Resources Department

EXHIBIT A

SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the Draft and Final Environmental Impact Report (Final EIR) for the Airport Commerce Center Industrial Project ("Project"), General Plan Amendment No. 5, Map No. 81-35, Zone Classification Change No. 46, Map No. 81-35, Precise Development Plan No. 36, Map No. 81-35, Non-summary Vacation, Map No. 81-35; as well as additional facts found in the complete record of proceedings. The Final EIR is hereby incorporated by reference and is available for review at the Kern County Planning and Natural Resources Department, 2700 "M" Street, Suite 100, Bakersfield, California 93301, during normal business hours.

SECTION II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

Kern County Planning and Natural Resources Department issued a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) on February 26, 2026. Based on the Initial Study and Notice of Preparation, a determination was made that the Final EIR would contain a comprehensive analysis of environmental issues, identified in Appendix G of the California Environmental Quality Act (CEQA) Guidelines and not screened out during the NOP. With respect to all impacts identified as "less than significant" or as having "no impact" in the Final EIR, the Planning Commission finds that those impacts have been described accurately and are less than significant or have no impact as so described in the Final EIR. Despite concluding that certain impacts would be less than significant or would have no impact, the Final EIR nonetheless incorporated mitigation measures to comply with the goals, policies, and implementation measures of the Kern County General Plan (KCGP), Kern County Code of Ordinances, or other adopted regulations. The Planning Commission finds that these effects are less than significant or have no impact before and after implementation of these mitigation measures.

In addition, some impacts in the Final EIR were found to be "significant" but were able to be mitigated to less-than-significant levels and others were found to be "significant and unavoidable." The Planning Commission finds that those impacts have been described accurately and are less than significant with the implementation of mitigation or are significant and unavoidable.

1. AESTHETICS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the Project have a substantial adverse effect on a scenic vista? (Impact 4.1-1).

Would the Project substantially damage scenic resources, including, not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Impact 4.1-2).

EXHIBIT A

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the Project, in nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage points) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (Impact 4.1-3)

Description of Specific Impact:

The Project area is characterized by roads near SR-99 and Meadows Field Airport, vacant/disturbed land, industrial and heavy commercial uses, oil and gas production, and residential uses in Oildale to the east and southeast. During construction, temporary and localized changes in views would occur from equipment and crews, but effects would be intermittent and limited in duration and extent and would not substantially degrade public views. During operation, new industrial buildings and activities would alter views; however, applicable development standards and **Mitigation Measures MM 4.1-1** through **MM 4.1-3** (including matte/nonglossy finishes, colors that blend with the surrounding landscape, and landscaping/screening with native vegetation) would reduce contrast and improve compatibility with surrounding uses. With these measures, impacts on visual character and quality of public views would be less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment. The following mitigation measures will be implemented to ensure the Project during construction and operation will result in less than significant impacts for the Project. The following mitigation measures will be incorporated into the Project to lessen the impact to a less than significant level:

MM 4.1-1: Prior to the issuance of building permits for the proposed Project, the Project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the Kern County Planning and Natural Resources Department, that will ensure all Project facilities blend in with the colors found in the surrounding landscape. All color treatments shall result in matte or nonglossy finishes.

MM 4.1-2: Prior to the issuance of building permits, site plans submitted for warehouse buildings located within 1,000 feet of the Boughton Drive and Airport Drive corridors shall include the following aesthetic features:

a. Rooftop screening features, such as a parapet or screening material, to create a visual screen for rooftop mechanical equipment.
b. Reflective metal shall not be used as exterior architectural elements on buildings immediately adjacent to Boughton Drive and Airport Drive.

c. Entry gates to the loading truck court must be positioned to allow a minimum of 50 feet of available stacking depth inside the property line. The stacking depth would increase by 70 feet for every 20 loading bays and beyond 50 loading bays, to the extent feasible.
d. Anti-idling signs must be installed at truck loading sites, the entrance to the development, and at all heavy-duty truck exit driveways directing drivers to the proper truck route.

MM 4.1-3: Prior to the issuance of building permits for any facilities on the Project site, the proponent/operator applicant shall submit to the Kern County Planning and Natural Resources Department for approval a landscape plan that complies with the Kern County Zoning Ordinance requirements in Chapter 19.86 -Landscaping.

The plan shall include:

a. Preparation by a licensed Landscape Architect;
b. California native, drought-tolerant plants;
c. An irrigation plan as required under the Kern County Zoning Ordinance 19.86.070;
d. A vegetation barrier shall be installed along the Merle Haggard and Airport Drive frontages of the Project site. The vegetation barrier shall consist of multiple rows of trees and shrubs, a 10-foot-high berm, a decorative wall, or a combination thereof. Final design shall be submitted for review and approval by the Director of the Planning and Natural Resources Department. The vegetation barrier shall:

    1. Be a minimum of 15 feet high (at full maturity) or a minimum of 3 feet above the decorative wall. The wall shall be between 6 and 8 feet high.
    2. Be a minimum 30-foot-wide perimeter buffer along any visible boundary from the Merle Haggard Drive and Airport Drive;
    3. Achieve porosity between .5 to .9 at full maturity and shall maintain porosity during all seasons.
    4. Consist of multiple types of species to prevent plant mono-cultures. Use of coniferous trees, and/or trees comprised of waxy and/or hairy leaf surfaces with leaf and branch structure that provide increased surface areas is encouraged. Species composition shall include, but not be limited to, the following:

        A. Consist of evergreen, drought tolerant species of low biogenic emissions (e.g. low pollen, etc.), a minimum of 36-inch box size at time of installation and spaced no greater than 40 feet apart.
        B. One (1) tree having a minimum planting height of six (6) feet for every 40 lineal feet of buffer.
        C. Palm trees, deciduous trees, monocarpic and annual plants shall not be allowed to satisfy this requirement.
        D. Evergreen shrubs which reach a minimum height of four (4) to six (6) feet.

E. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs.
F. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 25 percent of the required landscape area.
G. Consist of species that are native, non-invasive and nonpoisonous.

5. Be maintained and consistent throughout all seasons and climatic conditions for the life of the Project. Vegetation maintenance for the vegetation barrier shall include tree and shrub replacement in the event of die-off, disease or damage due to accidents.
6. Maximum height shall be maintained to comply with the H (Airport Approach Height) District, Section 19.76.080 or within the specified maximum height limit for an approved Zone Variance that is active for this Project.
7. Designed to preserve safe lines-of-sight and viewshed standards for drivers on the road.
8. Be installed prior to final occupancy.
9. After year 1 of planting, the Project proponent shall submit documentation to the Kern County Planning and Natural Resources Department indicating successful species survival and rate of porosity growth. This shall be achieved through photo documentation and/or reporting of maintenance logs and growth rates to be submitted each spring, preferably after shrubs have begun to leaf out, but, if necessary, could be conducted any time during the summer. Documentation shall be submitted each year for the first five (5) years or until the vegetation reaches maturity, whichever occurs first, in order for Kern County Planning and Natural Resources Department to confirm all growth has successfully reached maturity level.

e. Should perimeter fencing be proposed, fencing materials shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, tubular steel, wrought iron, or brick, or other durable materials. Masonry block walls shall be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps shall be chain-link with view obscuring slats.

Finding:

While the Project would dominate current views, the implementation of mitigation measures **Mitigation Measures MM 4.1-1** through **MM 4.1-3** would further reduce visual impacts associated with the Project by ensuring consistency with the colors of the surrounding landscape, use of matte and nonglossy finishes, reducing visibility of Project features, and planting of native vegetation screening as part of an approved landscape planting plan (see **Figure 3-12** for conceptual Landscape Plans in **Chapter 3**, *Project Description*

in the Final EIR). The simulations provided in **Figure 4.1-2** through **Figure 4.1-5** clearly show visual changes resulting from the Project that would be considered a change in the visual environment from existing conditions from each KOP. With the Metropolitan Bakersfield General Plan (MBGP) conformance and the implementation of **Mitigation Measures MM 4.1** through **MM 4.1-3**, the visual changes would conform with the surrounding industrial, commercial, residential, and transportation uses, and impacts on existing visual character and scenic quality from public views near the Project site would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Significant Effect:

Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area? (Impact 4.1-4).

Description of Specific Impact:

Construction would generally occur 7 a.m. to 8 p.m. (with occasional extended hours). Any temporary lighting needed for safety or security would be shielded and directed downward and, per **Mitigation Measure MM 4.1-4**, would be subject to an approved lighting plan to minimize spillover to adjacent properties and roadways; glare sources would be temporary and not stationary. During operation, the Project would be illuminated for 24-hour operations, but lighting would comply with the County Dark Skies Ordinance and **MM 4.1-4** (minimum illumination necessary, downward-directed and shielded fixtures) to minimize light trespass. Potential glare from building materials would be reduced through matte/nonglossy finishes (**MM 4.1-1**), restrictions on reflective metal near roadways (**MM 4.1-2**), and minimizing exterior glass, resulting in less than significant light and glare impacts.

Finding:

Per **Mitigation Measure MM 4.1-4**, a lighting plan would be prepared for review and approval by the Kern County Public Works Department to ensure any nighttime lighting and construction work would provide the minimum illumination needed to achieve safety and security objectives only, thereby minimizing adverse impacts on adjacent properties or travelers on the roadways. Kern County Public Works Department inspectors will verify compliance with this mitigation measure during the implementation of the Project during regular site inspections. As a result, construction of the Project would result in less than significant lighting impacts.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment. The following mitigation measures will be implemented to ensure the Project during construction and operation will result in less than significant impacts for the Project. The following mitigation measures will be incorporated into the Project to reduce the impact to a less than significant level:

MM 4.1-4: Prior to issuance of building permits, the Project proponent shall demonstrate to Kern County Planning and Natural Resources Staff, through the submittal of a lighting plan, that the Project site will continuously comply with the applicable provisions of the Outdoor Lighting -Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance) and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass onto adjacent properties and roadways. Lenses and bulbs shall not extend below the shields.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect:

None.

D. Cumulative Environmental Effects of the Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative aesthetic resources impacts.

Description of Specific Impacts:

Cumulative development in the area would consist of industrial uses, guided by the Land Use Element of the MBGP. Per the MBGP, cumulative industrial Projects would be encouraged to utilize landscaping, such as the Project, to upgrade the visual character of these industrial areas. These design features would provide buffers and screened areas that ensure appropriate scale would be achieved at the pedestrian level for surrounding residential uses. While increased development of industrial uses would alter the landscape from the original form, the MBGP would ensure industrial uses would not clash with surrounding uses. Furthermore, reasonably foreseeable cumulative Projects would go through Project-level environmental review and would be held to the same standards as the Project. The incorporation of consistent colors of surrounding landscape and vegetation screening as required by **Mitigation Measures MM 4.1-1** through **MM 4.1-3** would further ensure visual quality is consistent with policies in the MBGP for industrial uses.

Finding:

The cumulative industrial and manufacturing Projects within Metropolitan Bakersfield area would change vacant lands to industrial and manufacturing uses and would potentially change the overall character; however, the MBGP requires such Projects to implement various design features to upgrade the visual character of such uses. In addition to MBGP policies, similar to the Project, other Projects would implement landscaped screens and lighting regulations, per **MM 4.1-1** through **MM 4.1-4** as to not clash with existing character. Therefore, with implementation of **Mitigation Measures MM 4.1-1** through **MM 4.1-4** in addition to development standards outlined within the Zoning Ordinance for the M-1 PD District, cumulative impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment. The following mitigation measures will be implemented to ensure the Project during construction and operation will result in less than significant impacts for the Project. With implementation of **Mitigation Measures MM 4.1-1** through **MM 4.1-4** in addition to development standards outlined within the Zoning Ordinance for the M-1 PD District, cumulative impacts would be less than significant.

E. Cumulative Environmental Effects of the Project That Will Have a Significant Impact on the Environment.

Significant Effect:

None.

2. AIR QUALITY

A. **Environmental Effects of the Project Found To Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.**

Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people)? (Impact 4.2-4).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would implementation of the project expose sensitive receptors to substantial pollutant concentrations? (Impact 4.2-3).

Description of Specific Impact:

Construction Toxic Air Contaminants

A Health Risk Assessment (HRA) was performed for construction DPM emissions according to the methodologies described above to estimate the proposed Project's cancer and non-cancer chronic health risks at the Maximally Exposed Individual Resident (MEIR) and Maximally Exposed Individual Worker (MEIW). The proposed Project's construction DPM emissions would not exceed the cancer risk significance threshold or non-cancer HI significance threshold at the Maximally Impacted Receptor (MIR). Therefore, the HRA found construction diesel particulate matter (DPM) risks below applicable cancer and chronic hazard thresholds for maximally exposed resident and worker receptors.

Operational Toxic Air Contaminants

The cancer risk at the MEIR and MEIW are provided in Table 4.2-11. The MEIR was found to be a residence south of Merle Haggard Drive to the east of the proposed Project.

As shown in **Table 4.2-11**, cancer risks would not exceed SJVAPCD thresholds. However, as recommended under **Mitigation Measure MM 4.2-7**, the proposed Project would be assumed to implement measures to limit TRU idling to no more than 5 minutes. In addition, the proposed Project would utilize all-electric landscaping equipment. Therefore, as presented in **Table 4.2-12**, an analysis was conducted to estimate the cancer risk at the MEIR and MEIW accounting for all electric landscaping equipment and limited TRU idling, demonstrating that potential impacts are less than significant with mitigation incorporated.

Project Health Effects of Criteria Air Pollutants

The Project is the construction and operation of a new warehouse that would require dust-generating construction activities such as site preparation, mowing, paving, and grading, over a large area. Blowing dust could occur and result in the dispersal of criteria air pollutants such as PM2.5 and potentially contribute to the transmission of respiratory diseases like COVID-19. While COVID-19 is thought to spread mainly through close contact from person to person, the CDC is still learning how the virus spreads and the severity of the illness it causes (CDC 2020b). A nationwide study by Harvard University found a linkage between long-term exposure to PM2.5 as air pollution and statistically significant increased risk of COVID-19 death in the United States (Harvard 2020). The Project would implement **Mitigation Measure MM 4.2-8**, which requires the implementation of a COVID-19 Health and Safety Plan in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates. Further, **Mitigation Measure MM 4.2-1 through MM 4.2-12** would be required to reduce the Project's regional and localized

health effects associated with criteria air pollutants and COVID-19; however, the exact reduction from implementation of these mitigation measures cannot be quantified given existing scientific constraints.

CO Hotspots

Carbon Monoxide (CO) violations require heavy traffic volumes and extreme traffic congestion that would not occur at or near the Project site. As stated in the Project's Traffic Study dated February 2025, the addition of Project traffic to the existing and future street system results in LOS deficiencies at certain locations. Each of these deficiencies should be addressed with proposed improvements to be incorporated as part of Project design or as transportation **Mitigation Measures MM 4.16-1 and MM 4.16-2**, as described in **Section 4.16**, *Transportation and Traffic* in the Final EIR. Therefore, because the proposed Project would not result in heavy traffic volumes nor extreme traffic congestion, no further CO Hotspot analysis is required.

Visibility Impacts

The Project's potential to expose sensitive receptors to substantial pollutant concentrations associated with visibility impacts would be less than significant with the mitigation measures described above (**Mitigation Measures MM 4.2-1** and **MM 4.2-2**), and no additional mitigation is required.

Valley Fever

The proposed Project has the potential to generate fugitive dust and suspend Valley Fever spores within the dust that could then reach nearby sensitive receptors. It is possible that on-site workers could be exposed to Valley Fever as fugitive dust is generated during construction. However, as discussed in **Section 2.1.2**, *Environmental Setting*, due to its former agricultural/cultivated land use, the Project site would have low probability of C. immitis (Valley Fever) growth on-site or exposure from disturbed soil.

During construction, compliance with dust control regulations would further reduce the potential to expose sensitive receptors to Valley Fever. As outlined in **Mitigation Measure MM 4.2-2**, the proposed Project would be required to comply with Rule 8021 Section 6.3, which requires applicants to develop, prepare, submit, obtain approval of, and implement a Dust Control Plan, which would reduce fugitive dust impacts to less than significant for all construction phases of the proposed Project, which would also control the release of the CI fungus from construction activities.

Mitigation Measure MM 4.2-8 and **MM 4.2-9** would be implemented to further reduce impacts associated within Valley Fever and pandemics. By reducing fugitive dust emissions, Regulation VIII reduces potential exposure to Valley Fever. Potential impacts are considered less than significant with mitigation incorporated.

Asbestos

Review of the Department of Conservation maps indicates that the Project site and San Joaquin County do not have reported historic asbestos mines, historic asbestos prospects, and other natural occurrences of asbestos. Potential impacts are considered less than significant.

Finding:

The Project could expose nearby sensitive receptors, including homes and schools, to diesel particulate matter, fugitive dust, and other pollutants during construction and operation. Implementation of **Mitigation Measures MM 4.16-1** and **MM 4.16-2** (see **Section 4.16,** *Transportation and Traffic* in the Final EIR for full mitigation measure text) **Mitigation Measures MM 4.2-1** through **MM 4.2-12** would reduce construction and operational emissions by ensuring compliance with applicable air quality regulations, controlling dust, limiting equipment and truck idling, using electric landscaping equipment, requiring low-Volatile Organic Compounds (VOC) paints, implementing Valley Fever controls and worker training, and ensuring public notification and a construction coordinator. With these measures in place, potential air quality and health impacts would be reduced to less than significant.

Mitigation Measure MM 4.2-1 requires continuous compliance with all San Joaquin Valley Air Pollution Control District rules and regulations. **MM 4.2-2** would reduce construction dust through a site-specific Dust Control Plan. **MM 4.2-3** would control emissions from on-site equipment and vehicles. **MM 4.2-4** through **MM 4.2-7** address operational emissions, including electric landscaping equipment, low-VOC paints, and plug-in capability for refrigerated trucks with limited idling. **MM 4.2-8** through **MM 4.2-12** implement Valley Fever controls, worker training, public notice, a construction coordinator, and a COVID-19 Health and Safety Plan. Together, these measures ensure that air quality and public health impacts from the Project remain less than significant.

Level of Significance After Mitigation:

With the implementation of **Mitigation Measures MM 4.2-1** through **MM 4.2-12**, impacts would be less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment. Along with **Mitigation Measures 4.2-1 through MM 4.2-7**, the following mitigation measures would reduce the Project's impacts during construction and operation to the greatest extent feasible. The following mitigation measures will be incorporated into the Project to lessen the impact to the greatest extent feasible:

MM 4.2-8: To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during Project construction:

a. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved offsite to other work locations.
b. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground.
c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area.
d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers exposed to dust shall leave the area until a truck can resume water spraying.
e. To the greatest extent feasible, heavy-duty earth-moving vehicles shall be closed-cab and equipped with a HEPA-filtered air system.
f. Workers shall receive training in procedures to minimize activities that may result in the release of airborne *Coccidioides immitis* (CI) spores and recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department within 5 days of the training session.
g. A Valley Fever informational handout shall be provided to all onsite construction personnel and surrounding residences within 1000 feet of the Project site. The handout shall, at a minimum, provide information regarding symptoms, health effects, preventative measures, and treatment of Valley Fever. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within 1000 feet of the Project boundaries. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.
h. Onsite personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health-approved respirators shall be provided to onsite personnel, upon request. When exposure to dust is unavoidable, affected workers shall be provided appropriate NIOSH-approved respiratory protection. If respiratory protection is deemed necessary, employers must develop and implement a respiratory protection program in accordance with the California Occupational Safety and Health Administration's Respiratory Protection standard (8 CCR 5144).

MM 4.2-9: Prior to the issuance of grading permits, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of $3,200 for Valley Fever public awareness programs.

MM 4.2-10: At the time of Project implementation, a COVID-19 Health and Safety Plan shall be prepared in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates. A copy of the COVID-19

Health and Safety Plan shall be submitted to the Kern County Planning Department to be kept on file.

MM 4.2-11: Prior to commencement of any on-site construction activities (i.e., fence construction, mobilization of construction equipment, initial grading), the Project applicant shall provide written notice to the public through mailing a notice to all parcels within 1,000 feet of the Project site, no sooner than 15 days prior to construction activities. The notices shall include the construction schedule, a telephone number and email address where complaints and questions can be registered. Additionally, a minimum of one sign, legible at a distance of 50 feet, shall also be posted at the construction sites or adjacent to the nearest public access to the main construction entrances throughout construction activities which include the construction schedule (updated as needed) and a telephone number where complaints can be registered. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.

MM 4.2-12: Prior to the issuance of any grading or building permit, the Project applicant shall establish a "construction coordinator" and submit written documentation which includes their phone number, email address and mailing address. The construction coordinator shall be responsible for the following:

a. Responding to any local complaints about construction activities. The construction coordinator shall determine the cause of the construction complaint and shall be required to implement reasonable measures such that the complaint is resolved.
b. Ensuring all appropriate construction notices have been made available to the public and that all appropriate construction signs have been installed.
c. Maintaining an ongoing up-to-date log of all construction-related complaints (i.e., blowing dust, inability to access parcels, etc.) during Project construction activities. The log shall include the nature of the complaint and the measures that were undertaken to address the concerns. Upon request, the construction coordinator shall provide the log to the Planning and Natural Resources Department no later than three business days from request.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect:

Would implementation of the proposed project conflict with or obstruct implementation of the applicable air quality plan? (Impact 4.2-1).

EXHIBIT A

Description of Specific Impact**:**

Construction

Based on compliance with the established regulatory framework and incorporation of **Mitigation Measures MM 4.2-1** through **MM 4.2-3** would ensure Project construction emissions would not exceed criteria pollutant thresholds, designated as nonattainment within the San Joaquin Valley Air Pollution Control District (SJVAPCD), and therefore would not result in a conflict with or obstruct implementation of applicable Air Quality Plan (AQPs). Project construction impacts would be less than significant with mitigation incorporated.

Operation

The Project would comply with all applicable SJVAPCD Rules and Regulations during operation. Specifically, the Project would comply with applicable requirements regarding stationary sources (i.e. backup generators) identified in the SJVAPCD's 2022 Ozone Plan and Kern County's 2017 Ozone Attainment Plan. However, as shown in **Table 4.2-6:** *Unmitigated Proposed Project Long-Term Operational Emissions*, in the Final EIR, the proposed Project would exceed the SJVAPCD's regional operational threshold for Reactive Organic Gases (ROG) and Nitrous Oxides (NOx) impacts, resulting in a potentially significant impact. The Project would implement **Mitigation Measure MM 4.1-3** (see **Section 4.1**, *Aesthetics*, for full mitigation measure text) would require the installation of a vegetative barrier along Airport Drive and Boughton Drive Project frontage, which can contribute to Emission Reductions that are calculable through tools developed by the California Air Resource Board (CARB) for the California Natural Resources Agency (CRNA) Urban Greening Grant Program under the California Climate Investments Program.

Additionally, the Project would implement **Mitigation Measures MM 4.2-1** through **MM 4.2-7**. **MM 4.2-4** would reduce the need for gas-powered landscaping equipment which would reduce this emissions source of ROG and NOx. **MM 4.2-5** would ensure the Project Owner/Operator enter input a Developer Mitigation Agreement (DMA) which would require the payment of fees to mitigate criteria air emissions. **MM 4.2-6** would require the use of low ROG paints, also known as low VOC paint. Finally, **MM 4.2-7** would reduce ROG and NOx emissions by requiring all transport refrigeration units (TRUs) to be plug-in capable, loading bays to have electrical hookups, and limit idling time with clear signage indicating restrictions on-site.
As shown in **Table 4.2-7:** *Mitigated Proposed Project Long-Term Operational Emissions*, in the Final EIR, mitigation would reduce operational ROG emissions to below the SJVAPCD annual criteria threshold. However, the proposed Project would still exceed SJVAPCD's annual criterial threshold for NOx, resulting in a significant and unavoidable impact despite implementation of all feasible mitigation.

Finding:

Implementation of **Mitigation Measures MM 4.2-1** through **MM 4.2-3** would ensure that all readily available and feasible air quality control measures are applied during construction, including compliance with SJVAPCD rules and regulations, a Dust Control Plan, and on-site emissions controls for equipment and vehicles. With these measures, construction emissions would not exceed SJVAPCD significance

thresholds and would not conflict with or obstruct implementation of the applicable Air Quality Plans. Therefore, construction impacts would be less than significant with mitigation.

However, while the Project would incorporate Project compliance measures and **Mitigation Measures MM 4.2-1** and **MM 4.2-3** through **MM 4.2-7** to reduce operational emissions, including equipment standards, idling limits, electric landscaping equipment, low-VOC paints, and plug-in capability for refrigerated trucks, long-term operational NOx emissions would still exceed the SJVAPCD regional significance threshold. Because operational emissions remain above applicable thresholds even with all feasible mitigation, the Project would result in a significant and unavoidable impact related to consistency with the applicable Air Quality Plans.

Level of Significance After Mitigation:

Impacts would remain significant and unavoidable.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment. The following mitigation measures would ensure the Project during construction and operation would not expose sensitive receptors to substantial pollutant concentrations even though impacts are significant and unavoidable:

MM 4.2-1: The Project shall continuously comply with applicable rules and regulations set forth by the San Joaquin Valley Air Pollution Control District.

MM 4.2-2: Prior to issuance of grading permits, the Project proponent shall provide to the Kern County Planning and Natural Resources Department a site-specific Dust Control Plan approved by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The Dust Control Plan shall include name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan; a description and location of operation(s); and a listing of all fugitive dust emission sources. The site-specific Dust Control Plan shall take into consideration grading and construction schedule, seasonal winds, site-specific wind patterns, and soil conditions to ensure adequate measures are implemented to manage fugitive dust. The following shall be included where applicable and feasible and is not to be considered all-inclusive; and any other measures to reduce fugitive dust emissions not listed shall be encouraged:

a. Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented:
    1. Identify a comprehensive grading schedule for the entire Project site. When feasible, grading activities shall be phased and minimized to those areas necessary for Project access and installation of Project features.

2. All onsite unpaved roads and offsite unpaved access roads shall be stabilized using water or chemical soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation.
3. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations.
4. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), if disturbed material is easily windblown, or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property.
5. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate method to prevent windblown fugitive dust.
6. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of disking, thereby, leaving the ground undisturbed and with a mulch covering.

b. Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the Project sites, the following dust control practices shall be implemented:
    1. Once initial leveling has ceased, all temporality open and inactive soil areas within the construction site shall be (1) seeded and watered until plant growth is evident, (2) treated with a dust palliative, or (3) watered twice daily until soil has sufficiently crusted to prevent fugitive dust emissions.
    2. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels. A native seed mix of grass and flowers shall also be added to the spread topsoil to enhance regrowth.
    3. All active disturbed soil areas shall be sufficiently watered at least twice daily or have dust palliatives applied to prevent excessive dust.
c. Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented:
    1. On-site vehicle speed shall be limited to 15 miles per hour on unpaved roads.
    2. All areas with vehicle traffic shall be paved, treated with dust palliatives or watered a minimum of twice daily.
    3. Streets adjacent to the Project sites shall be kept clean, and Project-related accumulated silt shall be removed.

4. Access to the Project sites shall be by means of an apron into the Project sites from adjoining surfaced roadways. The aprons shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheel washer, or other such device shall be used on the road exiting the Project sites, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires.
5. Track-out debris onto public paved roads shall not extend 50 feet or more from an active operation and track-out shall be removed or isolated such as behind a locked gate at the conclusion of each workday, except on agricultural fields where speeds are limited to 15 mph.
6. All hauling materials should be moist while being loaded into dump trucks.
7. Drop heights when loaders dump soil into trucks shall not exceed 5 feet above the truck.
8. Soil loads should be kept below 6 inches or the freeboard of the truck.
9. All haul trucks hauling fine material (soil, sand, other loose material) off-site on public roads shall be either sufficiently watered or securely covered to prevent excessive dust.
10. Gate seals should be tight on dump trucks.

MM 4.2-3: The Project proponent and/or its contractors shall continuously implement the following measures during construction and operation of the Project to control emissions from the on-site equipment:

a. All equipment shall be maintained in accordance with the manufacturer's specifications.
b. All equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five (5) minutes.
c. Construction equipment shall not operate longer than eight (8) cumulative hours per day without prior written authorization provided by the Kern County Planning and Natural Resources Department.
d. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions.
e. On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines.
f. All on-site off-road equipment and on-road vehicles shall meet the recent California Air Resources Board engine emission standards or alternatively fueled equipment, such as compressed natural gas, liquified natural gas, or electric, as appropriate.
g. Tier 4 engines shall be used on all equipment when available.
h. Electric equipment shall be used whenever possible in lieu of diesel or gasoline powered equipment. An area to charge electric powered construction vehicles

and equipment during construction shall be designated on-site if temporary power is available.

i. Any future tenant operating a charbroiler shall comply with all applicable SJVAPCD rules and regulations, including obtaining and maintaining all required SJVAPCD permits and implementing any required emission control measures before operating a charbroiler.

j. During operation of the proposed project, Signs and drive-aisle pavement markings shall be installed and maintained to clearly identify the approved on-site circulation pattern and minimize unnecessary on-site vehicle travel. Signs shall also be posted at appropriate and visible locations stating that off-site parking is strictly prohibited. All signs and pavement markings shall be kept legible and in good condition throughout project construction and operation.

(RTC 8/28/2026)

MM 4.2-4: To reduce demand for gas-powered landscape maintenance equipment, all required landscaping along major and arterial roadways will be designed with native drought-resistant species (plants, trees, and bushes).

MM 4.2-5: Prior to the issuance of grading permits, the Owner/Operator shall enter into a Developer Mitigation Agreement (DMA) (synonymous with a Voluntary Emissions Reduction Agreement) with the San Joaquin Valley Air Pollution Control District. The DMA is to fully mitigate construction and operations criteria air emissions of Project implementation for Project vehicle and other mobile source emissions. The Owner/Operator shall pay fees to fully mitigate Project emissions of NOx (oxides of nitrogen), ROG (reactive organic gases), PM_{10} (particulate matter of 10 microns or less in diameter), and $PM_{2.5}$ (particulate matter of 2.5 microns or less in diameter) (collectively referred to as "designated criteria emissions") to avoid any net increase in these pollutants. The air quality mitigation fee shall be paid prior to the approval of any construction or grading approval or payment plan as designated by the San Joaquin Valley Air Pollution Control District.

MM 4.2-6: Prior to issuance of building permits, the Project applicant/developer shall demonstrate to the satisfaction of the Kern County Planning that the Project applicant shall require the use of super compliant, low-VOC paints (less than 10 g/L) during the architectural coating construction phase of Project construction, and during Project maintenance.

MM 4.2-7: Prior to the issuance of occupancy permits, the Kern County Planning Department will require that the tenant lease agreements include contractual language that requires all Transport Refrigeration Units (TRUs) entering the Project site be plug-in capable. Electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The electrical hookups shall be provided at all loading bays for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped.

Idling or use of auxiliary truck engine power to power climate control equipment shall be prohibited if the truck is capable of plugging in at the loading bay. In addition:

a. All equipment shall be maintained in accordance with the manufacturer's specifications.
b. All equipment, including TRUs, heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not is use for more than 5 minutes.

To reduce idling emissions from trucks and TRUs, the Project applicant/developer shall have signage placed at truck access gates, loading docks, and truck parking areas that clearly notes idling is strictly prohibited on the subject property. In coordination with Kern County, the Project applicant/developer shall also place similar signs in the adjacent streets in the Project area. At minimum, each sign placed outside the interior premises of the subject property shall note the idling prohibition on the adjacent streets ~~and include telephone numbers of the building facilities manager and the California Air Resources Board to report violations~~ in the project area. All signage shall be made of weather-proof materials. All site and architectural plans submitted to Kern County shall note the locations of these signs. Prior to issuance of occupancy permits, Kern County shall verify compliance with these requirements herein. (RTC 8/28/2026)

Significant Effect:

Would implementation of the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state Ambient Air Quality Standard. (Impact 4.2-2).

Description of Specific Impact:

Construction

Table 4.2-5 shows that criteria pollutant emissions would not exceed any of the SJVAPCD's regional thresholds of significance during construction of the proposed warehouse Project. It should be noted that unmitigated construction emissions incorporate the basic dust control measures required under SJVAPCD Rule 8201, which requires that vehicle speeds on unpaved roads and surfaces be reduced to no more than 15 miles per hour and exposed construction areas are watered during earthmoving activities. The emissions do not include rule 9510 ISR Clean Fleet Commitments for the proposed Project which would reduce NO_X emissions by an additional 20 percent and total PM_{10} emissions by another 45 percent.

Operations

As shown in **Table 4.2-6**, operational-related emissions would exceed the SJVAPCD's regional significance thresholds for ROG from emissions from consumer products, architectural coating, landscape equipment trucks, TRUs, employee passenger vehicles, and retail passenger vehicles. The operational-

related emissions would also exceed SJVAPCD's regional significance thresholds for NOx from emissions of landscape equipment, trucks, TRUs, and passenger vehicles.

Options to reduce operational emissions of ROG may include:

- Utilize only low ROG cleaning supplies (also known low VOC cleaning supplies) in perpetuity.
- Utilize only low ROG paint supplies (also known low VOC paint supplies) in perpetuity.

These options available to reduce the majority of ROG emissions caused by area sources during operations would require the use of restricted supplies and equipment by future occupants in perpetuity. Future occupants (including residents and workers) would have access to consumer products available in the marketplace. Regulation of consumer products available on the marketplace is not within the control of any individual Project applicant or lead agency. Therefore, requiring the use of only low ROG supplies and equipment in perpetuity is neither feasible nor enforceable. However, it is feasible to require the use of low ROG paint supplies, and therefore **Mitigation Measure MM 4.2-6** would be implemented to reduce potentially significant ROG emissions. Additionally, **Mitigation Measure MM 4.2-3** would be implemented which would require all equipment to be maintained in accordance with the manufacturer's specifications, be equipped with proper emissions control equipment, and have Tier 4 engines when available.

Main sources of ROG and NO_X also comes from vehicle exhaust. Most of the vehicles driven as a result of the proposed Project are conservatively assumed to be private vehicles owned by future residents and workers and by truck serving the warehouse. Similar to consumer products, regulation of private vehicles is not within the control of any individual Project applicant or lead agency. However, the percentage of gasoline fueled vehicles would reduce as the State transitions to ZEVs pursuant to various laws and regulations within a robust regulatory framework.

Another main source of ROG and NO_X comes from the use of landscape equipment. **Mitigation Measure 4.2-4** would reduce emissions from these sources by requiring native drought-resistant species and therefore reducing the demand for gas-powered landscaping equipment. Further, as a Project design feature, all landscape equipment would be electric to eliminate ROG and NO_X emissions from this emissions source. Additionally, the emergency back-up diesel generators would be subject to stringent SJVAPCD permitting requirements which would require ultra-low sulfur diesel fuel use and Tier 4 final engines, reducing emissions.

TRUs also represent a source of both ROG and NO_X. The Project would implement **Mitigation Measure MM 4.2-7** which would reduce ROG and NOx emissions by requiring all TRUs to be plug-in capable, loading bays to have electrical hookups, and limited idling time with clear signage indicating restrictions on-site.

Finally, implementation would also require compliance with **Mitigation Measure MM 4.2-5**, which would ensure the Project Owner/Operator enter input a Developer Mitigation Agreement (DMA) which would require payment of fees to mitigate criteria air pollutant emissions. The implementation of a DMA to reduce

criteria pollutants of NO_X, ROGs, and PM net incremental emissions generated by a project has been incorporated into development projects in Kern County since 2008.

The actual amount of NOx reductions achieved with the incorporation of **Mitigation Measure MM 4.2-7** is not absolutely certain; however, all feasible and reasonable mitigation measures are required to reduce criteria pollutants to the great extent possible. Therefore, a reduction in emissions associated with **MM 4.2-7** was not quantified or included in the mitigated analysis presented in the table below. This approach has been found legally sufficient by court rulings in the following cases; *California Building Industry Assn. v. San Joaquin Valley APCD*, Fresno County Case No. 06 CECG 02100 DS13; *National Association of Home Builders v. San Joaquin Valley Air Pollution Control District*, Federal District Court, Eastern District of California, Case No. 1:07-CV-00820-LJO-DLB; and *Center for Biological Diversity et al. v. Kern County*, Fifth Appellate District, Case No. F061908.

Implementation of **Mitigation Measures MM 4.2-3** through **MM 4.2-7** and compliance with the established regulatory framework would reduce operational ROG emissions to below the SJVAPCD annual criteria threshold. However, the proposed Project would still exceed SJVAPCD's annual criterial threshold for NOx, resulting in a significant and unavoidable impact despite implementation of all feasible mitigation.

Projects with on-site emission increases from construction activities or operational activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with Rule 9510 and implementation of all enforceable mitigation measures would require preparation of an Ambient Air Quality Analysis (AAQA). An analysis of average daily emissions during construction and operation was conducted to determine whether emissions would exceed the localized SJVAPCD 100 pounds per day screening threshold for any pollutant of concern. The proposed Project would not exceed daily emission thresholds during construction or operation for any pollutant of concern.

Daily criteria air pollutant emissions during construction are presented in **Table 4.2-8:** *Daily Criteria Air Pollutant Emissions During Construction,* in the Final EIR*,* and compared against the localized SJVAPCD screening thresholds. The proposed Project would not exceed SJVAPCD screening thresholds for requiring additional ambient air quality modeling.

The Project air quality analysis considered emissions from passenger vehicles and trucks based on predicted daily vehicle trips from the *Traffic Study, Warehousing, Manufacturing, and Commercial Development, Northwest Corner or Merle Haggard Drive & Airport Drive* by Ruettgers & Schuler Civil Engineers, February 2025 (**Appendix L** in the Final EIR), separated by passenger vehicles visiting the warehouse sites (employees), customers visiting the two retail quick serve restaurants and medium heavy-duty and heavy heavy-duty trucks visiting the warehouse. Emissions were estimated as described above and compared against relevant thresholds. The emission estimates assume electrified landscaping equipment and implementation of **Mitigation Measure MM 4.2-3** and **MM 4.2-7**. **Mitigation Measure MM 4.2-3** which would require all equipment to be maintained in accordance with the manufacturer's specifications, be equipped with proper emissions control equipment, and have Tier 4 engines when available. **Mitigation Measure MM 4.2-7** would reduce ROG and NOx emissions by requiring all TRUs to be plug-in capable, loading bays to have electrical hookups to be used when the truck is stopped, and limited idling time with clear signage indicating restrictions on-site. With the implementation of mitigation measures, the proposed

Project would not exceed SJVAPCD screening thresholds for requiring additional ambient air quality modeling.

Finding:

Construction of the proposed Project would generate temporary criteria pollutant emissions from construction equipment exhaust, vehicle trips, and fugitive dust associated with earthmoving activities. However, modeling results demonstrate that construction emissions of ROG, NOx, PM10, and PM2.5 would not exceed the San Joaquin Valley Air Pollution Control District (SJVAPCD) regional thresholds of significance. These estimates incorporate required dust control measures pursuant to SJVAPCD Rule 8201, including vehicle speed limits on unpaved surfaces and watering of exposed construction areas during earthmoving activities. In addition, construction activities would comply with Mitigation Measure MM 4.2-3 requiring proper equipment maintenance, emissions control devices, and Tier 4 engines when available. Therefore, construction-related air quality impacts would be less than significant.

Operation of the proposed Project would generate emissions from area sources, mobile sources (including passenger vehicles and trucks), emergency generators, and TRUs. Implementation of **Mitigation Measures MM 4.2-3** through **MM 4.2-7** would reduce operational emissions through measures such as use of low-VOC architectural coatings, electrified landscaping equipment, TRU plug-in capability with electrical hookups at loading docks, idling restrictions, and execution of a Developer Mitigation Agreement with the SJVAPCD to offset criteria pollutant emissions. With implementation of these measures, operational ROG emissions would be reduced below the applicable SJVAPCD significance thresholds. However, operational NOx emissions would continue to exceed the SJVAPCD regional significance threshold even after implementation of all feasible mitigation. Therefore, operational air quality impacts related to NOx emissions would remain significant and unavoidable.

Localized emissions during construction and operation were also evaluated against SJVAPCD screening thresholds to determine whether additional ambient air quality modeling would be required. Estimated daily emissions for PM10, PM2.5, NOx, and CO would not exceed the SJVAPCD screening threshold of 100 pounds per day. Accordingly, the proposed Project would not result in localized air pollutant concentrations that would require preparation of an ambient air quality assessment, and localized impacts would be less than significant.

Level of Significance After Mitigation:

Construction impacts would be less than significant, but operational impacts would remain significant and unavoidable.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment caused by cumulative air quality impacts. The above listed **Mitigation Measures MM 4.2-3** through **MM 4.2-7**, will lessen the cumulative air quality impacts to the greatest extent possible. However, cumulative construction and operational impacts would be significant and unavoidable.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

None.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative air quality impacts.

Description of Specific Impact:

By definition, regional air pollution is largely a cumulative impact in that no single project is sufficient in size, by itself, to cause nonattainment of air quality standards. The contribution of a project's air emissions to regional air quality impacts is, by its nature, a cumulative effect. Emissions from cumulative projects in the vicinity could also contribute to cumulative air quality conditions and potentially adverse regional air quality impacts. The Project-level thresholds for criteria air pollutants identify levels of emissions for new sources that are not anticipated to result in a considerable net increase in nonattainment criteria air pollutants. Therefore, in accordance with SJVAPCD- recommended guidance, if a project's emissions are below the Project-level thresholds, the Project would not result in a considerable contribution to cumulative regional air quality impacts. However, if the Project contribution is above the thresholds, then the Project would contribute a considerable amount to the cumulative impact.

The construction emissions generated by the Project individually, but inclusive of both on-site facilities and off-site improvements, would not exceed SJVAPCD thresholds. Compliance with the established regulatory framework and incorporation of **Mitigation Measures MM 4.2-1** through **MM 4.2-3** would ensure Project construction emissions would not exceed criteria pollutant thresholds, designated as nonattainment within the SJVAPCD, and therefore would not result in a conflict with or obstruct implementation of applicable AQPs. Project construction impacts would be less than significant with mitigation incorporated. Therefore, the proposed Project would not generate a cumulatively considerable contribution to air pollutant emissions during construction.

The operational emissions generated by the Project, identified in **Table 4.2-7,** show operational-related emissions with implementation of **Mitigation Measures MM 4.2-3** through **MM 4.2-7** and compliance with the established regulatory framework. However, despite all feasible mitigation to reduce operational emissions including **Mitigation Measures MM 4.1-3, 4.2-3** through **MM 4.2-12,** the proposed Project would still exceed the SJVAPCD's annual criterial threshold for NOx, resulting in a significant and unavoidable impact despite implementation of all feasible mitigation. As a result, operational emissions associated with the Project would result in a cumulatively considerable contribution to significant cumulative air quality impacts.

The Project's cancer and non-cancer risks from construction and operational emissions would be less than significant, as both would be below SJVAPCD's thresholds of significance. The SVJAPCD considers projects that do not exceed the project-specific individual incremental thresholds to not be cumulatively significant. Therefore, because the Project's health risks (i.e., cancer and non-cancer) would not exceed the Project-specific incremental thresholds, the Project would not result in a cumulatively significant impact and the Project's contribution would be less than cumulatively considerable.

The Project level discussion of CO hotspots, above, is in itself a cumulative analysis. There is no additional information to present for cumulative impacts. Therefore, as stated above, CO impacts would not be cumulatively considerable, and impacts would be less than significant.

Finding:

Construction emissions generated by the Project individually, but inclusive of both on-site facilities and off-site improvements, would not exceed SJVAPCD thresholds. With regard to Project level construction emissions, **Mitigation Measures MM 4.2-**1 through **MM 4.2-12** would reduce impacts related to NO_X and PM_{10} from diesel emissions, reduce dust generation, and address potential Valley Fever risk by implementing fugitive dust control measures, establishing a public complaint protocol for excessive dust generation, and requiring Valley Fever-related training for construction workers. However, assuming on a worst-case basis that the construction schedules for all cumulative projects would overlap with each other and with the proposed Project, cumulative impacts during construction would be significant and unavoidable related to NO_X and PM_{10} emissions.

Operation of the proposed Project would result in an overall net reduction of emissions by providing electricity that could displace energy produced from fossil fuels. Operation of the Project exceeds the Project level regulatory thresholds and, therefore, would contribute to a long-term cumulative increase in criteria pollutants. The Project's incremental contribution to operational impacts would be cumulatively considerable.

Level of Significance After Mitigation:

Cumulative construction impacts would be less than significant. Cumulative operational impacts would be significant and unavoidable.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment caused by cumulative air quality impacts. The above listed mitigation measures, **Mitigation Measures MM 4.1-3 (s**ee **Section 4.1**, *Aesthetics* for full mitigation measure text), **MM 4.16-1** and **MM 4.16-2** (see **Section 4.16,** *Transportation and Traffic* in the Final EIR for full mitigation measure text), and **MM 4.2-1** through **MM 4.2-12** will lessen the cumulative air quality impacts to the greatest extent possible. However, cumulative construction and operational impacts would be significant and unavoidable.

EXHIBIT A

3. BIOLOGICAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS? (Impact 4.3-2).

Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Impact 4.3-3).

Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan? (Impact 4.3-6).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or a special-status species in local or regional plans, policies, or regulations or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? (Impact 4.3-1).

Description of Specific Impact:
Ground disturbance and long-term operations could directly remove habitat/organisms and indirectly affect special-status species through noise, vibration, dust, lighting, spills, vehicle strikes, and increased human activity. Species with potential to occur on or near the site include burrowing owl, San Joaquin kit fox, Swainson's hawk, California horned lark, and other nesting birds; special-status plants are generally limited by the disturbed conditions. Implementation of mitigation measures (including lead biologist oversight, worker training, monitoring and preconstruction surveys, nesting bird protections and buffers, lighting controls, trash/entrapment prevention, and spill response requirements) would avoid or minimize impacts. With these measures, impacts on special-status species would be reduced to less than significant.

Finding:

The proposed Project would involve ground-disturbing activities and construction of warehouses, quick-serve restaurants, and associated infrastructure, which could potentially affect special-status plant and wildlife species. The Project site is primarily non-native grassland and disturbed habitat, though some species, including Bakersfield cactus, burrowing owl, San Joaquin kit fox, California horned lark, and Swainson's hawk may occur on or near the site. To minimize potential impacts, the Project would

implement **Mitigation Measures MM 4.3-1** and **MM 4.3-2**, which require retention of a Lead Biologist to oversee compliance and a Worker Environmental Awareness Training Program. **Mitigation Measure MM 4.3-3** requires pre-construction surveys for special-status plants, including Bakersfield cactus, with consultation with CDFW or USFWS if any species are identified. **Mitigation Measures MM 4.3-9** through **MM 4.3-11** require pre-construction nesting bird surveys, establishment of protective buffers around active nests, and biological monitoring during vegetation removal or construction activities. Mitigation Measures **MM 4.4-1** through **MM 4.4-8** include measures to protect burrowing owls, San Joaquin kit fox, and other special-status wildlife through habitat protection, construction timing, species avoidance, fencing, covering of structures to prevent entrapment, and directing nighttime lighting away from habitat. **Mitigation Measure MM 4.8-1** requires hazardous materials management to prevent spills and ensure prompt cleanup to protect wildlife. With implementation of these mitigation measures, potential direct and indirect impacts on plants and wildlife, including habitat loss, injury, or disturbance, would be reduced to less than significant, ensuring the protection of nesting birds, raptors, and other protected species during Project construction and operation.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measures MM 4.8-1** (see **Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR, for full mitigation measures), in the EIR as well as the mitigation measures listed below will be incorporated into the Project to lessen impacts to a less than significant level:

MM 4.3-1: Prior to the issuance of grading permits, the Project operator shall retain a Lead Biologist(s) who meets the qualifications of an Authorized Biologist as defined by California Department of Fish and Wildlife (CDFW) Service to oversee compliance with protection measures for all listed and other special-status species that may be affected by the construction and operation of the Project. The resume and contact information for the Lead Biologist(s) shall be provided in writing to the Planning and Natural Resources Department.

The following measures pertain to the Lead Biologist(s):

a. The Lead Biologist(s), or their designee, shall be on the Project site during all construction activities which include, but are not limited to, installation of perimeter fencing, clearing of vegetation, grading activities, and facility construction.
b. The Lead Biologist(s) or their designee shall have the right to halt all activities that are in violation of the special-status species protection measures, as well as any regulatory permits from the U.S. Fish and Wildlife Service and/or the California Department of Fish and Wildlife, if applicable. Work shall proceed

only after hazards to special-status species are removed and the species is no longer at risk.

MM 4.3-2: Prior to the issuance of grading permits, the Lead Biologist shall develop a Worker Environmental Awareness Training Program containing life history and identification information of special-status wildlife and plant species with potential to occur on site. The Worker Environmental Awareness Training Program shall review responsibilities for all on-site personnel including trash control, checking under and around vehicles and heavy equipment before starting, scanning for wildlife resources, contacting the Lead Biologist in the unanticipated instance of encountering special status wildlife species, and prohibition of pets and firearms. All on-site personnel shall be required to attend a worker environmental training. A sticker shall be placed on hard hats, indicating that the worker has completed the Worker Environmental Awareness Training. Copies of all prepared materials including, but not limited to, PowerPoint presentations, videos, information handouts and signed acknowledgement from each worker who has attended the required training shall be provided to the Planning and Natural Resources Department.

MM 4.3-3: No more than thirty (30) days prior to the start of ground disturbance activities or issuance of any grading permits, a qualified biologist knowledgeable on the identification of rare plant species shall conduct a pre-construction plant survey of areas of proposed disturbance within the Project site and 100-foot buffer (where legally accessible) to determine if any special-status plant species are present. If special-status plants are identified on-site, their locations shall be mapped and the Project proponent shall confer with CDFW or USFWS as required by applicable law to facilitate salvage or seed collection. <u>If avoidance of the identified special-status plant population is feasible, a no-disturbance buffer of at least 50 feet shall be established around the population and maintained throughout construction. The project proponent shall consult with USFWS and CDFW, as appropriate, on the need for take authorization if impacts to listed plant species, including Bakersfield cactus, are unavoidable, and no listed plants shall be removed or destroyed without prior authorization from USFWS and/or CDFW, as appropriate. If listed plants are identified and will be impacted, the project shall compensate for loss of occupied habitat at a minimum ratio of 1:1 and the final ratio would be determined by CDFW and/or USFWS and will be based on the level of impacts from the project to occupied habitat.</u>(RTC 8/28/2026)

MM 4.3-4: During construction of the Project site, the Project proponent and/or contractor(s) shall implement the following general avoidance and protective measures:

a. Immediately prior to conducting vegetation clearing or similar activities, the Lead Biologist or their designee shall perform a pre-construction visual survey of the area to ensure that no special-status species are present. Daily reports of these inspections shall be retained by the Lead Biologist and provided to the

Kern County Planning and Natural Resources Department, U.S. Fish and Wildlife Service, or California Department Fish and Wildlife upon request.

b. Within the vicinity of any construction activities, sensitive biological resources (i.e., special-status species, jurisdictional drainages, nesting birds, etc.) shall be delineated with stakes and/or flagging.
c. All construction activities shall be confined within the Project construction area, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes. At no time shall equipment or personnel be allowed to adversely affect areas outside the Project site.
d. Any spoils shall be stockpiled in disturbed areas that lack native vegetation to the maximum extent practicable. Spoils that have been stockpiled and inactive for more than 24 hours shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing.
e. To prevent inadvertent entrapment of San Joaquin kit foxes, American badgers, or other animals during construction, all excavated steep-walled holes or trenches more than two (2) feet deep shall be covered with plywood or similar materials at the close of each working day. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks, no less than 12 inches wide and secured at the top, shall be placed a minimum of every 100 feet within the open trench. Covered and non-covered holes or trenches shall be thoroughly inspected for trapped animals by a qualified biologist at the beginning and end of each working day. Immediately before such holes or trenches are filled, they shall again be thoroughly inspected by trained Staff approved by the Lead Biologist. If any trapped animals are observed, escape ramps or structures shall be installed immediately to allow for their escape. If a listed species is trapped, the Lead Biologist shall immediately confer with the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife.
f. All construction pipes, culverts, or similar structures with a diameter of four (4) inches or greater that are stored at the site for more than 24 hours and without endcaps shall be thoroughly inspected by a qualified biologist prior to being moved or capped. If a listed wildlife species is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated in conformance with appropriate wildlife agency guidelines.
g. No construction vehicle or equipment parked on the Project site shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of listed wildlife species. If present, the animal shall be left to move on its own.
h. A speed limit of 15 miles per hour shall be enforced within the limits of the Project site. If night work occurs on the Project site, the speed limit will be 10 miles per hour.

i. Fueling of construction equipment shall take place within existing roads or disturbed areas. No refueling within or adjacent to drainages (within 150 feet) shall be permitted. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary.

j. Trash and food items shall be contained in closed containers to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs.

k. Workers shall be prohibited from bringing pets and firearms to the Project site and from feeding wildlife.

l. No pets shall be allowed in Project areas, except for trained canine animals related to security and operation of the facility.

m. Intentional killing or collection of any listed plant or wildlife species shall be prohibited.

n. Herbicides that may be used as vegetation control measures in Project areas shall be applied in accordance with submeasures below. All uses of such herbicidal compounds shall observe label and other restrictions mandated by the U.S Protection Agency, California Department of Food and Agriculture, and state/federal legislation as well as additional Project related restrictions deemed necessary by the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife.

    1. The construction contractor or Project personnel shall use herbicides that are approved by the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) for use in California and are appropriate for application adjacent to natural vegetation areas (i.e., nonagricultural use). Personnel applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use.
    2. Herbicides shall be mixed and applied in conformance with the manufacturer's directions.
    3. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife.
    4. Products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water.
    5. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated.
    6. A written record of all herbicide applications on the site, including dates and amounts, shall be furnished annually to the Kern County Planning and Natural Resources Department.

MM 4.3-5: No more than (30) days prior to the issuance of any grading permits or the start of ground disturbance, a qualified biologist knowledgeable in the identification of all special-status wildlife species shall conduct a pre-construction survey of areas proposed for disturbance within the Project site and 500-foot buffer (where legally accessible) to determine if any special-status species are present. If, as a result of this pre-construction survey it is determined that special-status wildlife species are present, the Project proponent shall confer with the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife, as required by applicable law, for proper avoidance measures or the need for take authorization through the acquisition of an incidental take permit, pursuant to Fish and Game Code section 2081 subdivision (d).

MM 4.3-6: Preconstruction surveys shall be conducted by a qualified biologist to locate active breeding or wintering burrowing owl burrows no fewer than 14 days prior to commencement of ground-disturbing activities. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the Project site disturbed.

The survey methodology shall be consistent with the methods outlined in the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. As each burrow is investigated, surveying biologists shall also look for signs of American badger and San Joaquin kit fox. Copies of the survey results shall be submitted to CDFW and the Kern County Planning and Natural Resources Department.

If burrowing owls are detected onsite, the avoidance buffers outlined below should be established. These buffers shall be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts on occupied burrows be avoided in accordance with the following table unless a qualified biologist, approved by CDFW, verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Visible markers shall be placed near the identified burrow(s) to ensure that machinery does not collapse the burrow(s). <u>If any burrows are detected onsite in the impact area an Incidental Take Permit (ITP) may be required and CDFW should be consulted prior to initiating project activities that would impact the species. If active burrows are identified and will be impacted, the project shall compensate for loss of occupied habitat (i.e areas within 500-feet of active burrows) at a minimum ratio of 1:1 and the final ratio would be determined by CDFW and will be based on the level of impacts from the project to occupied habitat.</u>

EXHIBIT A

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1 – Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16 – Oct 15	200 m*	200 m	500 m
Nesting sites	Oct 16 – Mar 31	50 m	100 m	500 m
*meters (m)				

If burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31) where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E1 (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Passive relocation may only occur after consultation with CDFW regarding the need for an ITP prior to implementing any relocation.

If passive relocation is required and CDFW authorization has been issued to conduct the relocation, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and a Mitigation Land Management Plan in, accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation, for review by CDFW prior to passive relocation activities. If applicable, the Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation. At a minimum, the following recommendations shall be implemented:

a. Temporarily disturbed habitat shall be restored, if feasible, to pre-Project conditions including decompacting soil and revegetating.
b. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals.
c. If compensatory mitigation is required, permanently protect mitigation land through a conservation easement, deed restriction, or similar mechanism deeded to a nonprofit conservation organization or public agency with a conservation mission. If the Project is located within the service area of a CDFW-approved burrowing owl conservation bank, the Project operator may purchase available burrowing owl conservation bank credits. Land identified to mitigate for passive relocation of burrowing owl may be combined with

other offsite mitigation requirements of the proposed Project if the compensatory habitat is deemed suitable to support the species. (RTC 8/28/2026)

MM 4.3-7: If nighttime lighting for construction activities and operations is required and is within 50 feet of the outside edge of areas containing habitat for special-status wildlife, as determined by the qualified biologist, lighting shall be directed away from those areas that contain habitat for special-status wildlife.

MM 4.3-8: Prior to and during construction activities:

a. If any San Joaquin kit fox dens are found during pre-construction surveys, the status of the dens shall be evaluated no more than 14 days prior to Project ground disturbance. Provided that no evidence of kit fox occupation is observed, potential dens shall be marked and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following United States Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance by the lead biologist. If kit fox activity is observed at a den, the den status shall change to "known" per United States Fish and Wildlife Service guidelines (1999), and the buffer distance shall be increased to 100 feet. Absolutely no excavation of San Joaquin kit fox known or pupping dens shall occur without prior authorization from the United States Fish and Wildlife Service and California Department of Fish and Wildlife. <u>The project proponent shall consult with USFWS and CDFW on the need for an ITP if impacts to occupied dens are unavoidable and no dens shall be excavated without prior authorization from the USFWS and CDFW. If active dens are identified and will be impacted, the project shall compensate for loss of occupied habitat (i.e areas within 500-feet of active dens or as determined by the resource agencies) at a minimum ratio of 1:1 and the final ratio would be determined by CDFW and will be based on the level of impacts from the project to occupied habitat.</u>
b. To enable kit foxes and other wildlife (e.g., American badger) to pass through the Project site during construction, the perimeter security fence shall leave a 5-inch opening between the fence mesh and the ground or the fence shall be raised 5 inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence.
c. All pipes, culverts, or similar structures with a diameter of four inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the United States Fish and Wildlife Service has been consulted. If necessary, under the direct supervision

of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped.

d. To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep shall be covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed species are trapped, the United States Fish and Wildlife Service and California Department of Fish and Wildlife shall be contacted.

e. All vertical tubes used in Project construction, such as chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds.(RTC 8/28/2026)

MM 4.3-9: If construction activities are conducted during the typical nesting bird season (February 15 through September 15), pre-construction surveys shall be conducted by a qualified biologist prior to any site preparation and/or construction activity to identify potential nesting bird activity. The survey area shall include a 500-foot buffer surrounding the property. Swainson's hawk protocol-level surveys shall be consistent with the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000); If no active nests are found within the survey area, no further mitigation is required. <u>If construction activities are delayed and are conducted during the subsequent nesting bird season, then an additional Swainson's hawk protocol survey will be required.</u> If nesting activity is identified during the pre-construction survey process, the following measures will be implemented:

a. If active nest sites of bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code are observed within the Project site, then the Project will be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;

b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then the appropriate buffer around the nest site (typically 250 feet for passerines and 500 feet for raptors) will be established. <u>For any Swainson's hawk nest site, a no-work buffer of ½ mile will be established around the nest site.</u> Construction activities in the buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,

c. Active nests shall be documented by a qualified biologist, and a letter report shall be submitted to the Kern County Planning and Natural Resources Department documenting Project compliance with the Migratory Bird Treaty Act and California Fish and Game Code.

d. If the ½ mile buffer around any active Swainson's hawk nest cannot be avoided, then consultation with CDFW would be required to determine the need for an ITP or other avoidance or mitigation planning; and,

e. Permanent impacts to foraging habitat near an active Swainson's hawk nest shall be mitigated such that the habitat acreage impacted is replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for Swainson's hawk foraging and dispersal (i.e., during nesting and non-nesting seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. The habitat mitigation ratios and requirements are as follows:

    1. If the closest nest is within 1 mile, the ratio shall be 1:1,
    2. If the closest nest is more than 1 mile from the project site, but within 5 miles of the site, the ratio shall be ¾:1,
    3. If the closest nest is more than 5 miles, but within 10 miles of the site, the ratio shall be ½:1, and
    4. No compensatory mitigation shall be required if there are no nests within 10 miles of the project site.(RTC 8/28/2026)

MM 4.3-10: Pre-construction protocol-level surveys by a qualified biologist for nesting birds shall be required if construction activities are scheduled to occur during the breeding season for raptors and other migratory birds (February 1– August 31), to reduce potential impacts to nesting birds and raptors. The survey shall be conducted within 30 days of ground disturbance activities.

a. If any nesting birds/raptors are observed, a qualified biologist shall determine buffer distances and/or the timing of Project activities so that the proposed Project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed Project remains in compliance with the Migratory Bird Treaty Act and applicable State regulations.

MM 4.3-11: Prior to any vegetation removal during site preparation, the areas required for construction shall be surveyed for actively nesting birds. If any wildlife is encountered during the course of construction, the wildlife shall be allowed to leave the construction area unharmed. Should any active bird nests be identified, the vegetation shall not be removed in areas that contain actively nesting birds. A biological monitor shall survey the areas of vegetation slated for removal, a report shall be submitted to the Kern County Planning and Natural Resources Department for review prior to site preparation.

MM 4.3-12: A qualified biologist shall conduct a survey for Crotch's bumble bee and their requisite habitat using the California Department of Fish and Wildlife-approved protocol during the blooming period immediately prior to Project construction to

detect bumble bees and potential nesting sites. The survey shall be conducted within a survey area that includes a 50-foot buffer around the Project footprint and results submitted to California Department of Fish and Wildlife at least seven (7) days prior to commencing any Project activities. If Crotch's bumble bee is identified during surveys or at any time during Project construction, the Project proponent shall confer with California Department of Fish and Wildlife to determine if take can be avoided. If avoidance of Crotch's bumble bee nest(s) is not feasible, take authorization prior to ground disturbing activities is warranted. Ake authorization would occur through issuance of an Incidental Take Permit by California Department of Fish and Wildlife, pursuant to Fish and Game Code section 2081(b). The take permit shall, at a minimum, compensate for loss of occupied habitat at a minimum ratio of 1:1 and the final ratio would be determined by CDFW and will be based on the level of impacts from the project to occupied habitat. Alternatively, in the absence of surveys, the Project proponent may assume presence and apply for and acquire an Incidental Take Permit for Crotch's bumble bee prior to initiating Project activities. (RTC 8/28/2026)

Significant Effect:

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Impact 4.3-4).

Description of Specific Impact:

The Project site does not function as a regional wildlife corridor, does not include streams or watercourses, and does not serve as a key linkage between large open-space areas; therefore, Project development would not substantially interfere with wildlife movement corridors. No native wildlife nursery sites (such as bat roosts or colonial bird nesting areas) are present on-site. The primary remaining concern is potential nesting birds during vegetation removal; required nesting bird surveys, buffers, and monitoring would avoid impacts. With these measures, impacts on wildlife movement and nursery sites would be less than significant.

Finding:

The proposed Project would not interfere substantially with the movement of native resident or migratory wildlife, nor would it impede the use of wildlife nursery sites. The Project site does not function as a regional wildlife corridor, contains no streams or watercourses, and does not connect fragmented open space areas, so development would not obstruct local or seasonal wildlife movement. Additionally, no native wildlife nursery sites, such as bat roosts or colonial bird nesting areas, are present on the site. However, construction activities, including vegetation removal, could affect nesting birds if present. To address this, **Mitigation Measures MM 4.3-9** through **MM 4.3-11** require pre-construction nesting bird surveys by a qualified biologist, establishment of protective buffers around active nests, and monitoring of construction areas for nesting birds during vegetation removal or site preparation. With the implementation

of these mitigation measures, potential impacts on wildlife movement corridors and nursery sites would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment. **Mitigation Measures MM 4.3-9** through **MM 4.3-11** would reduce impacts on biological resources.

Significant Effect:

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Impact 4.3-5).

Description of Specific Impact:

As currently designed, the proposed Project is considered consistent with the Conservation Element of the MBGP. As described above in Impacts 4.3-1, the Project would implement mitigation measures to reduce potential Project-related impacts on sensitive biological resources. With the implementation of the mitigation measures, identified above, impacts on environment from a violation of a local policies or ordinances would be less than significant. Thus, the Project would not be in conflict with local policies or ordinances for protection of biological resources, and impacts would be less than significant.

Finding:

As discussed under Impact 4.3-1, the Project would implement mitigation measures to reduce potential impacts on sensitive biological resources. With these measures in place, the Project would not violate local policies or ordinances related to the protection of biological resources. Therefore, impacts from conflicts with local policies or ordinances would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the environment. **Mitigation Measure MM 4.8-1** (see **Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR, for full mitigation measure) and **Mitigation Measures MM 4.3-1** through **MM 4.3-12** would

ensure the Project during construction and operation would not conflict with any local policies or ordinances protecting biological resources.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

None.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative biological resources impacts.

Description of Specific Impact:

Cumulative impacts for a project would be significant if the incremental effects of the individual project are considerable when combined with the effects of past projects, other current projects, and probable future projects. As described above, the Project-specific impacts would be less than significant with implementation of **Mitigation Measures MM 4.3-1** through **MM 4.4-12**, and **MM 4.8-1** (**Section 4.8**, *Hazardous Materials* in the Final EIR).

Special status species that could occupy the Project site and vicinity include the burrowing owl, San Juaquin kit fox, California horned lark, and Swainson's hawk, along with nesting birds. Implementation of the Project, along with related projects, has the potential to impact these wildlife species. Given the number of present and reasonably foreseeable future development projects in the region, the Project, when combined with other projects, could contribute to cumulative loss of habitat for special status species. However, implementation of **Mitigation Measures MM 4.3-1** through **MM 4.3-12** and **MM 4.8-1** would reduce Project level impacts to less than significant and therefore would not contribute to a cumulative impact.

Finding:

Given the number of present and reasonably foreseeable future development projects in the San Joaquin Valley, the proposed project, when combined with other projects, would contribute to cumulative loss of habitat for special-status species. Implementation of **Mitigation Measure MM 4.8-1** (see **Section 4.8**, *Hazards and Hazardous Materials* in in the Final EIR, for full mitigation measure) and **Mitigation Measures MM 4.3-1** through **MM 4.3-12** would reduce impacts on habitat to less than significant for the proposed project. However, the proposed Project, when combined with other related development projects

proposed throughout the County, would cumulatively impact habitat for special-status species. Thus, cumulative impacts would be significant and unavoidable.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding**:**

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. **Mitigation Measure MM 4.8-1** (see **Section 4.8**, *Hazards and Hazardous Materials in the Final EIR,* for full mitigation measure) and **Mitigation Measures MM 4.3-1** through **MM 4.3-12** would result in less than significant impacts, will lessen the cumulative biological resources impacts to the greatest extent possible. However, even with mitigation, cumulative impacts would be significant and unavoidable for biological resources.

4. CULTURAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None.

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project cause a substantial adverse change in the significance of a historical resource, as defined in *CEQA Guidelines* Section 15064.5? (Impact 4.4-1).

Description of Specific Impact:

The proposed Project would include grading and excavation over the entirety of the Project site. Three previously recorded resources are located within the Project area, only one was relocated during the pedestrian survey, P-15-003323. As noted above, P-15-003323's current status was determined to be consistent with its previous evaluation and was not recommended eligible for listing in the NRHP or CRHR and therefore, would not be considered a "Historical Resources" under CEQA.

One resource was newly discovered during the pedestrian survey, which consisted of historic age refuse scatter including milk glass fragments, porcelain fragments, earthenware fragments, glass bottles of various uses and cans. Due to the newly recorded resources lack of depositional integrity, it was recommended not eligible for inclusion in the NRHP and/or the CRHR, and therefore would not be considered a "Historical

resource" under CEQA. Accordingly, Project implementation would not impact any known historical resources pursuant to CEQA Guidelines Section 15064.5.

Though unlikely ground-disturbing construction activities have the potential to unearth previously undiscovered subsurface historic resources such as wood, stone, foundations, and other structural remains; debris filled wells or privies; and deposits of wood, glass, ceramic, and other refuse. If encountered, a potentially significant impact could occur if the previously unidentified historic resource is damaged or destroyed. However, implementation of **Mitigation Measures MM 4.4-1** and **MM 4.4-2** would require retention of a lead archaeologist, cultural sensitivity training, steps for avoidance of a cultural resource, and if infeasible appropriate treatment of the resource set forth in a Cultural Resources Treatment Plan. Therefore, in the event of inadvertent discovery of a historical resource, implementation of **MM 4.4-1** and **MM 4.4-2** would ensure Project construction would not result in substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5 and impacts would be less than significant.

Finding:

Of the three previously recorded cultural resources within the Project area, only one (P-15-003323) was relocated during the pedestrian survey. Consistent with its prior evaluation, P-15-003323 is recommended not eligible for listing in the NRHP or the CRHR and therefore does not qualify as a historical resource under CEQA, nor does it meet the criteria for a unique archaeological resource under Public Resources Code §21083.2(g). One newly identified resource, a historic-age refuse scatter consisting of milk glass, porcelain, earthenware, glass bottles, and cans, was also documented; however, due to its lack of depositional integrity, it is similarly recommended not eligible for listing in the CRHR/NRHP and therefore does not constitute a historical resource pursuant to CEQA. Accordingly, Project implementation would not result in significant impacts on any known cultural resources that qualify as historical resources under CEQA.

However, Project-related grading and excavation would occur across the entirety of the site, and ground-disturbing activities have the potential to encounter previously unknown subsurface historic resources such as structural remains, debris-filled features (e.g., wells or privies), and concentrations of wood, glass, ceramic, or other cultural materials. If encountered, damage or destruction of such resources could result in a potentially significant impact. To reduce impacts on previously unidentified historic cultural resources, **Mitigation Measures MM 4.4-1** and **MM 4.4-2** would be implemented. Required mitigation includes retention of a lead archaeologist, cultural sensitivity training, procedures for avoidance where feasible, and appropriate resource treatment pursuant to a Cultural Resources Treatment Plan. With implementation of **MM 4.4-1** and **MM 4.4-2**, impacts on historical resources would be less than significant under CEQA Guidelines §15064.5.

Level of Significance After Mitigation:

Less than significant.

EXHIBIT A

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the cultural resources of the Project area and its surroundings. The following mitigation measures will be incorporated into the Project to lessen the impacts to the greatest extent possible and to a level that is less than significant:

MM 4.4-1: Prior to initial ground disturbance, or the issuance of grading permits, the Project applicant shall retain a qualified Lead Archaeologist to carry out all mitigation measures related to archaeological resources.

The contact information for this Lead Archaeologist shall be provided to the Kern County Planning and Natural Resources Department prior to the commencement of any construction activities on-site. Further, the Lead Archaeologist shall be responsible for ensuring the following employee training provisions are implemented during implementation of the Project:

a. Prior to commencement of any ground disturbing activities, the Lead Archaeologist shall prepare Cultural Resources Sensitivity Training materials, including a Cultural Resources Sensitivity Training Guide, to be used in an orientation program given to all personnel working on the Project. The training guide may be presented in video form. A copy of the proposed training materials, including the Cultural Resources Sensitivity Training Guide, shall be provided to the Planning and Natural Resources Department prior to the issuance of any grading or building permit.
b. The Project proponent/operator shall ensure all new employees or onsite workers who have not participated in earlier Cultural Resources Sensitivity Trainings shall meet provisions specified above.
c. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Lead Archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources.
d. A copy of the Cultural Resources Sensitivity Training Guide/Materials shall be kept on-site and available for all personnel to review and be familiar with as necessary. It is the responsibility of the Lead Archaeologist to ensure all employees receive appropriate training before commencing work on-site.

MM 4.4-2: The Project proponent shall comply with the following in the event of inadvertent discovery of resources occur during implementation of the Project: Prior to the issuance of grading permits, the Project proponent shall ensure the following measures are implemented for resources, which are discretionarily considered historical resources for the purposes of this Project:

a. The construction zone shall be narrowed or otherwise altered to avoid resources. All avoidance areas delineated on the site plan shall be coordinated through the lead archeologist and submitted to the Kern County Planning and Natural Resources Department for approval.
b. In coordination with the qualified archaeologist avoidance shall be ensured by the delineation of environmentally sensitive areas. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts.
c. A qualified Archaeologist and Native American Monitor shall monitor all Project-related ground disturbing activities within 150 feet of the environmentally sensitive areas, in order to ensure avoidance. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the Project area, provided by the Native American Heritage Commission and/or consultation with Native American tribal groups who may have interest in the Project area. The archaeological monitor shall work under the supervision of the qualified archaeologist.
d. If avoidance is demonstrated to be infeasible, the resource shall be collected and curated at an appropriate curatorial facility. Or if avoidance is demonstrated to be infeasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) to be impacted by the Project. Treatment may consist of (but would not be limited to):

    1. a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed;
    2. sample excavation;
    3. surface artifact collection;
    4. site documentation; and,
    5. historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the Project.
    6. The Cultural Resources Treatment Plan shall also include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.

Significant Effect:

Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5? (Impact 4.4-2).

Description of Specific Impact:

During the pedestrian survey of the Project site, only one of the previously recorded resources (Resource P-15-003323) was discovered and was found not eligible for listing in the NRHP or CRHR, and therefore does not meet the definition of a "Unique Archaeological Resource" under CEQA. Additionally, one previously unidentified historic refuse scatter was identified during the pedestrian survey and was determined not eligible for listing in the NRHP or CRHR and similarly does not meet the definition of a "Unique Archaeological Resource" under CEQA. No other cultural resources (including other architectural historical resources, prehistoric archaeological resources, or historic archaeological resources) were identified on the Project site as a result of the survey.

Due to the presence of previous sites and isolates at the Project site, coupled with the site's proximity to Kern River, construction, grading and excavation activities have the potential to unearth previously undiscovered, intact archaeological materials. If such materials are found, a substantial adverse change in the significance of such a resource could occur. Therefore, **MM 4.4-1** and **MM 4.4-2** would address the discovery of unrecorded historic and/or archaeological resources during construction activities. Project construction would not result in substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and impacts would be less than significant.

Finding:

Impacts on unknown resources could constitute a significant impact on the unidentified resource. However, with implementation of **Mitigation Measures MM 4.4-1** and **MM 4.4-2** listed above, which require cultural resources sensitivity training for construction workers, archaeological and Native American monitoring during construction, and appropriate treatment of unearthed archaeological resources during construction, potential impacts would be reduced to less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on the archaeological resources in the environment. **Mitigation Measures MM 4.4-1** and **MM 4.4-2**, as described above, will be incorporated into the Project to lessen the impacts to those resources to a level that is less than significant.

Significant Effect:

Would the project disturb any human remains, including those interred outside of formal cemeteries? (Impact 4.4-3).

Description of Specific Impact:

There are no dedicated cemeteries on or near the Project site. The Project site is highly disturbed due to tilling and weed abatement. Given the absence of known archaeological resources on the site and the extent of existing disturbance, there is low potential for Project excavation and grading to encounter human remains. Despite the low likelihood of discovery, if previously unknown human remains are discovered during the Project's ground-disturbing activities, a substantial adverse change in the significance of such a resource could occur. Therefore, in the event human remains are encountered during excavation or disturbance activities, compliance with the California Health and Safety Code (HSC) Section 7050.5 and Public Resources Code (PRC) Section 5097.98, as detailed in **MM 4.4-3**, would ensure appropriate procedure and treatment of human remains. As such, with implementation of **MM 4.4-3**, impacts on previously undiscovered human remains would be less than significant.

Finding:

The Project's potential to impact human remains will be mitigated to a level that is less than significant. All feasible and reasonable changes or alterations have been required in, or incorporated into, the Project that substantially lessen the potentially significant effects identified in the EIR.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on potential human remains in the Project area. The following mitigation measure will be incorporated into the Project to lessen the impacts on human remains to a level that is less than significant:

MM 4.4-3: If human remains are uncovered during Project construction, the Project proponent shall immediately halt work within 100 feet of the find, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e) of the California Environmental Quality Act Guidelines. If the County Coroner determines that the remains are Native American, the coroner shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission shall designate a Most Likely Descendent for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, and in accordance with generally accepted cultural or archeological standards or practices, the landowner shall ensure that the immediate vicinity of the Native American human is not damaged or disturbed by further development activity until the landowner has conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple

human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative cultural resources impacts.

Description of Specific Impact:

The Project could result in potential site-specific impacts on unknown cultural resources discovered during Project construction, specially ground-disturbing activities. However, implementation of **MM 4.4-1** and **MM 4.4-2** would reduce the Project's incremental potential impacts on historical and archaeological resources to less than significant and ensure site-specific impacts on cultural resources would not be cumulatively considerable. Other projects within the cumulative study area also have the potential to result in damage and/or loss to unknown cultural resources. Similar to the proposed Project, past, present, and reasonably foreseeable projects in the County would be required to comply with all applicable State, federal, and local regulations concerning preservation, salvage, or handling of cultural resources. Therefore, the Project's contribution to cumulative impacts would be less than significant.

As discussed above, Project construction has the potential to disturb unknown human remains. Compliance with the HSC Section 7050.5 and PRC Section 5097.98, as outlined in **MM 4.4-3**, would require proper treatment in accordance with applicable laws for human remains and reduce potential site-specific impacts to less than significant. Therefore, the Project's incremental effect is not cumulatively considerable when viewed in connection with the effects of other closely related past projects, the effects of other current projects, and the effects of probable future projects in southern San Joaquin Valley.

Finding:

With implementation of **Mitigation Measures MM 4.4-1 through MM 4.4-3** as described above, the Project site would not result in significant impacts on cultural resources. Given this minimal impact and similar mitigation requirements for other projects in the western San Joaquin Valley, cumulative impacts on cultural resources would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on cultural resources in the Project area. **Mitigation Measures MM 4.4-1** through **MM 4.4-3**, as described above, will be incorporated into the Project to ensure cumulative impacts on cultural resources are less than significant.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

5. ENERGY

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Impact 4.5-2).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect

Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Impact 4.5-1).

Description of Specific Impact:

The proposed Project's buildings would be designed and constructed in accordance with CALGreen energy efficiency standards of Title 24. Title 24 standards include a broad set of energy conservation requirements that apply to the structural, mechanical, electrical, and plumbing systems in a building. Therefore, the proposed Project would be consistent with this criterion through the implementation of **Mitigation Measure MM 4.5-1**, which requires the Project proponent prepare a summary report detailing all energy efficient building design standards incorporated into the Project design and operations to reduce the level of energy consumption of the Project.

Finding:

Operation of the proposed Project would not result in the wasteful, inefficient, and unnecessary

consumption of energy and with the implementation of **Mitigation Measures MM 4.5-1**, **MM 4.5-2**, and **MM 4.2-3**, as described in **Section 4.2**, *Air Quality*, in the Final EIR and **Mitigation Measures MM 4.7-1** and **MM 4.7-2** (see **Section 4.7**, *Greenhouse Gas Emissions,* in the Final EIR) impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. Thus, the proposed Project would not contribute considerably to cumulative energy consumption, and cumulative impacts would be less than significant with mitigation. Implementation of **Mitigation Measures MM 4.5-1, MM 4.5-2**, and **MM 4.2-3** from **Section 4.3**, *Air Quality*, in the Final EIR and the following mitigation measures would further reduce cumulative energy impacts:

MM 4.5-1: Prior to the issuance of building permits, the Project Proponent shall provide a report and summary of all energy efficient building design standards incorporated into the Project design and operations to reduce the level of energy consumption of the Project. The following measures shall be included in the Project design and implemented. Explanations for feasibility and implementation shall be included in the report:

a. Within one year of the first day of Project operations, the Project shall install and maintain roof-mounted solar photovoltaics ~~mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants.~~ systems on proposed structures to the maximum extent feasible based on available rooftop area and design constraints. The rooftop solar photovoltaic systems shall be designed to maximize on-site renewable electricity generation. Within one year of the first day of Project operations, solar photovoltaics mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants.
b. Incorporate green building measures that contribute to reducing energy use by at least 10 percent and up to 25 percent less than Title 24 requirements.
c. Provide solar water heating for non-industrial water heating.
d. ~~If needed, in addition to roof mounted solar, provide ground mounted solar photovoltaics arrays to provide a portion of the estimated electrical demand for the proposed Project~~ If rooftop solar photovoltaic systems do not meet the Project's entire future electrical demand, the Project shall install ground-mounted solar photovoltaic arrays to meet the remaining electrical demand on-site to the maximum extent feasible.
e. Commercial buildings shall be designed to meet LEED® certification

standards.

f. Roofs on all buildings shall be of a light color with a solar reflective index greater than 78 to reduce heat generation.
g. Portions of parking lots (drive aisles) may be paved with concrete versus asphalt, based on structural determinations, to reduce heat absorption and the heat island effect ~~initial~~.
h. Within two years of the first day of Project operations, up to 20% of employee parking stalls shall be covered. If feasible for electrical demand, the parking stall roofs shall contain solar photovoltaics
i. LED lighting fixtures shall be used on all indoor and exterior site lighting;
j. LED lighting fixtures shall be used on all public streets and site lighting;
k. Electric forklifts and other material handling vehicles to reduce usage of fossil fuels shall be implemented, based on feasibility of operations.
l. Consult with Kern County Public Works and Golden Empire Transit (GET) on feasible design circulation features for transit related public street improvements adjacent to the Project for implementation of MM 4.16~~7~~-3 Transportation Demand Management Program
m. Provide bicycle friendly features, such as onsite bike lanes, bike racks, electrical bike plugins and bike lockers, to reduce vehicle miles traveled and to encourage non-vehicular transportation;
n. Where feasible design operations to incorporate the usage of high efficiency electric motors for industrial uses.
o. Install battery storage associated with the rooftop and ground-mounted solar photovoltaic systems that shall be installed on-site, where feasible and appropriate. (RTC 8/28/2026)

MM 4.5-2: Prior to the issuance of building permits, the Project Proponent shall provide evidence ~~that the Project is designed to include the green building measures specified as mandatory in the application checklist contained in the current~~ to the Kern County Planning and Natural Resources Department demonstrating compliance with the California Green Building Standards Code. ~~In addition to the number of electric vehicle capable spaces provided with electric vehicle supply equipment required by the current California Green Building Standards, the Project shall provide electrified EV chargers for 22% of the electric vehicle capable spaces with electric vehicle supply equipment.~~ The Project shall provide electrified Level 2 EV chargers for 10 percent of the Project's total parking stalls, which is approximately 50 percent of the Project's proposed EV-capable parking spaces. The Project shall also provide 5 medium- and heavy-duty truck chargers.

During initial construction, the Project Proponent shall also install infrastructure to facilitate the future installation of additional medium- and heavy-duty chargers, henceforth named "make-ready infrastructure." Make-ready infrastructure construction shall include conduit from the electrical rooms to the truck court, reserved space and pads for future transformers and switchgear, and ductbanks sized to accommodate future medium- and heavy-duty electric vehicle charging loads. Furthermore, the Project Proponent shall design and construct electrical rooms that are 25 percent larger than necessary for the expected Project electrical

capacity needs, to accommodate future expansion of electric vehicle charging capability.

Additionally, the owner of the project site shall cooperate with any tenant's application to Pacific Gas and Electric Company under Electric Rule 29, the Flexible Service Connections tariff, or any applicable successor tariff or program for medium- and heavy-duty electric vehicle charging service.(RTC 8/28/2026)

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect

The Project would contribute to cumulative energy impacts.

Description of Specific Impact:

The Project-specific impacts associated with construction and operation of the Project would be less than significant with implementation of **Mitigation Measures MM 4.2-3** (see **Section 4.3**, *Air Quality* in the Final EIR), **MM 4.5-1, and MM 4.5-2**.

As with the proposed Project, cumulative projects would be required to evaluate electricity and natural gas conservation features and compliance with applicable energy efficiency plans and standards including the Title 24 Building Energy Efficiency Standards and CALGreen Code. Each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential energy consumption impacts and identify necessary mitigation measures, where appropriate. Cumulative projects, as with the proposed Project, would also be required to evaluate potential impacts related to conflicts with state and local plans for renewable energy or energy efficiency.

The Project's energy use would be limited to that which is necessary for construction and operation, as required through the implementation of **Mitigation Measures MM 4.2-3** (see **Section 4.3**, *Air Quality* in the Final EIR), **MM 4.7-1** and **MM 4.7-2** (see **Section 4.7**, *Greenhouse Gas Emissions* in the Final EIR) and **MM 4.5-1** and **MM 4.5-2**. The Project's incremental contribution to the less than significant cumulative impact would not be considerable with respect to energy consumption in the form of electricity and natural gas.

Cumulative projects would be required to comply with CR Title 13, Sections 2449(d)(3) and 2485, which limit idling from both on-and off-road diesel-powered equipment and are enforced by CARB. Additionally, various federal and State regulations, including the LCFS, Pavley Clean Car Standards, and Federal Vehicle Standards, would serve to reduce the transportation fuel demand of cumulative projects.

Finding:

The cumulative study area for energy impacts is Kern County. All cumulative projects, including the proposed Project, must comply with state and local energy-efficiency requirements such as Title 24, the CALGreen Code, and applicable renewable-energy policies. With implementation of **Mitigation Measures MM 4.2-3, MM 4.5-1, MM 4.5-2, MM 4.7-1,** and **MM 4.7-2**, the Project's construction and operational energy use would be minimized and remain less than significant. Cumulative projects are also required to follow CARB idling limits and statewide vehicle and fuel-efficiency standards, lowering overall transportation fuel demand. As a result, the Project's incremental contribution to cumulative energy impacts would be small and not cumulatively considerable.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. Thus, the proposed Project would not contribute considerably to cumulative energy consumption, and cumulative impacts would be less than significant with mitigation. **Mitigation Measures MM 4.5-1** and **MM 4.5-2**, as well as **MM 4.2-3**, **MM 4.7-1**, and **MM 4.7-2** would further reduce cumulative energy impacts.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

6. GEOLOGY AND SOILS

A. Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment.

Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo earthquake fault zoning map issued by the state geologist for the area or based on other substantial evidence of a known fault? (Impact 4.6-1).

Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater? (Impact 4.6-8).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: strong seismic ground shaking? (Impact 4.6-2).

Description of Specific Impact:

The Project is located in a seismically active region and could experience moderate to very intense ground shaking from nearby and regional faults, which could damage structures and pose risks if buildings are not properly designed. Mitigation includes geotechnical investigation and engineered design consistent with applicable Kern County Building Code/California Building Code requirements, limiting grading to the minimum necessary, and implementing recommended foundation and construction measures. With compliance with these codes and **Mitigation Measures MM 4.6-1** through **MM 4.6-7**, impacts from strong seismic ground shaking would be reduced to less than significant.

Finding:

Adherence to the requirements of the Kern County Building Code and the CBC standards, and **Mitigation Measure MM 4.6-1** through **MM 4.6-7** would ensure that seismic hazards would be minimized. Impacts related to ground shaking would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measures will be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.6-1: The Project proponent shall limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the Project proponent shall retain a California registered and licensed professional engineer to submit final grading earthwork and foundation plans.

MM 4.6-2: Prior to the issuance of grading permits, the Project proponent shall conduct a full geotechnical study to evaluate soil conditions on the Project site and submit it to the Kern County Public Works Department for review and approval.

The geotechnical study must be signed and stamped by a California-registered professional engineer and must, at minimum, identify the following:

a. Maximum considered earthquake and associated ground acceleration.
b. Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows.
c. Stability of any existing or proposed cut-and-fill slopes; collapsible or expansive soils.
d. Foundation material type.
e. Recommendations for placement and design of facilities, foundations, and remediation of unstable ground.
f. The project proponent shall determine the final siting of project facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent shall not locate project facilities on or immediately adjacent to a fault trace. All structures shall be offset at least 100 feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid sighting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed.
g. The Kern County Public Works Department shall evaluate any final facility siting design developed prior to the issuance of any building permits to verify that geological constraints have been avoided.

MM 4.6-3: Prior to the issuance of grading permits, the Project proponent shall retain a California registered engineer to design the Project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements shall be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.

MM 4.6-4: Building locations shall be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.

MM 4.6-5: Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, shall be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties

of the subsurface units at the specific site, the potential for hydrocompaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities.

These studies shall be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses shall be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation shall be submitted to the Kern County Planning and Natural Resources Department.

MM 4.6-6: The project proponent shall use existing roads to the greatest extent feasible to minimize erosion. Prior to approval of the grading permit, final plans shall be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.

MM 4.6-7: The project proponent shall limit grading to the minimum area necessary for construction and operation of the Project. Final grading plans shall include best management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-way (if required). The plans shall be submitted to the Kern County Public Works Department for review and approval.

Significant Effect:

Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving seismic-related ground failure, including liquefaction? (Impact 4.6-3).

Description of Specific Impact:

Groundwater in the Project vicinity has been reported at depths well below 50 feet, and the site is not within a mapped liquefaction hazard zone. Although liquefaction potential is considered unlikely, the Project would conduct and comply with a full geotechnical evaluation and implement any recommended stabilization measures (e.g., soil improvement) and foundation design requirements, consistent with applicable building codes. With implementation of **Mitigation Measures MM 4.6-2**, **MM 4.6-4**, and **MM 4.6-5** and code compliance, impacts related to seismic-related ground failure, including liquefaction, would be less than significant.

Finding:

The Project construction and operations would have less-than-significant impacts related to seismic-related ground failure, including liquefaction, with implementation of **Mitigation Measures MM 4.6-2, MM 4.6-4,** and **MM 4.6-5.**

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. Mitigation Measures **MM 4.6-2**, **MM 4.6-4**, and **MM 4.6-5,** as discussed above, will be incorporated into the Project to lessen the impacts to the greatest extent from potentially significant to a level that is less than significant.

Significant Effect:

Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death, involving landslides? (Impact 4.6-4).

Description of Specific Impact:

The Project site is situated within the central portion of unincorporated Kern County, California. The Project site is flat and slopes to the west-southwest throughout the Project site. The Project site ranges in elevation from approximately 550 feet (in the southwestern corner) to 625 feet (in the northeastern corner) feet above mean sea level (AMSL). There are no steep slopes within the Project site or in adjacent areas that would be susceptible to landslides or that would be affected by construction or operation of the Project. Thus, given the flat terrain both-on site and off-site the fact the Project will not manufacture any steep slopes prone to landslides, the potential for landslides on the Project site and the potential for the Project to exacerbate a landsliding hazard is remote. Further, the site-specific design-level geotechnical study and implementation of **Mitigation Measures MM 4.6-2**, **MM 4.6-4**, and **MM 4.6-5**, would further address any such potential. Impacts would be less than significant.

Findings:

The implementation of **Mitigation Measures MM 4.6-2, MM 4.6-4,** and **MM 4.6-5** would reduce potential impacts on unrecorded archeological resources to less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measures MM 4.6-2, MM 4.6-4, MM 4.6-5**, would be incorporated into the Project to reduce potential impacts to less than significant.

Significant Effect:

Would the project result in substantial soil erosion or the loss of topsoil? (Impact 4.6-5).

Description of Specific Impact:

Site preparation for the Project would include grading activities that would disturb surface soils and expose soils to the effects of wind or water erosion. During rainfall events, particularly during construction activities when surface soils are exposed, there is the potential for increased surface erosion and sediment transport and subsequent deposition to off-site areas. Project grading would be minimized to the extent feasible to reduce unnecessary soil movement that may result in the increased loss of topsoil. Scrapers, excavators, dozers, water trucks, haul vehicles, and/or graders may be used in site preparation, and some trenching would be required for installation of the underground cables and circuits on-site. These activities would increase the potential for erosion to occur.

While construction activities especially during grading and site preparation would have the potential to increase the potential for erosion, the Project would implement **Mitigation Measure MM 4.9-1**, that requires preparation of a SWPPP. The development of the SWPPP would include listing a BMPs for erosion control that would be informed by the final hydrologic study and drainage plan. The SWPPP would be prepared and implemented per the requirements of Kern County for projects that disturb more than one acre of soil.

Additionally, the Project would implement **Mitigation Measure MM 4.6-7**, as described above, and **Mitigation Measure MM 4.6-8**, which is complementary and supplements the SWPPP by requiring the preparation of a Soil Erosion and Sedimentation Control Plan. The Soil Erosion and Sedimentation Control Plan would further define strategies and measures that would be included to the Project to reduce the potential loss of soil and erosion. Considering these listed measures, Project construction would have less than significant impacts related to erosion.

Finding:

The Project construction and operations would have less-than-significant impacts related to soil erosion or the loss of topsoil with implementation of **Mitigation Measures MM 4.6-7, MM 4.6-8,** and **Mitigation Measure MM 4.9-1** (see **Section 4.9**, *Hydrology and Water Quality* in the Final EIR).

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. Mitigation Measure **MM 4.9-1**, from Section **4.9**, *Hydrology and Water Quality* in the Final EIR, **Mitigation Measure MM 4.6-7** and the following mitigation measure will be incorporated into the

Project to lessen the impacts to the greatest extent from potentially significant to a level that is less than Project significant:

MM 4.6-8: The Project proponent shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the Kern County Public Works Department. The Soil Erosion and Sedimentation Control Plan shall include, but is not limited to, the following:

a. Best Management Practices (BMPs) to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan BMPs recommended by the Kern County Public Works Department shall be reviewed for applicability.
b. Sediment collection facilities as may be required by the Kern County Public Works Department.
c. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County.
d. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved; and
e. Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.

Significant Effect:

Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (Impact 4.6-6).

Description of Specific Impact:

The Project is in a flat-lying plain where landslides are not anticipated due to the absence of steep slopes within or adjacent to the Project site. Therefore, adverse effects related to landslides would not pose a hazard to the Project or surrounding area and impacts would be less than significant.

Due to the low potential for liquefaction, the depth of groundwater, and the fact that the Project site is not located near free faces or bodies of water, the potential for impacts due to lateral spreading is considered low but will be further evaluated pursuant to the requirements of **Mitigation Measure MM 4.6-2**.

The site-specific exploration would be included as part of the design level geotechnical investigation. The subsurface data would be used to complete the final design of the proposed Project and associated structures

in consultation with the County in a manner that meets applicable State and County building, grading and construction codes, ordinances and standards. Therefore, as required, the geologic hazards, including liquefaction, collapse and subsidence, and associated potential for lateral spreading would be fully evaluated. Based on the conclusions of the report, site specific design would be implemented that would minimize geologic hazard-related impacts. With implementation of **Mitigation Measure MM 4.6-2**, impacts would be less than significant.

Based on the preliminary soil & Geologic Evaluation Report prepared by Soils Engineering, Inc., the potential for land subsidence at the Project site or oil extraction appears to be low. Further, the full geotechnical study required by **Mitigation Measure MM 4.6-2** would be prepared for the proposed Project would include identification and means (i.e. mitigation measures) to resolve soil conditions including subsidence. With implementation of **Mitigation Measure MM 4.6-2**, impacts would be less than significant.

Finding:

As discussed above, the Project would have less than significant impacts without mitigation in regards to landslides. Impacts as a result of lateral spreading, subsidence, and liquefaction would be less than significant with implementation of **Mitigation Measure MM 4.6-2**.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. Mitigation Measure **MM 4.6-2**, as discussed above, will be incorporated into the Project to reduce potential impacts to less than significant.

Significant Effect:

Would the project be located on expansive soil, as defined in Table 18-1 B of the Uniform Building Code (1994), creating substantial risks to life or property? (Impact 4.6-7).

Description of Specific Impact:
Near-surface soils encountered in previous geotechnical investigations near the Project site and mapped by the USDA and presented on the Web Soil Survey, indicate that expansive soils may be located in the Project areas. Some of the soils in the Project area have a clay fraction and may be expansive If expansive soils are present within the Project site and not properly addressed, they would have the potential to cause displacement and possible damage to surface improvements such as concrete slab-on-grade floors and exterior walkways.

The potential effects of the shrinking and swelling of expansive soils and the associated impacts can be mitigated through prudent grading and design of the structures. A design level geotechnical investigation will be required to confirm the status of expansive soils in the Project area. This would include the collection of near surface soil samples and testing them for expansion potential by ASTM D4829.

Mitigation Measures MM 4.6-2 and **4.6-5** both discuss the requirement for preparation of a geotechnical study by a qualified geotechnical engineer. The geotechnical report would include an evaluation of soil conditions and discussion of expansive soils. The geotechnical report would provide, if required, recommendations to remedy these conditions if expansive soils are located on the Project site. The final designs would be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements would be provided to the onsite construction supervisor and the Kern County Building Inspector to ensure compliance. Therefore, with implementation of **Mitigation Measure MM 4.6-2** and **MM 4.6-5**, impacts would be less than significant.

Findings:

Mitigation Measure MM 4.6-2 and **MM 4.6-5** both mention that a geotechnical study to evaluate soil conditions and geologic hazards including an evaluation for expansive soils and provide recommendations consistent with CBC requirements to reduce potential adverse effects from expansive soils and the shrink swell potential be performed by a qualified geotechnical engineer on the Project site. All grading and construction onsite would adhere to the specifications, procedures, and site conditions contained in the final design plans, which would be fully compliant with the recommendations provided by the California-registered professional engineer in accordance with California and Kern County Building Code requirements. The required measures would encompass site preparation such as treatment of expansive soils or replacement with engineered fill. Therefore, with implementation of **Mitigation Measure MM 4.6-2** and **MM 4.6-5**, impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measures MM 4.6-2** and **MM 4.6-5**, as described above, will be incorporated into the Project to reduce potential impacts to less than significant.

Significant Effect:

Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, as defined in CEQA Guidelines Section 15064? (Impact 4.6-9).

Description of Specific Impact:

While the uppermost deposits from the Holocene alluvial fan deposits (Qf) on the Project site are too young to preserve significant paleontological resources and would not require the implementation of mitigation measures or paleontological monitoring, ground-disturbing activities associated with the construction of the proposed Project and excavation have the potential to unearth unknown paleontological resources. Although these excavations would likely be too shallow to impact most of the Kern River Formation, excavations at the anticipated depths may impact early Holocene and Pleistocene alluvial fans and the upper horizons of the Kern River Formation. These formations could contain, and activities could impact nonrenewable paleontological resources.

To prevent the damaging of any significant paleontological resources encountered during excavations and other ground-disturbing activities, **Mitigation Measures MM 4.6-9** and **MM 4.6-10** would be implemented, which require the retention of a qualified paleontologist, preparation and implementation of a Paleontological Resources Awareness Training program, and paleontological monitoring. If a paleontological resource is found, the Project would comply with **Mitigation Measure MM 4.6-11**, which outlines appropriate treatment of the resource, which first requires work to cease within a 50 foot buffer of the find. A qualified Paleontologist would then evaluate the resource, determine appropriate treatment measures, and prepare documentation of the find, ensuring that any recovered fossils are properly cataloged and donated to a qualified public, non-profit repository. This would ensure that inadvertent discovery of a paleontological resource would not result in a significant impact. Therefore, with implementation of **Mitigation Measures MM 4.6-9** through **MM 4.6-11**, the Project would not destroy a unique paleontological resource or site or unique geologic feature. Impacts would be less than significant.

Findings:

To avoid potential impacts on these resources, **Mitigation Measures MM 4.6-9** and **MM 4.6-10** would be implemented, requiring the retention of a qualified paleontologist, the preparation and implementation of a Paleontological Resources Awareness Training program, and paleontological monitoring during excavation. In the event a resource is encountered, the Project would comply with **MM 4.6-11**, which requires immediate work stoppage within 50 feet of the find, evaluation by a qualified paleontologist, appropriate treatment measures, and proper documentation and curation of any recovered fossils. Therefore, with the implementation of **Mitigation Measures MM 4.6-9** through **MM 4.6-11**, the Project would not destroy a unique paleontological resource, site, or geologic feature, and impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

EXHIBIT A

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measures will be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.6-9: Prior to the issuance of grading permits, the Project proponent shall retain a qualified Paleontologist, defined as a Paleontologist meeting the Society for Vertebrate Paleontology's Professional Standards (Society for Vertebrate Paleontology 2010), to carry out all mitigation measures related to paleontological resources. The qualified Paleontologist and the Lead Archaeologist may be the same individual:

a. Prior to the start of any ground-disturbing activities, the qualified paleontologist shall prepare a Paleontological Resources Awareness Training program for all construction personnel working on the proposed Project. A Paleontological Resources Awareness Training Guide approved by the qualified paleontologist shall be provided to all personnel. A copy of the Paleontological Resources Awareness Training Guide shall be submitted to the Kern County Planning and Natural Resources Department. The training guide may be presented in video form.
b. Paleontological Resources Awareness Training may be conducted in conjunction with the archaeological resources training.
c. The training shall include an overview of potential paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified Paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized fossil collecting or intentional disturbance of paleontological resources.
d. The Project applicant shall ensure all new on-site construction personnel who have not participated in earlier Paleontological Resources Awareness Trainings shall meet the provisions specified above.
e. The Paleontological Resources Awareness Training Guides shall be kept available for all personnel to review and be familiar with as necessary.

MM 4.6-10: During construction the qualified Paleontologist or designated monitor shall monitor all ground-disturbing activity (with the exception of vibratory or hydraulic installation of tracking or mounting structures and foundations or supports) that occurs at a depth of 5 feet or deeper below ground surface:

a. The duration and timing of monitoring shall be determined by the qualified Paleontologist in consultation with the Kern County Planning and Natural Resources Department and shall be based on a review of geologic maps and grading plans.

1. During the course of monitoring, if the paleontologist can demonstrate based on observations of subsurface conditions that the level of monitoring should be reduced, the Paleontologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances, as warranted.

b. Paleontological monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. The qualified Paleontologist shall have authority to temporarily divert excavation operations away from exposed fossils to collect associated data and recover the fossil specimens if deemed necessary.

c. Following the completion of monitoring, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to an appropriate repository such as the Natural History Museum of Los Angeles County.

MM 4.6-11: If a paleontological resource is found, the Project contractor shall cease ground-disturbing activities within 50 feet of the find. Construction activity may continue unimpeded on other portions of the Project Site. The qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Any fossils encountered and recovered shall be cataloged and donated to a public, non-profit institution with a research interest in the materials. Accompanying notes, maps, and photographs shall also be filed at the repository.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative geologic and soil impacts.

Description of Specific Impact:

Although the entire region is a seismically active area, geologic and soil conditions can vary widely within a short distance, making the cumulative context for potential impacts resulting from exposing people and structures to related risks one that is more localized and/or even site-specific. Development of the proposed Project, with implementation of the regulatory requirements discussed above, would result in less-than-significant impacts related to exposing persons or structures to geology, soils, or seismic hazards.

Similar to the proposed Project, other projects in the area would be required to adhere to the same State of California and Kern County Building Codes which would reduce the risk to people and property to less-than-significant levels. While future seismic events cannot be predicted, adherence to all federal, State, and local programs, requirements and policies pertaining to building safety and construction would limit the potential for injury or damage to a less-than-significant level. Adherence to all federal State, and local programs, requirements and policies pertaining to building safety and construction also would ensure the Project would not exacerbate any existing geologic condition and thus would not contribute to cumulative impacts in this regard. Furthermore, implementation of **Mitigation Measures MM 4.6-1** through **MM 4.6-7,** would further ensure the Project, combined with past, present, and other foreseeable development in the area, would not result in a cumulatively significant impact by exposing people or structures to risk related to geologic hazards, soils, and/or seismic conditions.

In addition, **Mitigation Measures MM 4.6-7** and **MM 4.6-8** include discussion of the installation of erosion control measures in accordance with an erosion control plan. Further, **Mitigation Measure MM 4.9-1** (see **Section 4.9**, *Hydrology and Water Quality* in the Final EIR), detail additional requirements related to erosion control. Thus, preparation of listed erosion control plans, plan checks, and monitoring and maintenance or erosion control measures, both during and post construction would ensure cumulative impacts on erosion are less than significant.

The geographic scope for cumulative effects to paleontological resources includes the southern portion of the San Joaquin Valley. Given similarities in geologic formations, this area is expected to contain similar paleontological resources. There is no temporal scope because direct impacts on paleontological resources are permanent. Cumulative impacts on paleontological resources in the study area could occur if other related projects, in conjunction with the Project, had or would have impacts on paleontological resources that, when considered together, would be significant. Development of the Project, in combination with other projects in the area, has the potential to contribute to a cumulatively significant paleontological resources impact due to the potential loss of paleontological resources unique to the region. However, **Mitigation Measures MM 4.6-9** through **MM 4.6-11** are included in this Draft EIR to reduce potentially significant Project impacts from the inadvertent discovery of paleontological resources to less than significant. This would minimize the potential for cumulative impacts to occur.

Finding:

With implementation of **Mitigation Measures MM 4.6**-1 through **MM 4.6-11**, and **MM 4.9-1** (see **Section 4.9***, Hydrology and Water Quality* in the Final EIR), the Project would not contribute to any cumulative impacts for geologic, seismic hazards or related events and paleontological resources.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. Implement **Mitigation Measures MM 4.6**-1 through **MM 4.6-11**, **MM 4.9-1** (see **Section 4.9***, Hydrology and Water Quality* in the Final EIR)., will be incorporated into the Project to lessen the cumulative impacts to a level that is less than significant.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

7. GREENHOUSE GAS EMISSIONS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None.

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

None.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect:

Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Impact 4.7-1)

Description of Specific Impact:

The proposed Project would generate approximately 4,114 MT CO_2e during construction. There is no existing or proposed construction-related climate impact threshold at this time. GHG emissions from construction represent a very small portion of a Project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions, which represent the vast majority of Project GHG emissions. Furthermore, construction GHG emissions are amortized over 30 years–which is the typical operational life of a project–and accounted for as part of operational GHG emissions. It should be noted that the analysis conservatively assumes that construction would begin in December 2025; as vehicle and equipment fuel efficiencies and emission control standards continue to incrementally improve

with each year, Project construction emissions are likely to decrease nominally should the construction schedule move to later years.

Operational or long-term emissions occur over the life of the Project. Project operations were modeled for the 2028 operational year, immediately following the completion of construction. The proposed Project would generate approximately 54,152 MT CO_2e per year after the inclusion of 137 MT CO_2e per year associated with amortized Project construction.

As there are no applicable GHG emission thresholds, emissions are presented for informational purposes only. As discussed above in **Section 4.2**, *Air Quality*, a number of mitigation measures are recommended to reduce air pollutant emissions which will also reduce GHGs. The Project would use electric-powered off-road equipment and target a construction waste diversion rate of 80% as part of **Mitigation Measure MM 4.7-1** and would require the installation of a clean energy power generation source (i.e. solar panels) to provide 100% of the Project's energy needs; or participate in Pacific Gas and Electric Company's (PG&E's) Solar Choice program to procure 100% of the Project's electricity needs from renewable energy as part of **Mitigation Measure 4.7-2**. **Mitigation Measure MM 4.2-2**, would require the preparation of a site-specific Dust Control Plan to reduce fugitive dust emission sources. **Mitigation Measure MM 4.2-3** aimed at reducing air pollutant emissions, would require proper equipment maintenance, set equipment use, and idling limits, and require the use of Tier 4 engines where available. **Mitigation Measure MM 4.2-4** would require drought-resistant native plant species to be utilized along major and arterial roadways to reduce demand for gas-powered landscaping equipment. **Mitigation Measure MM 4.2-7** would reduce ROG and NOx emissions by requiring all TRUs to be plug-in capable, loading bays to have electrical hookups, and limit idling time with clear signage indicating restrictions on-site. **Mitigation Measures MM 4.5-1** and **MM 4.5-2** (see **Section 4.5**, *Energy* in the Final EIR) would require the incorporation of energy-efficient building design standards and CALGreen Standards into Project design and operations, including electrified EV chargers for 22% of the electric vehicle-capable spaces with electric vehicle supply equipment. Quantitative reductions associated with many of these measures are not available within the CalEEMod database, therefore emissions estimated for the Project are conservative.

As previously discussed, the SJVAPCD does not have a currently valid method for determining whether the proposed Project would be a cumulatively considerable contributor or whether the proposed Project contributes to solving the cumulative problem of climate change, taking into consideration the State's long-term climate goal of carbon neutrality by 2045.

In addition, the County does not have a Qualified GHG Reduction Strategy that meets the criteria set forth in CEQA Guidelines Section 15183.5(b). CEQA does not require the County to utilize achieving net-zero GHG emissions as a significance threshold to evaluate the Project. Moreover, Lead Agencies have the discretion to formulate their own significance thresholds (State CEQA Guidelines Section 15064.7(b)). The determination by a lead agency of whether a project may have a significant effect on the environment calls for careful judgment, based to the extent possible, on scientific and factual data (State CEQA Guidelines Section 15064(b)(1)). Thus, establishing a single threshold of significance, while desirable in certain instances, may not be possible for every environmental impact, because the significance of an impact may vary with the setting. The final determination of whether a project is significant is within the purview of the County, as lead agency pursuant to Section 15064(b) of the CEQA Guidelines.

The proposed Project would demonstrate consistency with a variety of County and State plans and policies that are in place to reduce GHG emissions from land use development and meet longer term goals. As discussed above, the Project has implemented all feasible and applicable measures to reduce GHG emissions, including **Mitigation Measures MM 4.7-1** and **MM 4.7-2; MM 4.2-2** through **MM 4.2-5** and **MM 4.2-7**, **MM 4.5-1** and **MM 4.5-2;** and in accordance with CEQA Guidelines Section 15130, any further feasible emissions reductions would be accomplished through CARB regulations adopted pursuant to AB 32.

However, when compared to relevant climate goals related to reducing GHG emissions from mobile sources, the proposed Project would be inconsistent with the targets set forth in the CARB 2022 Scoping Plan due to a significant and unavoidable VMT impact. Therefore, despite implementation of all feasible mitigation measures, the Project would result in GHG emissions that would constitute a significant and unavoidable impact.

Additionally, **Mitigation Measure MM 4.16-1**, which would require intersection and roadway improvements, and **Mitigation Measure MM 4.16-3**, which would require the preparation of a Transportation Demand Management program, would both aim to would facilitate better roadway capacity and reduce employee trips and therefore associated mobile source emissions.

Finding:

The proposed Project would demonstrate consistency with a variety of County and State plans and policies that are in place to reduce GHG emissions from land use development and meet longer term goals. However, the proposed Project would not be consistent with the 2022 Scoping Plan, as it will not be feasible to electrify all transportation—in specific, the trucks—that will be associated with operation of the Project. Furthermore, the proposed Project would have not meet employee VMT reduction targets. When compared to relevant climate goals related to reducing GHG emissions from mobile sources, as discussed above, the proposed Project would be inconsistent with the targets set forth in the RTP/SCS.

Level of Significance:

Impacts would be significant and unavoidable.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. The impact of this Project on Greenhouse Gases remains significant and unavoidable with the implementation of **Mitigation Measures MM 4.2-2** through **MM 4.2-5**, **MM 4.5-1** and **MM 4.5-2**, **MM 4.16-1** and **MM 4.16-3**, and

MM 4.7-1: Includes the following:

a. Prior to issuance of occupancy permits, the Project developer shall require and disclose to all tenants/business entities that only electric-powered off-road equipment (e.g. forklifts, material handling equipment, etc.) shall be utilized

for all indoor and outdoor activities on the project site for daily warehouse and business operations and a copy of disclosure documents shall be submitted to the Planning and Natural Resources Department to be kept on file.

b. Prior to issuance of grading permits, the Project construction's General Contractor shall target a construction waste diversion rate of 80 percent. A monthly construction report shall be provided to the County documenting total waste generated, types of waste streams, and total waste recycled.
c. During operation and to the extent feasible for safe warehouse operations, automatic light switches shall be incorporated into the Project.
d. During operation, any equipment containing greater than five pounds of refrigerant, procured or installed, shall be tagged so that Project applicant and tenant can identify and verify all installed equipment.(RTC 8/28/2026)

MM 4.7-2: Prior to the issuance of grading and building permits for the Project, documentation shall be provided to the Kern County Planning and Natural Resources Department demonstrating the proposed Project will implement one of the following measures:

a. Install solar panels, solar hot water, or other clean energy power generation sources on the proposed Project site to provide 100% of the proposed Project's energy needs; or
b. Participate in Pacific Gas and Electric Company (PG&E) Solar Choice program for nonresidential (i.e., 100 percent carbon-free electricity) for electricity accounts associated with the Project to procure 100 percent of the proposed Project's electricity needs from renewable energy.

Significant Effect:

Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas? (Impact 4.7-2)

Description of Specific Impact:

The proposed Project would be inconsistent with the CARB 2022 Scoping Plan due to a significant and unavoidable VMT impact. Despite implementation of **Mitigation Measure MM 4.16-1**, which would require intersection and roadway improvements to facilitate better roadway capacity, and **Mitigation Measure MM 4.16-3**, which would require the preparation of a Transportation Demand Management (TDM) program to reduce employee trips (i.e. alternative-mode subsidies and incentives, travel behavior change program, preferential carpool/vanpool parking spaces), there are no additional feasible or enforceable VMT-reduction measures available that would reduce the impact to a less than significant level. Furthermore, the VMT analysis does not account for truck trips, which represent a significant portion of GHG emissions. When compared to relevant climate goals related to reducing GHG emissions from mobile sources, the proposed Project would be inconsistent with the targets set forth in the CARB 2022 Scoping Plan. Therefore, the Project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and would result in a significant and unavoidable impact.

Finding:

The proposed Project would be inconsistent with the Kern County RTP/SCS and would be inconsistent with the 2022 Scoping Plan due to significant VMT impacts and non-electric vehicular emissions because it will not be feasible to electrify all transportation—in specific, the trucks—that will be associated with operation of the proposed Project. When compared to relevant climate goals related to reducing GHG emissions from mobile sources, as discussed above, the proposed Project would be inconsistent with the targets set forth in the RTP/SCS. Although the proposed Project would be required to implement TDM program to reduce VMT, it is unclear whether the TDM program would reduce Project VMT to below thresholds. Furthermore, the VMT analysis does not account for truck trips, which represent a significant portion of GHG emissions.

Level of Significance:

Impacts would be significant and unavoidable.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. The impact of this Project on Greenhouse Gases remains significant and unavoidable even with **Mitigation Measures MM 4.16-1** and **MM 4.16-3**.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

None.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative Greenhouse Gas Emissions.

Description of Specific Impact:

Without the necessary science and analytical tools, it is not possible to assess, with certainty, whether the Project's contribution would be cumulatively considerable within the meaning of *CEQA Guidelines* Sections 15065(a)(3) and 15130. CEQA, however, does note that more severe environmental problems have lower thresholds for determining that a project's contribution to cumulative impacts is significant. Given the position of the legislature in AB 32, which states that global warming poses serious detrimental effects, and the requirements of CEQA for the lead agency to determine that a project does not have a cumulatively considerable contribution, the effect of the Project's total emissions of 53,967 $MTCO_2e$ per year could be considered cumulatively considerable. This determination is based on the lack of clear

scientific or other criteria for determining the significance of the Project's contribution to global climate change. This impact is therefore considered cumulatively potentially significant.

Finding:

The proposed Project's greenhouse gas (GHG) emissions would contribute to global climate change, which is inherently a cumulative and worldwide issue. While the Project's annual emissions of 53,853 $MTCO_2e$ would not, on its own, result in direct and significant global climate change, CEQA requires that cumulative GHG impacts be evaluated in the context of past, present, and reasonably foreseeable projects within the San Joaquin Valley Air Basin and beyond. Due to the lack of specific scientific thresholds for determining the significance of a single project's contribution to global climate change, the Project's contribution to cumulative GHG emissions is considered potentially significant. Even with implementation of feasible design features and mitigation measures, the cumulative impact remains significant and unavoidable. Any additional reductions in GHG emissions would rely on regulatory programs such as those adopted by CARB pursuant to AB 32, rather than project-specific mitigation.

Level of Significance:

Impacts would be significant and unavoidable.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. The impact of this Project on Greenhouse Gases remains significant and unavoidable even with **Mitigation Measures MM 4.7-1** and **MM 4.7-2**, **MM 4.2-2** through **MM 4.2-5** and **MM 4.2-7**, **MM 4.5-1** and **MM 4.5-2**, and **MM 4.16-1** and **MM 4.16-3.**

8. HAZARDS AND HAZARDOUS MATERIALS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project emit hazardous emissions or involves handling hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school? (Impact 4.8-3).

Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment? (Impact 4.8-4).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Impact 4.8-1).

Description of Specific Impact:

Construction of the proposed Project would not involve the routine transport, use, or disposal of substantive quantities of hazardous materials, as defined by the Hazardous Materials Transportation Uniform Safety Act. Most of the hazardous materials used by the Project would occur during the temporary construction period. This would include use of non-acutely hazardous materials such as gasoline, diesel fuel, oils, lubricants, solvents, detergents, degreasers, paints, ethylene glycol, dust palliative, herbicides, and welding materials/supplies that are commonly uses during the various stages of construction.

Overall, the relatively limited use and small quantities of hazardous materials, and subsequently transport and disposal of such materials, during construction would be controlled through compliance with applicable regulations including the Kern County and Incorporated Cities Hazardous Waste Management Plan. As such, impacts during construction would be less than significant.

Fuels and lubricants used in operations would be subject to the Spill Prevention, Containment, and Countermeasure (SPCC) Plan to be prepared for the proposed Project, as required by **Mitigation Measure MM 4.8-1** listed below. All hazardous waste would be either recycled or disposed of at a permitted and licensed treatment and/or disposal facility. All hazardous waste shipped off-site for recycling or disposal would be transported by a licensed and permitted hazardous waste hauler and disposed of at an approved location. To mitigate any potential impacts related to the use of hazardous materials, **Mitigation Measure MM 4.8-2**, requires that any hazardous materials be stored and managed properly as well as Material Safety Data Sheets be on site. Additionally, **Mitigation Measure MM 4.8-3,** requires the applicant to consult with the Kern County Public Health Services Department – Environmental Health Division to determine the need to prepare a Hazardous Materials Business Plan (HMBP) that would describe proper handling, storage, transport, and disposal techniques; methods to be used to avoid spills and minimize impacts in the event of a spill. If needed, the Plan would ensure that all handling, storage, and disposal of hazardous materials would be conducted in accordance with proven practices to minimize exposure to maintenance workers and/or the public. As such, impacts during operation would be less than significant with mitigation.

Finding:

Overall, adherence to regulations and standard protocols during the storage, transportation, usage of any hazardous materials, and disposal, and implementation of **Mitigation Measures MM 4.8-1** through **MM 4.8-3, MM 4.18-4**, the Project would not create a significant hazard to the public or the environment. Therefore, impacts would be less than significant with mitigation.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation measures be applied to the Project to reduce the potential impacts caused by the use of hazardous materials. Incorporation of the following mitigation measure will reduce the impacts to a less than significant level.

MM 4.8-1: Prior to the issuance of grading or building permits related to facilities requiring a Spill Prevention Control and Countermeasures Response Plan, the Project proponent shall prepare and submit a Spill Prevention Control and Countermeasures Response Plan to the Kern County Public Health Services Department. Environmental Health Division, and the California Department of Water Resources, for review and approval by those agencies. The Project proponent shall ensure the Project is implemented in compliance with the approved Spill Prevention Control and Countermeasures Response Plan.

MM 4.8-2 Prior to the issuance of building permits, the Project proponent shall ensure any hazardous materials be stored properly and Material Safety Data Sheets shall be on site. Hazardous waste shall be managed properly. Training shall be provided to all personnel involved in handling any hazardous materials or waste.

MM 4.8-3 The project proponent shall consult with the Kern County Public Health Services Department – Environmental Health Division – Hazardous Materials Program. If required, the Project proponent shall submit a Hazardous Materials Business Plan to the Kern County Environmental Health Division Hazardous Materials program and with the California Environmental Reporting System (CERS) for hazardous materials/waste stored on site. This Business Plan, as applicable, shall be submitted within 30 days of operation.

Significant Effect:

Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Impact 4.8-2).

Description of Specific Impact:

The Phase I Environmental Site Assessment (ESA) prepared for the Project site did not identify RECs or Controlled Recognized Environmental Conditions (CRECs). In addition, the Phase I did not identify any evidence of a leak, spill, or release, or material threat of a future release from the adjacent Shell tank farm or within the petroleum product pipelines. While these facilities do not represent REC's, they were identified as Business Environmental Risks (BERs) in the Phase I report. The Phase I report did identify small areas with stained soil along the roadways adjacent to the Project site. Based on the size, color, and location, it appeared to be from vehicle parking. While these were considered de minimis conditions, the

Project would include **Mitigation Measure MM 4.8-4**, that requires additional testing and proper disposal if unknown contaminated soils are discovered.

Construction of the Project will result in disturbance and excavation of the Project site. Although there are no known hazardous materials, there is the potential for such materials to be disturbed during ground disturbance and grading. Potentially significant impacts also could result from operation of equipment and machinery from the accidental release of materials, such as cleaning fluids and petroleum products including lubricants, fuels, and solvents. Implementation of established construction controls would reduce the risk of hazardous materials spills and releases during Project construction. Implementation of **Mitigation Measure MM 4.8-4** would ensure that proper procedures are followed if suspect materials or wastes of unknown origin are discovered during construction. Therefore, impacts during construction would be less than significant with mitigation.

Nearby sensitive receptors could be exposed to pollutant emissions during construction of the Project, resulting in a potentially significant impact. An adverse risk related to exposure to hazardous materials could result from the grading of the site, the application of herbicides, or other construction processes because of the distance between the sensitive receptors and the Project site. Implementation of **Mitigation Measure MM 4.3-4** would ensure that proper procedures are followed when using herbicides.

The Project site contains two plugged former oil/gas wells (well #35-16 and well #35-17). Based on the aerial photos provided in the Phase I ESA, it does not appear either well is active or that pumps were installed. Because oil extraction did not occur from either of the listed wells, and the wells were plugged, abandoned, and sealed immediately following drilling, it is not anticipated that the immediate vicinity would contain hazardous materials from those activities. Nonetheless, in correspondence received from the California Department of Conservation – Geologic Energy Management Division dated March 26, 2025, on the Notice of Preparation, the division recommended any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. While the Phase I report did not note the presence of REC in these areas or evidence of soil staining that would be indicative of a spill, the Project includes **Mitigation Measure MM 4.8-4**, which requires immediate stoppage of work in proximity of a discovery of any unknown potential hazardous materials and notification to proper authorities.

The Project includes **Mitigation Measure MM 4.8-5**, requires the existing wells be reevaluated to determine if the existing plugged and abandoned wells have leaked and to coordinate with the California Department of Conservation, California Geologic Energy Management Division (CalGEM) regarding additional testing and remediation. **Mitigation Measure MM 4.8-6** requires coordination with CalGEM to determine if reabandonment is required prior to construction. This Project requires documentation to demonstrate that plugged or abandoned oil and gas wells has been avoided, and/or that remediation of wells meets current CalGEM standards. Accordingly, interaction between the applicant, local permitting agencies, and CalGEM would resolve the potential for hazards or other well related land use conflicts and interfere with development and operation of the Project. **Mitigation Measure MM 4.8-7** requires a note to be placed on construction documents to alert CalGEM if any plugged and abandoned or unrecorded wells are uncovered or damaged. Therefore, conformance with applicable requirements and implementation of **MM 4.8-5, MM 4.8-6, and MM 4.8-7,** will ensure impacts associated with development of the Project in proximity to the wells are less than significant.

Mitigation Measures MM 4.8-8 through **MM 4.8-11** include BMPs that would ensure that hazardous materials used on-site during operation would neither be released into the environment nor expose construction personnel to hazardous materials. Overall, adherence to regulations and standard protocols during the storage, transportation, and usage of any hazardous materials, and implementation of **Mitigation Measures MM 4.8-1** through **MM 4.8-11** would minimize or reduce potential impacts related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials, to less than significant.

Any materials and substances used by the end user of the Project would be subject to applicable health and safety requirements. Compliance with applicable federal, local, and State requirements and the zoning of the Project site would ensure no significant hazards to the public or the environment are created through the routine transport, use, or disposal of hazardous materials. Thus, the operational impacts of the Project would be less than significant.

Finding:

Overall, adherence to regulations and standard protocols during the storage, transportation, and usage of any hazardous materials, and implementation of **Mitigation Measure MM 4.3-4** and **Mitigation Measures MM 4.8-1** through **MM 4.8-11** would minimize or reduce potential impacts related to reasonably foreseeable upset and accident conditions involving the release of hazardous materials, to a less-than-significant level.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measure MM 4.3-4** (**Section 4.3**, *Biological Resources*, in the Final EIR for full mitigation measure text), **Mitigation Measures MM 4.8-1** through **MM 4.8-3** as described above, and the following mitigation measures will be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.8-4: The Project proponent shall continuously comply with the following:

If suspect materials or wastes of unknown origin are discovered during construction on the Project site, which is thought to include hazardous waste materials the following shall occur:

a. All work shall immediately stop in the vicinity of the suspected contaminant;
b. Project Construction Manager shall be notified;
c. Area(s) shall be secured as directed by the Project Construction Manager;
d. Notification shall be made to the Kern County Environmental Health Services

Division/Hazardous Materials Section for consultation, assessment, and appropriate actions; and,

e. Copies of all notifications and correspondence shall be submitted to the Kern County Planning and Natural Resources Department.

MM 4.8-5: The Project proponent shall continuously comply with the following:

a. The Project proponent shall not build any structure within 10 feet of the existing plugged and abandoned well located within the Project boundaries.
b. Prior to permit approval, the Project proponent/operator shall consult with California Geologic Energy Management Division to determine if well testing is necessary to verify that no harmful substances, such as gas or oil, are leaking from the existing plugged wells onsite. If testing is required, the results of the well test shall be submitted to the California Geologic Energy Management Division for review and approval. A copy of California Geological Energy Management Division's approval shall be submitted to the Kern County Planning and Natural Resources Department.
c. Surveyed locations of wells shall be provided to the California Geologic Energy Management Division in Latitude and Longitude, North American Datum 83 decimal format.
d. Any wells found leaking shall be reported to California Geologic Energy Management Division immediately. Any wells that do not meet the aforementioned testing requirements shall be resealed and properly plugged and re-abandoned consistent with California Geologic Energy Management Division requirements. However, if there is evidence of contaminants found during testing, the qualified consultant shall prepare a report detailing the results of the testing and a work action plan to remediate any contamination found and to plug the wells. Any soil containing hydrocarbons shall be disposed of in accordance with local, state, and federal laws. The completed report and work action plan will be submitted to California Geologic Energy Management Division and the Kern County Department of Planning and Natural Resources for comment and review.
e. All final stamped and approved Project design plans will be provided to the California Geologic Energy Management Division for the record.
f. If during construction activities, any new wells are encountered, all work shall cease in the vicinity of the well, and the Project proponent would immediately notify the California Geologic Energy Management Division's C construction site well review engineer in the Inland District Office, and file for California Geologic Energy Management Division review of an amended site plan with well casing diagrams.

MM 4.8-6: Prior to initiating ground disturbing activities, the Project applicant shall provide to the Director of Planning and Natural Resources documentation demonstrating that coordination with California Department of Conservation, Geologic Energy Management Division (CalGEM) has been successfully completed regarding the

avoidance and/or remediation of abandoned oil wells within the Project boundary. The documentation shall state that proposed construction above or near plugged or abandoned oil and gas wells has been avoided, and/or that remediation of wells (as applicable) meets current CalGEM standards.

MM 4.8-7: The following note shall appear on all final maps and grading plans:

> *If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, the California Department of Geologic Energy Management Division (CalGEM) will be contacted to inspect and approve any remediation required.*

MM 4.8-8: Prior to grading or excavating the Underground Service Alert One-call center shall be contacted. The proposed excavation area shall be delineated with white marking paint or with other suitable markers such as flags or stakes at least two days prior to commencing any excavation work. A "Dig Alert" ticket number would be issued at the time Underground Service Alert is contacted. Excavating is not permitted without this ticket number and is valid for twenty-eight days. Underground Service Alert would notify its member utilities having underground facilities in the area. Underground Service Alert does not notify nonmember utilities or energy companies, or Caltrans.

MM 4.8-9: Prior to the issuance of both grading and building permits, the Project proponent shall prepare notification requirements should the rupturing of a pipeline occur during excavation and construction activities, the Kern County Fire Department and Pacific Gas and Electric Company (PG&E should be contacted immediately. Natural gas transmission pipeline rupture most often indicates an emergency situation and 9-1-1 should be dialed. If an emergency is not indicated, the Kern County Fire Department Meadows Field Station 62, located at 1652 Sunnyside Court, should be contacted at (661) 393-9311. Or at the non- Emergency telephone number (661) 324-6551. The Project proponent shall follow all safety and cleanup regulations.

MM 4.8-10: Prior to the issuance of grading permits, on-site water wells inadvertently discovered on site that are not to be used for irrigation or industrial purposes shall be destroyed in accordance with California Well Standards as governed by the California Department of Water Resources and permit requirements of the Kern County Environmental Health Services Division.

MM 4.8-11: Prior to the issuance of building permits, the Project proponent shall prepare notification requirements should asbestos containing materials be identified during construction. The San Joaquin Valley Air Pollution Control District shall be contacted for removal and disposal procedures. These procedures shall be followed in order to eliminate asbestos exposure to construction workers and surrounding workers and residents.

Significant Effect:

For a project located within the adopted Kern County Airport Land Use Compatibility Plan, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (Impact 4.8-5).

Description of Specific Impact:

The nearest aircraft operation facility identified by the Kern County Airport Land Use Compatibility Plan (ALUCP) is Meadows Field Airport, which is a public use airport and is located approximately 0.3 miles west of the Project site. The Project is located within the H (Airport Approach Height) Combining District, which is intended to minimize aviation hazards by regulating land uses, restricting the height of buildings and vegetation, and specifying design criteria necessary to promote aviation safety and to implement the requirements of the adopted ALUCP. The proposed Project has a maximum height of 60 feet which conforms to Section 19.38.080, Height Limits, in the M-2 Base District of the Kern County Zoning Ordinance.

Due to the distance from the airport, conformance to the design and review process, and coordination with the FAA as prescribed below in **Mitigation Measure MM 4.8-12** the Project would not result in the development of structures that would result in safety hazards for airport operations, aircraft flying in the vicinity, or for people residing or working in the Project area. Therefore, with the implementation of the listed mitigation, impacts would be less than significant.

Finding:

The Project is located within the Sphere of Influence (SOI) for the Meadows Field Airport as described in the ALUCP. However, **Mitigation Measure 4.8-12** would be implemented to ensure that the Project would not interfere with any Meadows Field Airport operations. Therefore, hazard impacts in this regard are less than significant with mitigation.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measure will be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.8-12: Prior to issuance of building and grading permits for portions of the Project that meet the Federal Aviation Administration's noticing requirements, the Project proponent/operator shall comply with the following:

a. Submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17.
b. Obtain a Federal Aviation Administration issued "Determination of No Hazard to Air Navigation" or make the Federal Aviation Administration's recommended changes to the Project.
c. Provide documentation to the Kern County Planning and Natural Resources Department demonstrating the Project would comply with the Kern County Zoning Ordinance Figure 19.08.160 that all Project components in the flight area would create no significant military mission impact and a copy of the site plan has been provided to the appropriate military authority responsible for operations in the flight area.
d. Provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plan has been provided to the operators of Meadows Field Airport.

Significant Effect:

Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? (Impact 4.8-6).

Description of Specific Impact:

To ensure that the Project would not impair emergency access, the Project includes **Mitigation Measure MM 4.8-13**, which requires the development and implementation of a Fire Safety Plan, ensuring that procedures and emergency fire precautions are implemented that can also be applied should other emergency evacuations occur, such as dam failure discussed above. Additionally, to ensure construction activities do not impede an emergency response plan, the Project, as described in **Section 4.16**, *Transportation and Traffic*, implementation of **Mitigation Measure MM 4.16-4** requires the preparation and implementation of a Construction Traffic Control Plan. Implementation of this mitigation measure would minimize the potential for the Project to interfere with an adopted emergency response plan or emergency evacuation plan.

Thus, the proposed Project would not interfere with any existing and applicable emergency response plans, emergency vehicle access, or impair emergency personnel access to the Project site. The Project site is located in a dispersed industrial area with driveways off all existing adjacent roads that could be used in the event of an emergency. Impacts related to impairment of the implementation of, or physical interference with, an adopted emergency response plan or emergency evacuation plan would be less than significant.

Finding:

Direct access to the Project site would be maintained via existing roadways, and emergency vehicles could reach the site using Airport Drive, Petrol Road, Landings Way, and Merle Haggard Drive, with nearby fire and police services located within reasonable response distances. The Project would not impede emergency

response or evacuation and would comply with applicable emergency plans, including the County's Emergency Operations Plan and the Kern Multi-Jurisdiction Hazard Mitigation Plan. To ensure continued emergency access, **Mitigation Measure MM 4.8-13** requires preparation of a Fire Safety Plan, and **Mitigation Measure MM 4.16-4** requires a Construction Traffic Control Plan. With implementation of these measures, impacts related to emergency response or evacuation would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **MM 4.16-4** and the following Mitigation Measure will be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.8-13 Prior to the issuance of grading permits, the Project proponent shall develop and implement a Fire Safety Plan for use during construction and operation.

The Project proponent shall submit the plan, along with maps of the Project site and access roads, to the Kern County Fire Department for review and approval. The Fire Safety Plan shall contain notification procedures and emergency fire precautions, including, but not limited to, the following:

a. All internal combustion engines, both stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order.
b. Light trucks and cars with factory-installed (type) mufflers shall be used only on roads where the roadway is cleared of vegetation. These vehicle types shall maintain their factory-installed (type) mufflers in good condition.
c. Fire rules shall be posted on the Project bulletin board at the contractor's field office and in areas visible to employees.
d. Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials.
e. Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires to prevent them from growing into more serious threats.
f. The Project proponent shall minimize the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.

Significant Effect:

Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? (Impact 4.8-7).

Description of Specific Impact:

The Project site and surrounding area is predominantly flat with little topographic variation including steep hills of slopes. The vegetation on the Project site dominated by low growing weedy invasive plants species including wild oats and annual brome grassland. Because of these characteristics, the Project would not result in a substantial increase the risk of wildfire or exacerbate any existing wildfire hazards. **Mitigation Measure MM 4.8-13** would further reduce the potential for impact by requiring a Fire Safety Plan that would be implement during construction and through operation of the Project. The purpose of the Fire Safety Plan would be to eliminate causes of fire, prevent loss of life and property by fire, to comply with County and County Fire Protection District standards and to comply with the Occupational Safety and Health Administration (OSHA) standard of fire prevention, 29 CFR 1910.39. The Fire Safety Plan would address fire hazards of the different components of the Project and would include BMPs to reduce the potential for fire and extinguishment techniques if a fire were to occur. Thus, due to the existing conditions on the Project site, surrounding development, and with implementation of proposed mitigation, potential impacts from wildfire would be less than significant level.

Finding:

The Project site is flat, largely urban-adjacent, and dominated by low-growing invasive grasses, with no steep terrain or dense vegetation that would elevate wildfire risk. Although the site spans High, Moderate, and undesignated Fire Hazard Severity Zones, surrounding development and similar low-fuel conditions further reduce wildfire potential. To ensure risks remain minimized, **Mitigation Measure MM 4.8-13** requires preparation and implementation of a Fire Safety Plan during construction and operation, outlining fire prevention practices and compliance with applicable safety standards. With this measure in place, wildfire-related impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measure MM 4.8-13** would be incorporated into the Project to reduce potential impacts to less than significant.

Significant Effect:

Would the project generate vectors (flies, mosquitoes, rodents, etc.) or have a component that includes agricultural waste. Specifically, the project would exceed the following qualitative threshold: The presence of domestic flies, mosquitoes, cockroaches, rodents, and/or any other vectors associated with the project is significant when the applicable enforcement agency determines that any of the vectors:

i. Occur as immature stages and adults in numbers considerably in excess of those found in the surrounding environment; and
ii. Are associated with design, layout, and management of project operations; and
iii. Disseminate widely from the property; and
iv. Cause detrimental effects on the public health or well-being of the majority of the surrounding population? (Impact 4.8-8).

Description of Specific Impact:

Waste generated from workers would be initially collected within the building interiors of the site and disposed of within enclosed outside bins. The outside waste collection areas also would be cleaned to remove spilled or remnant waste materials and minimize the potential to attract vectors. Waste materials also would be generated by the workers and patrons of the quick-serve restaurant. Similar to the warehouse, waste would initially be collected inside and then transferred to outdoor bins. Although the quick-serve waste would contain more food waste that are attractants to vectors, the bins would be emptied daily and similarly cleaned to wash away spills and other debris. Both waste bins at the quick-serve restaurant and bins at the warehouse would be served by a local waste hauler and for disposal at a licensed facility.

Regarding other vector attractants, the Project includes detention basins that will be used to control surface water runoff during storm events. Other stormwater drainage facilities include ribbon gutters, catch basin inlets, and underground pipes. All runoff would be directed toward underground infiltration basins located within the parking areas around the site. Conduction of the water to these underground basins would reduce the potential for standing water to collect and minimize use by mosquitos or other insects that could transmit diseases.

To further mitigate any potential impacts, the Project would include **Mitigation Measure MM 4.8-14,** which includes measures for establishing a trash handling and removal processes during construction, operation, and maintenance. As a result of the small amount of waste being produced on-site and the implementation of **MM 4.8-14**, the impacts from nuisances related to trash would be less than significant. Lastly, the Project also includes **MM 4.8-14,** which requires the preparation of a Vector Control Plan which would ensure that mosquito attractants, such as standing or ponded water, and other vector attractants are minimized. With the listed design features and associated mitigation, impacts would be less than significant.

Finding:

The Project would generate limited waste during construction and operation, with materials collected in enclosed containers and regularly hauled to licensed facilities, minimizing the potential to attract vectors. Detention basins and underground drainage infrastructure would be designed to avoid standing water,

further reducing mosquito breeding conditions. To ensure proper long-term management, **Mitigation Measure MM 4.8-14** would require preparation of a Vector Control Plan and would ensure that standing water and large quantities of trash do not accumulate onsite. With these measures in place, impacts related to trash and vector attraction would be less than significant.

Level of Significance After Mitigation:

Less than significant**.**

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measures would be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.8-14: Prior to the issuance of grading permits, the Project proponent shall prepare a Vector Control Plan and submit it to the Kern County Planning and Natural Resources Department, Kern County Environmental Health Services Department, and Kern Mosquito Abatement District for review and approval. The approved Plan shall be implemented and shall require the following during Project construction:

a. During Project construction, the Project proponent shall ensure that trash is stored in closed containers and removed from the site at regular intervals.
b. Open containers shall be inverted and construction ditches shall not be allowed to accumulate water. Construction activities shall not generate standing water.
c. The Project proponent shall ensure that standing water and large quantities of trash do not accumulate onsite. Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week.
d. Project compliance shall be verified by the Kern County Public Works Department during the course of that agency's performance of any on-site inspections.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative hazards and hazardous materials impacts.

EXHIBIT A

Description of Specific Impact:

Potential impacts stemming from the routine transport, use, or disposal of hazardous materials would be considered less than significant. As stated previously, the proposed Project would use typical hazardous materials during the construction phase such as gasoline, diesel fuel, oils, lubricants, solvents, detergents, degreasers, paints, ethylene glycol, dust palliative, herbicides, and welding materials/supplies. Use of these hazardous materials would be subject to the Material Disposal and Solid Waste Management Plan and other measures to limit releases of hazardous materials and wastes. During the operation phase, the proposed Project would also produce a small amount of hazardous waste associated with maintenance activities, which could include paint, solvents, cleaners, and waste oil. These materials will be stored and disposed of according to applicable regulations. With the implementation of **Mitigation Measures MM 4.8-2** through **MM 4.8-5,** which consist of the Project operator preparing and maintaining a SPCP and HMBP Plan as well as proper storage and handling of hazardous materials, the potential impacts would be less than significant. Additionally, **Mitigation Measure MM 4.6-8** would require the preparation of a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion, addressing drainage and runoff.

Both construction and operation of the proposed Project would have the potential to accidently release hazardous materials into the environment. These include lubricants, paint, solvents, cleaners, and fuel. To mitigate any potential impacts, **Mitigation Measure MM 4.8-4** through **MM 4.8-10** and **MM 4.9-1** would be implemented.

The Project is located approximately 0.9-mile from the nearest school, and it would not disrupt a hazardous materials site on the Cortese list pursuant to Government Code Section 65962.5, the nearest of which is located approximately 6.5 miles to the south. Thus, the Project would not make a cumulative contribution to either of these impacts.

The Project is located within the adopted Kern County ALUCP and although the Project site is with the SOI of the Meadows Field Airport, implementation of **Mitigation Measure MM 4.8-11** would ensure coordination with the FAA and the County's Planning and Natural Resources Department, which would ensure the Project use, density, and structures heights does no individually, or taken with other past, present, and reasonably foreseeable Projects pose a threat to airport operations. As result, the associated cumulative impacts would be less than significant, and no additional mitigation would be required.

As proposed, the Project would not interfere an existing emergency response plan or an emergency evacuation route needed for any scale emergency. The Project includes mitigation to further ensure potential impacts remain less than significant. **Mitigation Measure MM 4.16-4**, (See **Section 4.16** – *Transportation*) which requires preparation of a Construction Traffic Control Plan. Additionally, the Project would implement **Mitigation Measure MM 4.8-12**, which requires the development and implementation of a Fire Safety Plan, ensuring that procedures and emergency fire precautions are implemented. Other projects within the cumulative Project area also would be anticipated to implement similar measures, such that the combination of effects would not be cumulatively considerable. Therefore, impacts would be less than significant, and no additional mitigation would be required.

The potential impacts from the Project that would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires would be considered less than significant. The Project is not located within or near an SRA or LRA that is classified as a very high fire hazard severity zone. The revised 2025 CalFire FHSZ maps show portions of the Project site in High, Moderate, and undesignated area of the LRA. The Project site and surrounding areas is generally flat and urbanized. Undeveloped areas surrounding the Project site, generally to the northwest, also appear to consist of similar vegetative patterns with low growing grassy vegetation. Further, the Project would include **Mitigation Measures MM 4.8-12** and **MM 4.14-1**, which would reduce the potential for wildfire and hence, the Project would not combine with past, present or reasonably foreseeable projects to result in cumulative impacts associated with wildfire. Impacts would be less than significant and additional mitigation is not required.

The proposed Project includes detention basins that could, if not properly managed, attract vectors (i.e. flies, mosquitoes, and rodents) that could spread disease. If not effectively managed, cleaned, and maintained these Project elements could combine with past, present, and reasonably foreseeable impacts and result in cumulative impacts. However, the Project includes design elements, such as using underground basins to store runoff, as well as includes mitigation to reduce potential impacts. **Mitigation Measure MM 4.8-14** requires the preparation of a Vector Control Plan. Runoff from rain events would only be preliminarily retained and then conducted to underground basins, thereby reducing the potential for ponding and creating stagnant standing water which could attract mosquitos and other insects. Thus, with these Project design elements and implementation of **Mitigation Measure MM 4.8-14**, the Project would not make a substantial contribution to cumulative impacts in this regard, and impacts would be less than significant.

Other projects in vicinity of the Project site would also have to conform with applicable safe handling requirements for hazardous and potentially hazardous materials. These projects would also conform to applicable standards related to the Kern County ALUP for Meadows Field, and would undergo the planning and review process prior to any approval by the County. Therefore, taken in conjunction with past, present, and reasonably foreseeable projects, the proposed Project would not make a cumulatively considerable contribution to hazards and hazardous material impacts. Cumulative impacts would be less than significant. Conformance with existing State and County regulations, as well as implementation of **MM 4.3-4** (**Section 4.3**, *Biological Resources*, in the Final EIR for full mitigation measure text), **MM 4.6-8**, of **Section 4.6**, *Geology and Soils,* in the Final EIR (Soil Erosion and Sedimentation Control Plan), **MM 4.8-1** through **MM 4.8-13**, **MM 4.14-1** of **Section 4.14**, *Public Services* (Fire Safety Plan), and **MM 4.16-4** of **Section 4.16**, *Transportation,* in the Final EIR (Construction Traffic Control Plan), would further reduce the potential for cumulative impacts. In addition, implementation of appropriate safety measures during construction of the Project, as well as any other cumulative projects, would reduce the impact to a level that would not contribute to cumulative effects. Therefore, impacts related to hazardous materials would not be cumulatively significant.

Finding:

The proposed Project's potential impacts related to hazardous materials, wildfire risk, emergency access, airport safety, and vector attraction would be localized and would not combine with other past, present, or

reasonably foreseeable projects to create cumulatively considerable impacts. Construction and operation would involve limited quantities of common hazardous materials, such as fuels, lubricants, paints, and solvents, which would be managed in accordance with applicable regulations and Project plans, including preparation of a Spill Prevention, Control, and Countermeasure Plan and a Hazardous Materials Business Plan pursuant to **Mitigation Measures MM 4.8-2 through MM 4.8-5**. Additional measures, including **MM 4.6-8** and **MM 4.8-4** through **MM 4.8-10**, would further reduce the potential for accidental releases and protect water quality. The Project is not located near a school or a site listed pursuant to Government Code Section 65962.5 and therefore would not contribute to cumulative hazardous materials exposure risks. Compliance with the Kern County Airport Land Use Compatibility Plan and implementation of **MM 4.8-11** would ensure coordination with the Federal Aviation Administration and the County to maintain airport safety. The Project also would not interfere with emergency response or evacuation routes, and implementation of **MM 4.16-4, MM 4.8-12**, and **MM 4.14-1** would maintain adequate emergency access and reduce fire risks. Although portions of the site occur within High or Moderate Local Responsibility Area Fire Hazard Severity Zones, the flat and urbanized surroundings, limited vegetation, and implementation of fire protection measures would prevent cumulatively considerable wildfire impacts. Project design features and **MM 4.8-14** would minimize potential vector attraction. With compliance with applicable regulations and implementation of the identified mitigation measures, the Project would not make a cumulatively considerable contribution to hazards and hazardous materials impacts, and cumulative impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measures MM 4.8-1** through **MM 4.8-14**, **Mitigation Measures MM 4.3-4**, **MM 4.6-8**, **MM 4.14-1**, and **MM 4.16-4**, would be incorporated into the Project and will reduce the Project's contribution to cumulative hazards and hazardous materials impacts to a level that is less than significant.

B. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

B. HYDROLOGY AND WATER QUALITY

B. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Impact 4.9-8).

Would the project result in a flood hazard, tsunami, or seiche zone, and risk release of pollutants due to project inundation? (Impact 4.9-7)

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project violate water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality (Impact 4.9-1).

Description of Specific Impact:

Potentially significant, short-term impacts related to water quality can occur during the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest. To reduce potential impacts during construction to a less than significant level, the proposed Project would implement **Mitigation Measure 4.6-8** and **Mitigation Measure MM 4.9-1**, which requires a Project-specific stormwater pollution prevention plan (SWPPP) that includes BMPs designed to prevent the occurrence of soil erosion and discharge of other construction-related pollutants that could contaminate water quality and would be applicable to all areas of the Project. In addition, prior to the commencement of construction activities, the Project proponent would be required to adhere to the requirements of the Kern County Grading Code. This includes implementation of various measures designed to prevent erosion and control drainage onsite, thereby further preventing the potential sedimentation and subsequent degradation of stormwater.

During Project construction, activities that results in the accidental release of hazardous or potentially hazardous materials could result in water quality degradation, which is a potentially significant impact. To reduce potential impacts associated with hazardous materials to less than significant levels, the Project would implement **Mitigation Measure MM 4.9-2**, which requires the preparation of a hydrologic study and drainage plan per the Kern County Development Standards and the Kern County Code of Building Regulations prior to issuance of a grading permit. **Mitigation Measure MM 4.9-2** would require Engineering recommended measures to offset increases in stormwater runoff that would result from the Project, as well as implementation of design measures to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding onsite or offsite. Implementation of these measures would reduce construction impacts with the potential to substantially degrade surface or ground water quality to less than significant.

Therefore, while construction and grading activities would affect current drainage patterns and could result in erosion and sedimentation on the Project site, implementation of **Mitigation Measures MM 4.9-1** and **MM 4.9-2** and compliance with the established regulatory framework would reduce potential impacts to less than significant.

Finding:

Construction of the Project would involve grading and other earthwork that could temporarily increase erosion and the chance of sediment or construction materials reaching stormwater. To prevent this, the Project will follow state stormwater rules and prepare a detailed Stormwater Pollution Prevention Plan under **Mitigation Measure MM 4.9-1**. The Project will also complete a drainage study and follow requirements that limit ground disturbance and protect natural drainage areas under **Mitigation Measure MM 4.9-2**. With these measures in place, construction impacts on water quality will be reduced to less than significant levels.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measures will be incorporated into the Project to reduce potential impacts to less than significant.

MM 4.9-1: Prior to issuance of a grading permit, the Project proponent/operator shall submit a Stormwater Pollution Prevention Plan for review and approval by the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department. The approved Stormwater Pollution Prevention Plan shall be implemented by the Project and designed to minimize runoff and shall specify best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sediment or any other pollutants from moving offsite and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended best management practices to be incorporated in the Stormwater Pollution Prevention Plan shall include the following:

a. Minimization of vegetation removal;
b. Implementing sediment controls, including silt fences as necessary;
c. Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;
d. Properly containing and disposing of hazardous materials used for construction onsite;
e. Properly covering stockpiled soils to prevent wind erosion;
f. Proper protections and containment for fueling and maintenance of equipment and vehicles; and
g. Appropriate disposal of demolition debris, concrete and soil, and aggressively controlling litter.
h. Cleanup of silt and mud on adjacent street due to construction activity.

i. Checking all lined and unlined ditches after each rainfall.
j. Restore all erosion control devices to working order to the satisfaction of the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department after each rainfall run-off.
k. Install additional erosion control measures as may be required due to uncompleted grading operations or unforeseen circumstances which may arise.

MM 4.9-2: Prior to the issuance of a grading permit, the Project proponent/operator shall complete a hydrologic study and final drainage plan designed to evaluate and minimize potential increases in runoff from the Project site. The study shall include, but is not limited to the following:

a. A numerical stormwater model for the Project site that evaluates existing and proposed (with Project) drainage conditions during storm events ranging up to the 100-year event.
b. The study shall also consider potential for erosion and sedimentation in light of modeled changes in stormwater flow across the Project area that would result from Project implementation.
c. Engineering recommendations to be incorporated into the Project design and applied within the site boundary. Engineering recommendations will include measures to offset increases in stormwater runoff that would result from the Project, as well as implementation of design measures to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding onsite or offsite.
d. The hydrologic study and drainage plan shall be prepared in accordance with the Kern County Grading Code and Kern County Development Standards, and approved by the Kern County Public Works Department prior to the issuance of grading permits.

Significant Effect:

Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (Impact 4.9-2).

Description of Specific Impact:

Construction water demands would not substantially deplete the supplies of the local water district (including groundwater). Construction would not prevent or inhibit any incidental groundwater recharge that currently occurs on-site from precipitation.

Due to the minimal amount of groundwater needed for construction activities, and the temporary, short-term nature of groundwater extraction required, construction of the Project would not be considered water

intensive. Thus, the Project also would not impede sustainable groundwater management of the basin and impacts would be less than significant.

Additionally, the Project proponent would implement **MM 4.9-1**, which requires the Project proponent to submit a SWPPP for review and approval by the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department. Thus, the Project would have a less than significant impact on groundwater supplies related to groundwater recharge at the site with the implementation of **Mitigation Measure MM 4.9-1**.

The Project would result in the conversion of portions of the site to impervious surface areas including concrete foundations, paved parking areas for automobiles, trailers, and truck docks, and impervious off-site enhancements such as new pavement, curb and gutter, and sidewalks along Merle Haggard Drive, Airport Drive, Petrol Road and Landings Way.

However, it is reasonable to assume some groundwater infiltration would still occur at the Project site during precipitation events, because approximately 18% of the site would remain as landscape area, where infiltration could occur. Thereby, groundwater recharge could still occur with implementation of the Project, and the Project would not result in significant impacts relative to interference with groundwater recharge.

The operational water usage of the proposed Project was determined by analyzing industrial and domestic water demand data provided for the Project facilities, which include warehouses, cold storage, industrial manufacturing areas, offices, and retail buildings. According to the Water Supply Assessment (WSA) (**Appendix J** in the Final EIR), the total water demand for the Project is estimated at 294 acre-feet per year (afy). This demand stems from the various uses across the Project's 1,514,850 square feet of developed area, and accounts for both indoor industrial activities and outdoor landscape irrigation. Indoor water demand factors were derived from industry standards, estimating 3.1 afy per acre for heavy industrial uses and 2.5 afy per acre for retail uses. Outdoor water demand was calculated using the California Code of Regulations' Model Water Efficient Landscape Ordinance, which resulted in an outdoor duty factor of 2.0 afy per acre. Collectively, these duty factors culminate in a total estimated water usage of 2.6 afy per acre for the entire development. Taking into account the existing 2020 UWMP 5 afy estimation for the Project site, the proposed Project’s total water demand increase is estimated to be 294 afy. Water supplies for the Project will be sourced from the OMWC. OMWC services include purchased water from the North of the River Municipal Water District (NORMWD) and the Kern County Water Agency (KCWA), as well as local groundwater pumped from the Kern County Subbasin. The reliability of these supply sources has been evaluated and confirmed by the WSA, which assured that adequate water supplies are available to meet the demand of the proposed Project in normal, single-dry, and multiple-dry years through 2045.The primary constraint on water availability in the service area is the extreme variability in climatic conditions, especially with the occurrence of droughts. However, through a combination of surface water sources and groundwater banking strategies, OMWC can sufficiently manage its water usage to ensure supply even during prolonged drought periods. The 2020 UWMP outlines plans to increase groundwater pumping capacity over the next two decades, further increasing confidence in terms of supply.

The proposed development would also include features to enhance sustainable water use. Approximately 22.3 acres are allocated for irrigated landscape, utilizing drought-resistant plants to minimize water consumption. In addition, stormwater runoff will be managed through onsite detention basins, which total 425,033 square feet, designed to capture and infiltrate stormwater back into the groundwater system, which supports ongoing groundwater recharge and sustainability goals. The overall assessment concludes that OMWC, using its multi-source water supply system and groundwater management, has sufficient capacity to meet the increased water demands posed by the proposed Project. Thus, the Project does not pose a significant risk to local water resources, ensuring a stable supply for the future. Additionally, the site's increased impermeable surfaces will be effectively managed through engineered drainage solutions, negating any adverse impacts on groundwater recharge in the region. On a Project level, the proposed Project would not result in a significant reduction of groundwater infiltration rates. The proposed Project would have a less than significant impact on groundwater supplies related to groundwater recharge at the site.

Finding:

The Project site lies within the South Lahontan Hydrologic Region and the Antelope Valley Groundwater Basin. Although the Project would introduce additional impervious surfaces, much of the site would remain permeable, and on-site stormwater detention basins would continue to support natural groundwater recharge. During construction, water would be needed for dust control and grading activities, but these demands are temporary and relatively small. Construction areas would remain largely pervious, allowing rainfall to infiltrate as it does under existing conditions. Because groundwater use during construction would be short-term and minimal, the Project would not impede sustainable groundwater management or substantially reduce groundwater supplies.

During operation, the Project is estimated to require approximately 299 acre-feet of water per year for industrial, commercial, and landscape uses. According to the Project's Water Supply Assessment, the Oildale Mutual Water Company has sufficient available supplies, drawn from purchased surface water and local groundwater sources to meet this demand even during drought conditions. The Project also incorporates drought-tolerant landscaping and large on-site basins that capture and infiltrate stormwater, helping maintain long-term groundwater recharge. In addition, the Project will implement **Mitigation Measure MM 4.9-1**, which requires preparation of a Stormwater Pollution Prevention Plan to ensure that construction and operational activities manage stormwater appropriately. With these measures and the confirmed reliability of regional water supplies, the Project would not significantly impact groundwater resources or interfere with basin sustainability.

Level of Significance after Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measure MM 4.9-1**, as described above, will be incorporated into the Project to reduce potential impacts to less than significant.

Significant Effect:

Would the Project substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner that would result in substantial erosion and/or sedimentation on-site or off-site? (Impact 4.9-3).

Description of Specific Impact

Construction of the Project would result in alterations of the existing drainage pattern of the Project site, but would not result in the alteration of a stream or river onsite or offsite. The current hydrology of the Project site consists of an existing drainage that traverses the Project site. Surface water that flows on the Project site typically flows towards this central drainage where it flows to an underground culvert that releases water on the south side of Merle Haggard Drive.

The Project would be required, per existing State regulations, to obtain coverage under State Water Resources Control Board Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, as amended by Order No. 2012-0006. As discussed in Impact 4.9-1, above, potential impacts on water quality arising from erosion and sedimentation are expected to be localized and temporary during construction of the main Project site. Construction-related erosion and sedimentation impacts resulting from soil disturbance would be less than significant after implementation of a SWPPP (see **Mitigation Measure MM 4.9-1**) and BMPs required by the Kern County Grading Ordinance at the solar field. Construction of the Project would not permanently alter the course of drainages offsite. Thus, the changes to the drainage patterns across the Project site would be contained onsite and no physical changes to any offsite stream or river are proposed. Impacts would be less than significant and additional mitigation is not required.

The Project site is relatively flat and would remain so post-construction and the operational-related impacts from the alternation of drainage patterns and erosion or siltation would be less than significant. runoff from the Project site would be collected and conveyed to four retention and treatment basins. As shown in **Figure 3-8**, in the Final EIR, retention basins would be designed to retain and treat peak 100-year storm runoff flow. The Project's site engineering and design plans would be required to comply with the most recent requirements of the Kern County Code of Building Regulations. The design and plan review process would ensure that the final grading would conduct site drainage to the stormwater retention basins or other facilities designed to control runoff so that runoff volume or velocity does not exceed the existing conditions. The onsite retention basins for stormwater management would capture stormwater, allow for infiltration to the groundwater, and minimize risk of substantial erosion or siltation from offsite flows.

Finding:

The Project site and surrounding area are generally flat, and existing drainage flows toward the east. Development of the Project would not substantially alter this pattern. Because only limited grading is required, stormwater would continue to move across the site in the same direction during both construction and operation, and the Project would not introduce conditions that redirect runoff or cause new erosion problems. To ensure drainage is properly managed, the Project would implement **Mitigation Measures MM 4.9-1** and **MM 4.9-2**, and BMP's, required by the Kern County Grading Ordinance, long-term impacts on drainage patterns across the Project site would be less than significant. Further, as noted in **Section 4.6**, *Geology and Soils*, in the Final EIR, **Mitigation Measure MM 4.6-8** would require the preparation of a Soil Erosion and Sedimentation Control Plan to mitigate for any loss of soil and erosion that could alter existing drainage patterns. With implementation of **Mitigation Measures MM 4.6-8, MM 4.9-1** and **MM 4.9-2**, impacts would be less than significant.

Level of Significance after Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measures MM 4.6-8** (see **Section 4.6**, *Geology and Soils*, in the Final EIR, for full mitigation measure text) and **Mitigation Measures MM 4.9-1 and MM 4.9-2**, will be incorporated into the Project to reduce potential impacts to less than significant.

Significant Effect:

Would the project substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner that would result in flooding onsite or offsite (Impact 4.9-4).

Description of Specific Impact:

As discussed under Impact 4.9-3 above, grading and installation of Project facilities would alter existing on-site drainage patterns and flow paths. This could cause localized flooding during major events along the margins of the Project area, or within the Project area if surface water runoff is not controlled. The Project site is currently an undeveloped area; thus implementation of the proposed Project would introduce a significant amount of new impervious surfaces. However, as discussed above, runoff from the Project site would be collected and conveyed to four retention and treatment basins. As shown in **Figure 3-8** in the Final EIR, retention basins would be designed to retain and treat peak 100-year storm runoff flow. The stormwater retention basins would be designed for the proposed Project to include runoff control features in accordance with County standards to ensure that the rate or amount of runoff is not substantially increased by the proposed facilities. Implementation of **Mitigation Measure MM 4.9-2** requires the preparation and submittal of a hydrologic study and drainage plan to be reviewed for approval by the Kern County Public

Works Department prior to the issuance of grading permits. The final study and drainage plan would be designed to evaluate and minimize potential increases in runoff from the Project site, and identify elements of drainage control such as the proposed retention basins to ensure that grading for the Project facilities does not alter the ground surface such that the extent of flooding during flood events is substantially increased. Therefore, with the implementation **Mitigation Measure MM 4.9-2**, potential impacts related to flooding are considered less than significant.

Finding:

The Project site is relatively flat, contains no streams or defined drainage swales, and currently drains toward the east. Development of the Project would not substantially alter this existing pattern because grading needs are minimal, and on-site soils are well drained. Since the site lacks steep slopes, the potential for erosion or sedimentation is naturally low, and stormwater would continue to flow across the site in much the same way it does today. To ensure proper stormwater and drainage management, the Project will implement **Mitigation Measure MM 4.9-2**, which requires preparation of a hydrologic study and final drainage plan prior to grading. This plan will confirm that drainage facilities are appropriately sited, minimize ground disturbance in sensitive areas, and avoid work during the rainy season when feasible. With compliance with applicable regulations and implementation of **MM 4.9-2**, the Project would not increase flooding or change drainage patterns in a way that causes impacts. Flooding-related impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measure MM 4.9-2**, as described above, will be incorporated into the Project to reduce potential impacts to less than significant.

Significant Effect:

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Impact 4.9-5).

Description of Specific Impact:

The Project site is located in a remote dispersed industrial area with no existing stormwater infrastructure. Project implementation would result in intensification of development and addition of impervious surfaces that would potentially provide additional sources of polluted runoff. Impacts are considered potentially significant.

To capture any potential stormwater runoff, the Project will incorporate four retention basins; accessible concrete lined fore-bays and perimeter fencing are proposed for each retention basin. All of the retention basins will provide storage in exceedance of the post-development 100-year, 24-hour storm event. Additionally, the proposed development is unlikely to pose an adverse impact or flood risk to the adjacent properties as compared to pre-development conditions. **Mitigation Measures MM 4.9-2** would require preparation of a hydrologic study and a drainage plan in accordance with the Kern County Development Standards and Kern County Code of Building Regulations that would evaluate the changes to hydrology on-site and recommend measures to minimize potential increases in runoff from the Project site. Based on the findings of the hydrologic study, the drainage plan would recommend a design that would include post-construction BMPs such as retention basins that would retain runoff during Project operation, thereby preventing polluted runoff on- and off-site.

The Project would also be required to adhere to drainage plans approved by the Kern County Engineering, Surveying and Permit Services Department. Conformance with these requirements would ensure that stormwater runoff generated by a 100-year, 24-hour storm event will be captured and retained on the Project site during construction and operation. The drainage plan required by **Mitigation Measure MM 4.9-2** would detail any necessary design features required in accordance with the Kern County Development Standards and Kern County Code of Building Regulations to manage and retain stormwater runoff onsite. Design features would be appropriately sized for 100-year, 24-hour storm events per the final hydrology study performed for the site. Impacts related to storm water drainage systems would be less than significant with the implementation on **Mitigation Measure MM 4.9-2**.

Finding:

The Project site is in a remote industrial area with no existing stormwater infrastructure. To manage runoff, the Project will include four retention basins with concrete-lined forebays and perimeter fencing, designed to handle stormwater from a 100-year, 24-hour storm event. The development is not expected to increase flood risk for adjacent properties compared to existing conditions. The Project will follow drainage plans approved by Kern County and implement **Mitigation Measure MM 4.9-2**, which requires a final hydrologic study and drainage plan. This ensures all stormwater controls are properly designed and sized for the site. Any interior modifications for tenant use will also undergo code review. With these measures, impacts related to stormwater drainage would be less than significant.

Level of Significance after Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. Mitigation Measure **MM 4.9-2**, as described above, will be incorporated into the Project to reduce potential impacts to less than significant.

Significant Effect:

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows? (Impact 4.9-6).

Description of Specific Impact:

The Federal Emergency Management Agency (FEMA) delineates flood hazard areas on its Flood Insurance Rate Maps (FIRMs). According to the FIRMs for the Project area, the Project site is located in Zone X, an area with a 0.2 percent annual chance of flooding. The alteration of surface topography via ground disturbance may have the potential to alter drainage patterns such that flooding could be exacerbated on-site during a rain event. Areas surrounding drainages are especially prone to flooding.

However, the proposed Project would be reviewed by the Kern County Public Works Department-Floodplain for adherence to applicable floodplain management standards. Additionally, erosion control and sedimentation control BMPs required by the SWPPP and drainage control measures required by the Kern County Grading Ordinance would also help control flows on-site by maintaining existing vegetation or installing structures designed to slow and/or control flows.

Furthermore, implementation of **Mitigation Measure MM 4.9-2** would require preparation of a hydrologic study and drainage plan. The hydrologic study would evaluate the changes to hydrology on-site and recommend measures to minimize potential increases in runoff from the Project site. Based on the findings of the hydrologic study, the drainage plan would recommend a design that complies with County drainage design standards and would include post-construction BMPs such as a retention basin that would retain runoff during Project operation, thereby preventing flooding on- and offsite. Hydraulic analysis would verify that the proposed Project would not result in a significant impact to the drainage flows.

Therefore, following compliance with applicable regulations and implementation of **Mitigation Measure MM 4.9-2**, construction or operation of the proposed Project is not expected to impede or redirect flood flows. Potential impacts are considered less than significant.

Finding:

Implementation of **Mitigation Measure MM 4.9-2** would ensure that construction and operation of the proposed Project would not result in a significant impact relative to impeding or redirecting flood flows within an area identified with a flood hazard. Impacts in this regard would be less than significant.

Level of Significance After Mitigation

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. Mitigation Measure **MM 4.9-2**, as described above, will be incorporated into the Project to reduce potential impacts to less than significant.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

None.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

The cumulative Hydrology and Water Quality impacts of the Project would have a significant and unavoidable impact on the environment after mitigation.

Description of Specific Impact:

As described in **Chapter 3**, *Project Description*, in the Final EIR, there are multiple Projects proposed throughout Kern County and the Southern San Joaquin Valley, including other industrial projects solar facilities, agricultural trucking facilities, telecommunications infrastructure, and commercial development. Similar to the proposed Project many projects are anticipated to not be located within or adjacent to waters of the US or wetland areas and would not result in discharges. In addition, all cumulative projects would be subject to and include similar mitigation to include **Mitigation Measure MM 4.9-1**, which requires the Project to prepare and implement a SWPPP in accordance with County requirements. Similarly, all projects that would not retain all runoff onsite would be required to prepare a SWPPP, which would include BMPs designed to prevent the mixture of sediment and other pollutants with stormwater and degrading water quality. Similarly, for other projects that do not yet have a final drainage plan, one would be required prior to issuance of building or grading permits.

Furthermore, the proposed Project would implement a Hazardous Materials Business Plan as part of **Mitigation Measure MM 4.8-1** (see **Section 4.8,** *Hazards and Hazardous Materials* in the Final EIR for full mitigation measure) that would require appropriate handling of hazardous materials onsite to ensure they do not come into contact with stormwater and affect water quality. All other projects in the vicinity that would handle hazardous materials also would be required to comply with hazardous material regulations. Therefore, cumulative scenario impacts associated with water quality degradation would not be cumulatively considerable, and the Project would not contribute to a cumulative impact on water quality.

With regard to water supply, the proposed Project would obtain its water supply from the Oildale Municipal Water District, which receives State Water Project (SWP) deliveries through the North of the River Municipal Water District as well as groundwater from the Kern County Subbasin.

While the basin is in a state of overdraft, the Water Supply Assessment (**Appendix J** of the Final EIR) concluded that sufficient water supply is available to meet the Project's maximum potential water demands and that water supply is reliable under normal-year, single-dry-year, and multiple-dry-year conditions. Although regional water shortages may occur during the Project's lifetime, such conditions are projected to occur regardless of the proposed Project and are accounted for in the OMWD Urban Water Management Plan.

With respect to erosion, drainage, and flooding, the Project would implement **Mitigation Measures MM 4.6-8, MM 4.9-1** and **MM 4.9-2**, which would require the preparation of a Soil Erosion and Sedimentation Control Plan to mitigate for any loss of soil and erosion, to reduce potential direct impacts on erosion, drainage, and flooding, and require the preparation of a site-specific drainage plan to less than significant. It is anticipated that other cumulative scenario projects would be required to implement similar measures, in order to minimize erosion, drainage, and flooding related impacts. Additionally, drainage related impacts from cumulative scenario projects would be primarily localized. Therefore, cumulative scenario impacts on erosion, drainage, and flooding are not anticipated to be cumulatively considerable, and the Project would not contribute to a cumulative impact on flooding, erosion, or drainage.

All of the cumulative projects are located within the same groundwater basin as the Project site (San Joaquin Valley Groundwater Basin – Kern County Subbasin). Implementation of the proposed Project has the potential to contribute to cumulative impacts associated with the substantial depletion of groundwater supplies within the Kern County Subbasin. The DWR determined that the Subbasin is in a condition of critical overdraft. Conditions of critical overdraft have the potential to cause a chronic lowering of water levels, inelastic land subsidence, and/or reduction of surface water supply (as a reduction in baseflow to streams or an increase in induced surface water recharge). The Subbasin was determined or classified to be a "high" priority basin, which triggers the requirement of submittal of a GSP under the SGMA.

The Water Supply Assessment (**Appendix J** in the Final EIR) found that adequate water supplies are available to meet the demands of the proposed Project and Project implementation would not cause undesirable results within the KGA GSA or due to groundwater pumping. Groundwater pumping from other projects in the Subbasin has the potential to create significant impacts. No feasible mitigation measures at the Project level have been identified that would reduce cumulative impacts to less than significant. Groundwater use and extraction is under the control of the OMWC. Therefore, cumulative impacts are considered significant and unavoidable.

Finding:

The Water Supply Assessment (**Appendix J** in the Final EIR) found that adequate water supplies are available to meet the demands of the proposed Project and Project implementation would not cause undesirable results within the KGA GSA or due to groundwater pumping. Groundwater pumping from other projects in the Subbasin has the potential to create significant impacts. No feasible mitigation

measures at the Project level have been identified that would reduce cumulative impacts to less than significant. Groundwater use and extraction is under the control of the OMWC. Therefore, cumulative impacts are considered significant and unavoidable, even with the implementation of the above mitigation measures.

Level of Significance after Mitigation:

Cumulative impacts would be significant and unavoidable.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measures MM 4.6-8** (see **Section 4.6**, *Geology and Soils* in the Final EIR for full mitigation measure text), **Mitigation Measure MM 4.8-3** (see **Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR for full mitigation measure text), and **Mitigation Measures MM 4.9-1** and **MM 4.9-2**, as described above, will be incorporated into the Project to reduce cumulative impacts from the Project. However, cumulative impacts will remain significant and unavoidable.

10. LAND USE AND PLANNING

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project cause a significant environmental impact due to physically dividing an established community? (Impact 4.10-1).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Impact 4.10-2).

Description of Specific Impact:

As noted previously, the proposed Project would be located on vacant, undeveloped land in the central portion of unincorporated Kern County, with its primary function as a warehouse and distribution facility. Accordingly, the interior of the Project structures would be subject to tenant improvements in order to accommodate specialized storage for varied goods and materials used in commerce including but not limited to finished products, consumer goods, parts, materials, tires, tools, etc., typically found in a modern distribution/logistics facility. Improvements would be required to demonstrate conformity with the land use intensity established by the M-2 (Medium Industrial) District (see Chapter 19.38 of the Kern County Zoning Ordinance). Any modification to the interior of the building will be subject to plan check review and require

issuance of a building permit to ensure compliance with applicable codes (i.e. Building Code, Fire Code, Plumbing Code, etc.). Outdoor storage is not proposed as part of this Project. As such, specific products and packaged goods that are stored entirely indoors and would not conflict with any land use plan, policy, or regulation for the purpose of avoiding or mitigating an environmental effect.

The Metropolitan Bakersfield General Plan and the Kern County Zoning Ordinance establish land use policies and regulations, as well as permitted and conditionally permitted land uses that are applicable to the Project. The following discussion evaluates the Project's conformity to these plans, policies and regulations.

Figure 4-10 of the 2022 Regional Transportation Plan/Sustainable Communities Strategy (page 4-26) shows that the Project is located in an area designated for Strategic Employment under the RTP/SCS' proposed regional development pattern. As such, this Project is consistent with the RTP/SCS projected growth patterns for the region. With regard to transportation and logistics development, the RTP/SCS states, "Given Kern's location at the geographic population center of California, logistically and environmentally Kern is the best location in the state with the lowest carbon footprint to centralize distribution services to the rest of the state." (Page 4-18).

For these reasons, the Project would not impede the RTP Goals 1, 3, 5, and 6. The Project would not impede the mobility of the movement of goods (Goal 1), would not reduce the reliability and safety of the transportation system (Goal 3), would not impair the satisfaction with transportation system (Goal 5), and has minimized effects on the environment to the greatest extent possible (Goal 6). The Goals are broad in nature and do not contain specific policy as they serve as guidelines for the Lead Agency to impose and implement measures on a project-by-project basis.

As evaluated in detail in **Table 4.10-3** in the Final EIR, the Project is generally consistent with the goals and policies of the Metropolitan Bakersfield General Plan (MBGP). The Project's warehouse use is not consistent with the allowed uses within the existing General Commercial (GC) designation and therefore requires an amendment to the MBGP to change the land use designation to Service Industrial (SI). This amendment aligns the land use designation with the proposed development and ensures compatibility with surrounding industrial uses. Generally, land use plans reflect a range of competing interests, and a Project should be compatible with the plan's overall goals and objectives, though it need not conform perfectly with every policy. As demonstrated by the analysis within **Table 4.10-3** in the Final EIR, the proposed Project does not result in significant impacts due to conflicts with any land use plan or policy adopted for the purpose of avoiding or mitigating an environmental effect.

The existing zoning on-site is classified as Light Industrial, Airport Approach Height Combining, Precise Development Combining (M-1 PD H), Flood Plane Primary (FPP), and Medium Industrial, Airport Approach Height Combining, Precise Development Combining (M-2 PD H). The M-1 PD H zone allows permitted uses such as wholesale commercial, storage, trucking, assembly-type manufacturing, and other similar industrial activities that are generally less intensive in nature. In contrast, the M-2 PD H zone permits more intensive industrial uses, including larger-scale manufacturing, warehousing, and distribution facilities that may generate higher traffic volumes and require greater operational flexibility. The Project requires a zone change from M-1 PD H to M-2 PD H to accommodate the proposed manufacturing food

and beverage use, which is not allowed under the current M-1 PD H zoning due to its scale and operational characteristics.

Additionally, a portion that extends from the southwest corner of the Project site to the northeast corner of the Project site is zoned Floodplain Primary (FPP) would also be rezoned to M-2 PD H. The purpose of the Floodplain (FP) Combining District is to protect the public health and safety and minimize property damage by designating areas that are potentially subject to flooding and by establishing reasonable restrictions on land use in such areas. Through Project design and incorporation of drainage structures, this zone also could be changed to accommodate the proposed Project. Specific improvements that would be part of the proposed design include a site-specific drainage plan and four retention basins designed to capture and retain all stormwater runoff from a 10-year, 5-day storm event storm event, exceeding regulatory requirements and complying with Kern County standards. These features ensure stormwater is managed onsite and does not contribute to on or off-site flooding. Accordingly, the Project will meet all applicable flood protection performance standards.

Pursuant to Sections 19.38.020.E1 and E.2 of the KCZO, the proposed use for industrial storage as a warehouse with incidental office space is permitted on a by-right basis in the M-2 Base District. Areas subject to the PD Combining District overlay typically contain unique site characteristics, environmental conditions, or areas surrounded by sensitive land uses. In the instance of the proposed Project, this is due to the location of Meadows Field approximately 1.4 miles to the west and the Airport Approach Height Combining).

Typically, uses that are permitted on a by-right basis are not required to undergo the public hearing process facilitated by the Kern County Planning and Natural Resources Department – a process that otherwise would be required for conditionally permitted uses. The inclusion of the Precise Development Plan ensures nearby property owners within a 1,000-foot radius of the Project, as well as affected departments, agencies and interested parties, are notified of the proposal and allows Planning Department Staff to impose conditions of approval to be considered at a public hearing by the appropriate hearing bodies.

The purpose of the Airport Approach Height (H) Combining District is to minimize aviation hazards by regulating land uses, restricting the height of buildings and vegetation, and specifying design criteria necessary to promote aviation safety and to implement the requirements of the adopted Airport Land Use Compatibility Plan. Therefore, additional review as required under the Precise Development Plan is necessary to ensure development in such areas is compatible with site constraints in consideration of the regulations of the base district. The Project has obtained a Determination of No Hazard to Air Navigation from the Federal Aviation Administration (FAA), indicating that the proposed development does not pose a hazard to aviation operations. Based on this determination, the Project may be considered for building heights of up to 60 feet, subject to approval through the County's Development Plan review process. These considerations are provided immediately following, as well as further below under the discussion of the Kern County Airport Land Use Compatibility Plan.

The Project site is within the Airport Land Use Compatibility Plan (ALUCP) for the Meadows Field Airport property located approximately 0.3 miles west of the Project site. The nearest point on the airport runway is approximately 0.7 miles southwest of Project site. This puts the Project in Zone C as designated by the

ALUCP, see Figure 3-3: Airport Land Use Compatibility Map. Allowable density for this zone for uses other than residential is 150 people per acre. Required open land for this zone is 15% and the impact elements for aircraft at or below 1,000 feet above ground level (AGL) is limited. Normally accepted uses include parks, playgrounds, residential, and uses those uses normally accepted in Zone B which include warehousing and truck terminals.

The proposed Project includes construction of four single-story industrial warehouse buildings and two quick-serve restaurants. These uses are all in line with the normally accepted uses for Zone C. The proposed Project covers 32% (gross) 35% (net) of the site, allowing for well over the required 15% of open land space. The proposed Project estimates 572 employees, which given the Project site acreage (110 acres), the density for the proposed Project would be approximately 8.8 people per acre, well below the allowable 150 people per acre in Zone C. This demonstrates that the proposed Project is compatible with Zone C and does not conflict with the Kern County ALUCP.

Outside of the land use compatibility criteria, any buildings and operations within the proposed Project will need to ensure there are no frequency conflicts with the airport operations. Aviation uses radio frequency spectrum resources to communicate and provide a safe and efficient aerospace system. It will be necessary to ensure operations within the proposed Project do not conflict with these radio frequencies. The implementation of **Mitigation Measure MM 4.10-1** will reduce potential conflicts with airport operations frequencies to less than significant levels.

The proposed Project would be required to comply with the County's ALUCP and applicable Federal Aviation Administration (FAA) regulations regarding Project approval to ensure that there would be no conflict with airport operations and no safety hazards are presented. As discussed in **Section 4.8**, *Hazards and Hazardous Materials*, implementation of **Mitigation Measure MM 4.8-12** would ensure the Project would be consistent with the ALUCP and applicable Kern County regulations by requiring the developer to obtain approval from FAA and the Meadows Field Airport. With implementation of these mitigation measures, impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measure will be incorporated into the Project to lessen the cumulative impacts to a level that is less than significant:

MM 4.10-1: Prior to the issuance of building permits, the Project operator shall submit to the Kern County Planning and Natural Resources Department documentation from the Meadows Field Airport administration officials identifying acceptable use of telemetry to avoid potential frequency conflicts with airport operations.

MM 4.10-2: Prior to the issuance of building permits, the Project operator shall submit to the Kern County Planning and Natural Resources Department an executed avigation easement, approved as to form by County Counsel, for the benefit of the Meadows Field Airport.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The cumulative land use impacts of the Project would have a significant impact on the environment.

Description of Specific Impact:

Cumulative impacts are two or more individual impacts that, when considered together, are considerable or that compound or substantially increase other environmental impacts. Cumulative impacts for a Project are considered significant if the incremental effects of the individual projects are considerable when viewed in connection with the effects of past projects, and the effects of other projects located in the vicinity of the Project site.

As discussed previously, the proposed Project would be located on vacant, undeveloped land in the central portion of unincorporated Kern County, with its primary function as a warehouse and distribution facility that may require future modifications to the interior design depending on future tenant. Similar land uses in the vicinity have undergone similar land use and planning review, and the Project is demonstrably compatible with these previously approved uses.

The projects considered in the cumulative analysis for this Project are described in **Chapter 3**, *Project Description*, **Table 3-7**, *Cumulative Projects List* in the Final EIR. The geographic scope for cumulative land use and planning impacts consists of the Metropolitan Bakersfield Plan Area. This geographic scope of analysis is appropriate because land use and planning resources in Kern County are expected to be similar to those in the Project site because of their proximity. Additionally, as discussed in **Section 4.13**, *Population and Housing*, in the Final EIR, other projects would adhere to MBGP land use policies and implementation measures, including installing landscaping and visual buffers between industrially designated land and the nearest residences and sensitive receptors. The proposed Project would implement **Mitigation Measure MM 4.1-3**, (see **Section 4.1**, *Aesthetics* in the Final EIR for full mitigation measure text) requiring installation of a vegetative barrier along the length of the Project site that faces the nearest neighborhoods and residences, thereby minimizing the cumulative encroachment of increased industrial development onto residential areas. These foreseeable projects would also be required to adhere to environmental review at a project-level basis, including implementing similar mitigation measures such as **Mitigation Measures MM**

4.8-12, MM 4.10-1, and **MM 4.10-2** that are required for the proposed Project, depending on those other project's proximity to the Meadows Field Airport. The Project, in combination with other projects, are consistent with the land use of the area and do not divide the community. Therefore, the Project, with implementation of **Mitigation Measures MM 4.1-3, MM 4.8-12,** and **MM 4.10-1** and **MM 4.10-2**, would result in a less than significant cumulatively considerable impact on land use and planning.

Finding:

The proposed Project would be developed on vacant land within an area already planned and reviewed for similar industrial uses, and it is compatible with surrounding approved developments. The cumulative projects identified in **Table 3-7** in the Final EIR fall within the Metropolitan Bakersfield Plan Area, where land use patterns and regulatory requirements are comparable to those at the Project site. Like the Project, these foreseeable developments would be required to comply with applicable land use policies and mitigation measures, including visual buffering and airport-related safety measures. The Project would install a vegetative barrier consistent with **Mitigation Measure MM 4.1-3** and would implement **Mitigation Measures MM 4.8-12, MM 4.10-1,** and **MM 4.10-2**, to reduce potential cumulative land use and planning impacts. When considered with other planned projects, the Project would not divide the community and would remain consistent with the area's established land use framework. Therefore, cumulative land use and planning impacts would be less than significant.

Level of Significance after Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measures MM 4.1-3**, **MM 4.8-12, MM 4.10-1**, and **MM 4.10-2**, above, will be incorporated into the Project to reduce potential impacts to less than significant.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

11. MINERAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment.

Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? (Impact 4.11-1).

Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Impact 4.11-2).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

None.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The cumulative mineral resources impacts of the Project would have a significant impact on the environment.

Description of Specific Impact:

Cumulative impacts are two or more individual impacts that, when considered together, are considerable or that compound or substantially increase other environmental impacts. Cumulative impacts for a project are considered significant if the incremental effects of the individual projects are considerable when viewed in connection with the effects of past projects, and the effects of other projects located in the vicinity of the Project site. The projects considered in the cumulative analysis for this Project are described in **Chapter 3**, *Project Description*, **Table 3-7:** *Cumulative Projects List* in the Final EIR.

The geographic scope of impacts associated with mineral resources generally encompasses the Project site and a 0.25-mile radius area around the Project site. This scope is appropriate because of the localized nature of mineral resource impacts. The proposed Project would not result in the loss of a locally important mineral resource recovery site and would not combine with other past, present, or reasonably foreseeable projects to create impacts related to the loss of important mineral resource recovery sites. As discussed above, the Project site does not contain any existing known resources and would not preclude use of any nearby or adjacent sites for use for mineral extraction or continued use as such. Further, not only would the Project, but all projects within the cumulative geographic context be required to comply with federal, State, and local laws and policies to address potential impacts related to mineral resources.

Therefore, because the proposed Project would not result in any loss of availability of a known mineral resource or a locally important mineral resource recovery site, it would not result in a cumulatively considerable contribution to such impacts within the County.

Finding:

Cumulative impacts associated with mineral resources would be less than significant without mitigation.

Level of Significance:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. The Project would have less than significant mineral resources impact without mitigation.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

12. NOISE

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project generate excessive groundborne vibration or groundborne noise levels? (Impact 4.12-2).

Would the project expose people residing or working in the project area to excessive noise levels, for a project located in the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport? (Impact 4.12-3).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project result in generation of a substantial temporary or permanent increase in the ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies? (Impact 4.12-1).

Description of Specific Impact:

The Kern County Municipal Code has established limits on permissible hours of construction from 6:00 a.m. to 9:00 p.m. on weekdays and from 8:00 a.m. and 9:00 p.m. on weekends. The purpose is to limit loud construction noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness sleeping or residing in the area.

In addition, while the County does not establish noise level thresholds for construction activities, this analysis uses the noise limits established by the FTA to identify the potential for impacts due to substantial temporary construction noise. The FTA identifies construction noise limits in the Transit Noise and Vibration Impact Assessment Manual. During daytime hours, a significant temporary increase would be an increase in excess of the average daily noise levels of 80 dBA L_{eq} (8-hour) as measured at a receiving noise-sensitive land use.

Noise impacts from construction activities associated with the proposed Project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. One type of short-term noise impact that could occur during Project construction would result from the increase in traffic flow on local streets, associated with the transport of workers, equipment, and materials to and from the Project site. The transport of workers and construction equipment and materials to the Project site would incrementally increase noise levels on access roads leading to the site. Because workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. Typically, a doubling of the Average Daily Traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments.

The total existing PM peak-hour trips for Airport Drive north of Merle Haggard Drive is 217; Airport Drive south of Merle Haggard Drive is 176; Merle Haggard Drive east of Airport Drive is 221; and Merle Haggard Drive west of Airport Drive is 496. Based on the air quality analysis, the highest daily Project trips during any phase of construction would be 897. The lowest existing daily traffic volume in the Project vicinity is estimated to be 1,760 vehicles (based on 176 PM peak-hour trips on Airport Drive south of Merle Haggard Drive). Given that the highest number of daily Project-related construction trips would be 897, Project-related construction trips would not be anticipated to double the daily traffic volumes along any roadway segment in the Project vicinity. For this reason, short-term intermittent noise from construction trips would not be expected to result in a perceptible increase in hourly or daily average traffic noise levels in the Project vicinity. Therefore, short-term construction-related noise impacts associated with the transportation of workers and equipment to the Project site would be less than significant.

The second type of short-term noise impact is related to noise generated during construction on the Project site. Construction is completed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. **Table 4.12-1** lists typical construction equipment noise levels, based on a distance of 50 feet between the equipment and a noise receptor. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 or 4 minutes at lower power settings. Impact equipment such as pile drivers are not expected to be used during construction of the proposed Project.

The site preparation phase, which includes excavation and grading of the site, tends to generate the highest noise levels because the loudest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery and compacting equipment, such as bulldozers, draglines, backhoes, front loaders, roller compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 or 4 minutes at lower power settings.

Construction of the proposed Project is expected to require the use of a variety of heavy equipment. A reasonable worst-case scenario would be the five loudest pieces of equipment simultaneously operating at and near the closest point on the Project site to the nearest sensitive receptor. The five loudest pieces of equipment would include excavators, rubber-tired bulldozers, graders, scrapers, and rollers. Based on the information provided in **Table 4.12-1**, the maximum operational noise level generated by each of these five pieces of equipment is 85 dBA L_{max} at 50 feet from this equipment.

The closest noise-sensitive receptors to the Project site are the single-family residential dwellings located southeast of the Project site, south of Merle Haggard Drive and east of Airport Drive. The façade of this nearest sensitive receptor would be located approximately 600 feet from the acoustic center of construction activity where multiple pieces of heavy construction equipment would operate simultaneously during construction. At this distance, relative worst-case maximum construction noise levels would attenuate to below 60 dBA L_{max}, with relative worst-case hourly average construction noise levels attenuating to below 52 dBA L_{eq} at this receptor. The reasonable worst-case calculated 8-hour noise level would be 49 dBA L_{eq}, as measured at this nearest sensitive receptor.

Additionally, there will be off-site improvements to the roadway. The closest noise sensitive receptors to the off-site improvement areas are the are the single-family residential dwellings located southeast of the Project site, south of Merle Haggard Drive and east of Airport Drive. The façade of this nearest sensitive receptor would be located approximately 350 feet from the acoustic center of construction activity where construction equipment would operate simultaneously within the off-site improvement boundaries during construction. At this distance, relative worst-case maximum construction noise levels would attenuate to below 65 dBA L_{max}, with relative worst-case hourly average construction noise levels attenuating to below 56 dBA L_{eq} at this receptor. The reasonable worst-case calculated 8-hour noise level would be 53 dBA L_{eq} (8-hour), as measured at this nearest sensitive receptor.

The calculated worst-case construction noise levels do not exceed the FTA's 80 dBA L_{eq} (8-hour) threshold as measured at the nearest residential receptors. Additionally, the proposed Project would comply with the City's standard permissible hours for construction (6:00 a.m. to 9:00 p.m. on weekdays and from 8:00 a.m. and 9:00 p.m. on weekends), which would ensure that construction noise would not result in a substantial increase in nighttime noise levels in the Project vicinity. Furthermore, since traffic noise levels are the dominant noise source in the Project vicinity, the modeled traffic noise levels shown in **Table 4.12-3** in the Final EIR are representative of the ambient noise levels in the Project vicinity. Therefore, these reasonable worst-case construction noise levels would not exceed the documented existing traffic noise levels (ranging from 67.7 dBA to 70.1 dBA CNEL). Therefore, temporary or periodic noise impacts from construction activities associated with implementation of the proposed Project would be less than significant.

EXHIBIT A

Per MBGP Measure 10, a significant mobile source noise impact would occur where a project will cause:

- An increase of noise levels of the existing ambient noise level by 5 dB or more, where the existing ambient level is less than 60 dB CNEL
- An increase of the existing ambient noise level by 3 dB or more, where the existing ambient level is 60 to 65 dB CNEL
- An increase of the existing ambient noise level by 1.5 dB or more, where the existing ambient level is greater than 65 dB CNEL

Traffic noise levels along selected roadway segments in the Project vicinity were modeled using the FHWA Traffic Noise Prediction Model (FHWA-RD-77-108). Site-specific information is entered, such as roadway traffic volumes, roadway active width, source-to-receiver distances, travel speed, noise source and receiver heights, and the percentages of automobiles, medium trucks, and heavy trucks that the traffic throughout a 24-hour period, among other variables. The peak-hour traffic volumes were obtained from the traffic analysis prepared for the proposed. The model inputs and outputs, including the 60 dBA, 65 dBA, and 70 dBA CNEL noise contour distances, are provided in **Appendix K** of the Final EIR**.**

As shown in **Table 4.12-7** in the Final EIR, the highest traffic noise level increase with implementation of the proposed Project would be 2 dBA compared to existing traffic noise levels. These results do not account for any shielding from existing soundwalls that are around the residential receptors along these roadway segments.

Assuming minimal reductions for the existing soundwalls around receiving residential land uses along these roadway segments and considering the additional attenuation due to distance, the calculated noise levels at the nearest receptors along these roadway segments are summarized below in **Table 4.12-8** in the Final EIR.

The existing traffic noise levels along Airport Drive north of Merle Haggard Drive are below 60 dBA as measured at the nearest outdoor active use areas of residential land uses along this modeled roadway segment. Therefore, a 5 dBA increase would be considered a significant increase. However, the results show that the Project increase would only be a 2 dBA increase, which would be a less than significant increase.

The existing traffic noise levels along Airport Drive south of Merle Haggard Drive are above 60 dBA but below 65 dBA, as measured at the nearest outdoor active use areas of residential land uses along this modeled roadway segment. Therefore, a 3 dBA increase would be considered a significant increase. However, the results show that the Project increase would only be a 1.1 dBA increase, which would be a less than significant increase.

The existing traffic noise levels along Merle Haggard Drive east of Airport Drive are above 60 dBA but below 65 dBA, as measured at the nearest outdoor active use areas of residential land uses along this modeled roadway segment. Therefore, a 3 dBA increase would be considered a significant increase. However, the results show that the Project increase would only be a 0.5 dBA increase, which would be a less than significant increase.

While there are no residential land uses along Merle Haggard Drive west of Airport Drive, the modeled traffic noise levels as measured at 50 feet from the centerline of the outermost travel lane are shown in **Table 4.12-7** in the Final EIR to be above 70 dBA, therefore, it can conservatively be assumed that a 1.5 dBA increase could be considered a significant increase. However, the results show that the Project increase would only be a 1 dBA increase, which would be a less than significant increase.

This analysis demonstrates that Project-related traffic would not result in a substantial permanent increase above existing traffic noise levels as measured at existing residential land uses along these modeled roadway segments. Impacts from Project-related traffic noise levels would be less than significant.

The MBGP Noise Element (Chapter VII, Measure 4) establishes an exterior noise limit of 65 dBA CNEL and an interior noise limit of 45 dBA CNEL for stationary noise sources as measured at receiving noise-sensitive land uses. Furthermore, this measure also establishes that operational noise levels shall not exceed 55 dBA L_{eq} during daytime hours or 50 dBA L_{eq} during nighttime hours for a cumulative of 30 minutes in any 1-hour time period, as measured at the exterior of any residential receptor.

It should be noted that based on the EPA's Protective Noise Levels, with a combination of walls, doors, and windows, standard construction in accordance with building code requirements for residential developments would provide 25 dBA in exterior-to-interior noise reduction with windows closed. Therefore, this analysis assumes that if exterior noise levels do not exceed 65 dBA CNEL, then they would also not exceed the interior noise threshold of 45 dBA.

The proposed Project would generate noise from truck delivery loading and unloading activities at commercial loading areas; from parking lot activities, which includes people conversing, doors shutting, engine startup, and slow-moving vehicles; and from new exterior mechanical equipment sources, such as rooftop ventilation systems on proposed commercial uses.

Noise would be also generated by truck loading and unloading activities at the loading docks along the south side of Building 1, the north side of Building 2, the west side of Building 3, and the north and south sides of Building 4. Typical noise levels from truck loading and unloading activity range from 70 dBA to 80 dBA L_{max} as measured at 50 feet (**Appendix K** in the Final EIR). These typical noise level ranges include noise from associated truck loading/unloading activity, including trucks maneuvering, truck trailer loading, truck trailer unloading, backup alarms or beepers, and truck docking noise.

The nearest noise-sensitive receptors are the single-family residential land uses located southeast of the Project site, east of Airport Drive and south of Merle Haggard Drive, approximately 1,100 feet from the nearest proposed loading dock. Because of distance attenuation, reasonable worst-case maximum noise levels from truck loading and unloading activities would attenuate to below 48 dBA L_{eq}. Assuming these hourly average noise levels occurred every hour for a 24-hour period, they would result in a reasonable worst-case noise level of 54 dBA CNEL as measured at the property line of this nearest receptor. The calculation spreadsheet with detailed modeling assumptions is included in **Appendix K** of the Final EIR. These noise levels would not exceed the exterior noise limit of 65 dBA CNEL or the interior noise limit of 45 dBA CNEL, or the nighttime noise performance threshold of 50 dBA L_{eq} for stationary noise sources as measured at the nearest receiving noise-sensitive land use. Since traffic noise levels are the dominant noise

source in the Project vicinity, the modeled traffic noise levels, shown in **Table 4.12-7** in the Final EIR, are representative of the ambient noise levels in the Project vicinity. Therefore, these truck loading/unloading activity noise levels would not exceed the documented existing traffic noise levels (ranging from 67.2 dBA to 70.8 dBA CNEL) as measured at the nearest receptor, therefore these operational noise levels would not result in an increase of 5 dB or more above ambient sound levels.

Noise levels from truck loading and unloading activities would not generate a substantial temporary or permanent increase in ambient noise levels in the Project vicinity in excess of standards established in the local general plan or noise ordinance, and the impact would be less than significant.

Typical parking lot activities include people conversing, doors shutting, and vehicles idling, which generate noise levels ranging from approximately 60 dBA to 70 dBA L_{max} at 50 feet. These activities are expected to occur sporadically throughout the day, as visitors and staff arrive and leave parking lot areas at the Project site.

The nearest noise-sensitive receptors to proposed parking areas are the single-family residential land uses located southeast of the Project site, east of Airport Drive and south of Merle Haggard Drive. Proposed parking areas could be located approximately 750 feet from this closest sensitive receptor. At this distance, noise generated by typical parking lot activity would attenuate to below 25 dBA L_{eq}. Assuming these hourly average noise levels occurred every hour for a 24-hour period, they would result in a reasonable worst-case noise level of 31 dBA CNEL as measured at the property line of this nearest receptor.

These noise levels would not exceed the exterior noise limit of 65 dBA CNEL, the interior noise limit of 45 dBA CNEL, or the nighttime noise performance threshold of 50 dBA L_{eq} for stationary noise sources as measured at the nearest receiving noise-sensitive land use. Since traffic noise levels are the dominant noise source in the Project vicinity, the modeled traffic noise levels shown in **Table 4.12-7** in the Final EIR are representative of the ambient noise levels in the Project vicinity. Therefore, these mechanical equipment operational noise levels would not exceed the documented existing traffic noise levels (ranging from 67.2 dBA to 70.8 dBA CNEL) as measured at the nearest receptor, therefore these operational noise levels would not result in an increase of 5 dB or more above ambient sound levels.

Noise levels from parking lot activity would not generate a substantial temporary or permanent increase in ambient noise levels in the Project vicinity in excess of standards established in the local general plan or noise ordinance, and the impact would be less than significant.

A reference noise level for typical rooftop mechanical ventilation systems was used. Noise levels from commercially available rooftop mechanical ventilation equipment range from 50 dBA to 60 dBA L_{eq} at a distance of 25 feet.

The nearest noise-sensitive receptor to proposed rooftop mechanical ventilation equipment is the single-family residential dwelling located southeast of the Project site, east of Airport Drive and south of Merle Haggard Drive. Assuming that rooftop mechanical ventilation equipment is located approximately 1,120 feet from this closest sensitive receptor, noise generated by typical rooftop mechanical ventilation equipment would attenuate to below 28 dBA L_{eq}. Assuming these hourly average noise levels occurred

every hour for a 24-hour period, they would result in a reasonable worst-case noise level of 35 dBA CNEL as measured at the property line of this nearest receptor.

These noise levels would not exceed the exterior noise limit of 65 dBA CNEL or the interior noise limit of 45 dBA CNEL, or the nighttime noise performance threshold of 50 dBA L_{eq} for stationary noise sources as measured at the nearest receiving noise-sensitive land use. Since traffic noise levels are the dominant noise source in the Project vicinity, the modeled traffic noise levels shown in **Table 4.12-7** in the Final EIR are representative of the ambient noise levels in the Project vicinity. Therefore, these mechanical equipment operational noise levels would not exceed the documented existing traffic noise levels (ranging from 67.2 dBA to 70.8 dBA CNEL) as measured at the nearest receptor and would not result in an increase of 5 dB or more above ambient sound levels.
Noise levels from on-site mechanical equipment operations would not generate a substantial temporary or permanent increase in ambient noise levels in the Project vicinity in excess of standards established in the local general plan or noise ordinance, and the impact would be less than significant.

Table 4.12-9 in the Final EIR provides a summary of the calculated 24-hour average stationary source operational noise levels and the resulting combined stationary operational noise level from the simultaneous operation of all on-site stationary noise sources as measured at the nearest residential property line.

As shown in **Table 4.12-9** in the Final EIR, the combined stationary source operational noise levels measured at the nearest residential property line would be 54 dBA CNEL. As a result, these combined stationary source operational noise levels would not exceed the exterior noise limit of 65 dBA CNEL and the resulting interior noise level of 29 dBA CNEL would not exceed the interior noise limit of 45 dBA CNEL for stationary noise sources as measured at the nearest receiving noise-sensitive land use.
Documented existing traffic noise levels along roadway segments adjacent to existing residential land uses range from 67.7 dBA, CNEL to 70.1 dBA, CNEL, as measured at 50 feet from the centerline of the outermost travel lane (see **Table 4.12-7** in the Final EIR). Therefore, the combined stationary source operational noise levels would not exceed existing traffic noise levels at the nearest residential land use property lines, and these operational noise levels would not result in an increase of 5 dB or more above ambient sound levels.

Noise levels from combined stationary source operational noise levels would not generate a substantial temporary or permanent increase in ambient noise levels in the Project vicinity in excess of standards established in the local general plan or noise ordinance and the impact would be less than significant.

Finding:

Based on the analysis, construction and operational noise associated with the proposed Project would not result in substantial temporary or permanent increases in ambient noise levels at nearby sensitive receptors. Construction activities would comply with the Kern County Municipal Code limits on permissible construction hours, and calculated worst-case on-site and off-site construction noise levels, attenuated by distance to the nearest residences, would remain well below the FTA's 80 dBA Leq (8-hour) significance threshold. Construction-related traffic would not double existing roadway volumes and therefore would not generate a perceptible increase in traffic noise. Modeled operational noise from truck loading activities,

parking lot activity, and rooftop mechanical equipment would attenuate to levels substantially below the MBGP Noise Element exterior and interior standards and would remain well below existing ambient traffic noise levels. Traffic noise increases resulting from Project operations would range from 0.5 to 2 dBA, which would not meet or exceed any MBGP thresholds for significant mobile-source noise increases. Combined stationary operational noise levels would also remain well below applicable limits and below existing ambient noise levels. With implementation of **Mitigation Measures MM 4.1-3 (**see **Section 4.1**, *Aesthetics* in the Final EIR**)** and **MM 4.12-1** through **MM 4.12-4** to further minimize and manage construction noise, all construction and operational noise impacts would be less than significant.

Level of Significance after Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measure MM 4.1-3** and the following mitigation measures will be incorporated into the Project to lessen the impacts to the greatest extent feasible:

MM 4.12-1: The following measures are required to reduce short-term noise levels associated with Project construction:

a. Construction activities at the Project site shall comply with the hourly restrictions for noise-generating construction activities, as specified in the Kern County Noise Ordinance (Municipal Ordinance Code 8.36.020). Accordingly, construction activities shall be prohibited between the hours of 9:00 PM to 6:00 AM on weekdays, and between 9:00 PM to 8:00 AM on weekends. These hourly limitations shall not apply to activities where hourly limitations would result in increased safety risk to workers or the public or nighttime concrete pours that have been granted prior authorization from the County.
b. Equipment staging and laydown areas shall be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings.
c. Where feasible construction equipment shall be fitted with approved noise-reduction features such as mufflers, baffles and engine shrouds that are no less effective than those originally installed by the manufacturer.
d. Haul trucks shall not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing).
e. On-site vehicle speeds shall be limited to 15 miles per hour, or less (except in cases of emergency).
f. Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and

California Division of Occupational Safety and Health's safety requirements are not violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.

MM 4.12-2: Prior to the issuance of grading permits, a "Noise Disturbance Coordinator" shall be established. The Project operator shall submit evidence of methods of implementation and shall continuously comply with the following during construction:

a. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise.
b. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.

MM 4.12-3: Prior to commencement of any on-site construction activities (i.e., fence construction, mobilization of construction equipment, initial grading, etc.), the Project proponent/operator shall provide written notice to the public through mailing a notice, which shall include:

a. The mailing notice shall be to all residences within 1,000 feet of the Project site, no sooner than 15 days prior to construction activities. The notices shall include: the construction schedule, telephone number and email address where complaints and questions can be registered with the Noise Disturbance Coordinator.
b. A minimum of one sign, legible at a distance of 50 feet, shall be posted at the construction site or adjacent to the nearest public access to the main construction entrance throughout construction activities that shall provide the construction schedule (updated as needed) and a telephone number where noise complaints can be registered with the Noise Disturbance Coordinator.
c. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department

MM 4.12-4: The following notes shall be placed on all grading and building permits issued for the Project site:

"*Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible.*

During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.

All equipment shall be fitted with factory equipped mufflers and be in good working condition. Construction contracts shall specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices."

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The cumulative noise impacts of the Project would have a significant impact on the environment.

Description of Specific Impact:

As described in **Section 3.9**, *Cumulative Projects* in the Final EIR, and listed in **Table 3-7:** *Cumulative Projects List* in the Final EIR, there are a total of 54 projects located within the 6-mile cumulative radius of the Project site, as shown on **Figure 3-13:** *Cumulative Project*s, in **Chapter 3.0**, in the Final EIR. Due to the localized nature of noise impacts, cumulative impacts would be largely limited to areas within the general vicinity (i.e., within approximately 1,000 feet per Chapter 8.36 of Kern County Code of Ordinances of the Project site.

The Project's construction activities, in combination with the construction of any other past, present, or reasonably foreseeable projects in the area could result in increased short-term construction noise levels in the Project area (depending upon the specific timing of the construction of those other projects and proximity to the Project site). While the County does not establish noise level thresholds for construction, construction activities associated with other projects in proximity to the Project site could occur at the same time as the Project. Construction activities at other planned and approved projects near the Project site would be required to comply with applicable County regulations related to noise. Activities would be required to take place during daytime hours on the days permitted by the applicable County Municipal Code, and projects requiring discretionary County approvals would be required to evaluate construction noise impacts, comply with the City's standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. Construction noise impacts are by nature localized and temporary. Given that noise dissipates as it travels away from its source, noise impacts from Project construction (i.e. traffic and station are sources) are limited to approximately 500 feet from the source (**Appendix K** of the Final EIR). Groundborne vibration impacts are even more localized than noise impacts, such that the geographic scopes for evaluating cumulative noise impacts are areas within approximately 50 feet of construction groundborne vibration sources.

The significance threshold for a cumulative construction noise impact would be a substantial temporary noise increase at any receptor in the Project vicinity that is already exposed to excessive noise levels. The nearest cumulative project identified in **Table 3-7** in **Chapter 3,** *Project Description* in the Final EIR, is located at James Road and Carrier Parkway Avenue, over 1,200 feet north of the Project site property line. Therefore, none of the cumulative projects are located within the 500-foot geographic scope of the Project site where they could contribute to a cumulative construction noise impact with the proposed Project. In addition, since traffic noise levels are the dominant noise source in the Project vicinity, the modeled traffic noise levels shown in **Table 4.12-8** in the Final EIR are representative of the ambient noise levels in the Project vicinity. These documented existing traffic noise levels along roadway segments adjacent to existing residential land uses range from 54.7 dBA to 61.2 dBA CNEL, as measured at receiving residential land uses in the Project vicinity. These noise levels are considered normally acceptable for residential land uses and do not constitute a cumulative noise impact. Additionally, as stated above, the Kern County Code of Ordinances (Chapter 8.36 – Noise Control) establishes hours of construction and limitations on construction-related noise impacts on adjacent sensitive receptors; noise producing construction activities that are audible to a person with average hearing ability at a distance of 150 feet from the construction site, if the construction site is within 1,000 feet of an occupied residential dwelling, are prohibited between the hours of 9:00 p.m. to 6:00 a.m. on weekdays, and 9:00 p.m. to 8:00 a.m. on weekends. Such noise producing construction activities occurring outside of these acceptable construction hours is considered to be a violation of the County's noise control ordinance. However, here are two exceptions: (1) The development services agency director or his designated representative may for good cause exempt some construction work for a limited time, and (2) Emergency work is exempt from this section. Compliance with **Mitigation Measures MM 4.12-1** through **MM 4.12-4** would reduce and minimize construction noise levels and ensure the Project's consistency with the County's noise control ordinance; noise levels would be less than significant on a project level basis. As a result, construction of the proposed Project would not result in a cumulatively considerable contribution to noise impacts, including at the nearest sensitive receptor.

Further, future construction activities at other planned and approved projects near the Project site would be required to comply with applicable County regulations related to noise and would take place during daytime hours on the days permitted by the Municipal Code. Projects requiring discretionary County approvals would be required to evaluate construction noise impacts, comply with the County's standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. As a result, construction of the proposed Project would not result in a cumulatively considerable contribution to noise impacts, including at the nearest sensitive receptor. Therefore, when considered with other past, present, and reasonably foreseeable future projects, the proposed Project would not result in a cumulatively considerable contribution to construction noise impacts.

As noted above, construction-related groundborne vibration impacts are highly localized; therefore, only areas within approximately 50 feet of a construction site could potentially be affected by groundborne vibration resulting from construction activities. There are no significant permanent sources of groundborne vibration located within 100 feet of the Project site. In addition, the nearest cumulative project identified in **Table 3-7:** *Cumulative Projects List*, in the Final EIR is located at James Road and Carrier Parkway Avenue, over 1,200 feet north of the Project site property line, which is well beyond the 50-foot distance where a cumulative construction vibration impact could occur. The Project and the nearest related project are not in close enough proximity to this sensitive receptor such that any sensitive receptor would be

exposed to substantial groundborne vibration levels. The Project's construction vibration levels would not exceed annoyance thresholds; therefore, the Project's incremental contribution is not cumulatively considerable. Given that vibration propagates through the soil as waves, multiple pieces of equipment operating simultaneously would each produce vibration waves in different phases, which would typically not increase the magnitude of the vibration. Furthermore, vibration is a localized phenomenon and tends to dissipate to insignificant levels within dozens of feet. Therefore, there would be no possibility of vibration associated with the Project combining with vibration from other projects due to their distance from the Project site. Therefore, the cumulative vibration impacts would be less than cumulatively considerable.

With respect to operational mobile source noise, a cumulative mobile source operational noise impact would be a substantial permanent noise increase at any receptor in the Project vicinity that is already exposed to excessive noise levels. Since traffic noise levels are the dominant noise source in the Project vicinity, the modeled traffic noise levels shown in **Table 4.12-8** in the Final EIR are representative of the ambient noise levels in the Project vicinity. These documented existing traffic noise levels along roadway segments adjacent to existing residential land uses range from 54.7 dBA to 61.2 dBA CNEL. These existing ambient noise levels are considered normally acceptable for residential land uses. In addition, as is shown in **Table 4.12-8** in the Final EIR, the proposed Project's maximum contribution to traffic noise levels on roadway segments in the Project vicinity is a 2 dBA increase. Audible increases in noise levels generally refer to a change of 3 dB or more as this level has been found to be barely perceptible to the human ear in outdoor environments. Therefore, this increase is less than a perceptible increase. Furthermore, the resulting traffic noise levels with implementation of the Project would range up to only 61.7 dBA CNEL as measured at 50 feet from the centerline of the outermost travel lane. The maximum operational noise from the Project at the nearest sensitive receptor would be much lower than the County's 65 dBA L_{dn} exterior noise standard for residential use. Thus, the Project would not make a substantial contribution with other cumulative projects. As such, cumulative impacts associated with operational noise from the proposed Project and cumulative projects would be negligible at the nearest receptor and would not exceed Kern County Ordinance noise standards. Thus, cumulative operational mobile noise impacts would be less than significant.

With respect to operational stationary noise, a cumulative stationary source operational noise impact would be a substantial permanent noise increase at any receptor in the Project vicinity that is already exposed to excessive noise levels. The proposed Project would introduce new stationary noise sources, including rooftop mechanical ventilation systems, parking lot activity, and truck loading/unloading operations.

The nearest cumulative Project on the identified in **Table 3-7:** *Cumulative Projects List* in the Final EIR is located at Road and Carrier Parkway Avenue located over 1,200 feet north of the Project site property line. Therefore, none of the cumulative projects are located within 500 feet of the Project site that could contribute to a cumulative operational stationary source noise impact with the proposed Project. As noted above, and in **Table 4.12-8** in the Final EIR**,** traffic noise levels are representative of the ambient noise levels and are considered normally acceptable for residential land uses. Implementation of the proposed Project would result in a less than significant cumulative impact related to stationary source noise. It should be noted that the proposed Project noise impact analysis demonstrates that the combined reasonable worst-case operational noise level from Project-related stationary noise sources would attenuate to 54 dBA CNEL as measured at the nearest residential property line. This combined reasonable worst-case operational noise

level would not exceed the documented existing ambient noise levels as measured at the nearest residential receptor property line. Thus, the Project would not make a substantial contribution with other cumulative projects. As such, cumulative impacts associated with operational noise from the proposed Project and cumulative projects would be negligible at the nearest receptor and would not exceed Kern County Ordinance noise standards. Thus, cumulative operational stationary noise impacts would be less than significant.

The only cumulatively considerable contribution to groundborne vibration conditions in the Project vicinity would result from introduction of new permanent/operational sources of groundborne vibration to an existing impacted environment. There are no significant operational sources of groundborne vibration located within 100 feet of the Project site, and none of the cumulative projects are within 100 feet of the Project site. In addition, implementation of the proposed Project would not include any significant permanent/operational sources that would expose persons in the Project vicinity to groundborne vibration levels that could be perceptible without instruments at any sensitive land use in the Project vicinity. Therefore, operational groundborne vibration impacts associated with implementation of the proposed Project would not result in a potentially significant cumulatively considerable impact. Moreover, the proposed Project would not contribute to the already less than significant cumulative groundborne vibration impacts in the Project vicinity. This would result in no impact.

Finding:

Construction and operational activities associated with the proposed Project, when considered in combination with other past, present, and reasonably foreseeable future projects within the 6-mile cumulative radius, would not result in a cumulatively considerable contribution to noise or vibration impacts. Due to the localized nature of noise and rapid attenuation of vibration, sensitive receptors in the vicinity of the Project would not be exposed to substantial cumulative noise or groundborne vibration levels. Project construction and cumulative development would comply with Kern County Code of Ordinances Chapter 8.36 and implement **Mitigation Measures MM 4.12-1** through **MM 4.12-4** to reduce noise levels, ensuring impacts remain less than significant. Similarly, operational noise from the Project and cumulative projects would remain below the County's 65 dBA Ldn exterior noise standard, and operational vibration impacts would be negligible. Overall, the Project's contribution to cumulative noise and vibration impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. The Project would have less than significant noise impacts with the implementation of **Mitigation Measures MM 4.12-1** through **MM 4.12-4**, as described above.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

13. POPULATION AND HOUSING

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (Impact 4.13-2).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Impact 4.13-1).

Description of Specific Impact:

Employment opportunities would be provided both during the construction of the Project and once the Project is operational. During the construction phase, which is expected to last approximately 27 months, the construction workforce would consist of up to 100 individuals; however, the average daily workforce would vary depending upon the stage in construction. Construction workers are likely to commute to the Project site from various local communities and not relocate to the area. Additionally, **Mitigation Measure MM 4.14-2**, as included in **Section 4.14**, *Public Services*, in the Final EIR would encourage a 50% local workforce for construction, reducing the number of workers commuting into the area for work. If temporary housing should be necessary, it is expected that accommodations would be available in the nearby hotels. Given that the increase in employment during construction phase of the Project is temporary, the short-term employment of construction workers on-site would not result in the building of new residences and would not result in unplanned population growth.

With respect to long-term employment opportunities, once operational, the proposed Project would employ approximately 572 employees. Hours of operation for the proposed quick-serve restaurants would be 24 hours per day. The proposed retail uses would employ approximately 40 employees. The proposed Project would be consistent with a majority of the existing SI (Service Industrial) MBGP land use designation on approximately 95 acres of the approximately 110-acre site. Therefore, impacts associated with population growth and housing resulting from operation of a majority of the Project are in conformance with the planned growth identified in the MBGP. The remaining approximately 14-acre parcel of the 110-acre Project site would contain the two quick-serve restaurants and a portion of warehouse Building 4. While

the proposed quick serve restaurants would be an allowed use within existing GC (General Commercial) land use designation, a MBGP amendment to SI (service Industrial) would be required for the construction and operation of the warehouse facility. It can be assumed impacts associated with population growth and housing resulting from operation of the proposed quick serve restaurants would be planned for and anticipated in the MBGP, as it is consistent with the existing land use designation. While a general plan amendment would be required, as discussed in **Section 4.13.2**, *Environmental Setting*, in the Final EIR, given the relatively higher housing vacancy rate and unemployment rate compared to the State, the additional new jobs as a result of the Project would likely be filled by the local labor market. As a result, the increase in new jobs would not induce substantial population growth.

The proposed Project would include off-site improvements along Airport Drive, Merle Haggard Drive, Landings Way, and Petrol Road. Such improvements would be necessary to meet applicable Kern County Public Works Department development standards. Improvements would include Project driveways, connection to existing utilities with the adjacent roadways, new pavement, curb and gutter, and sidewalk. These improvements would allow for passenger vehicle and truck access to the Project site and would not result in the extension of a roadway or infrastructure that would directly or indirectly induce unplanned population growth on or near the Project site. While impacts would be less than significant without mitigation, implementation of **MM 4.14-2** would further reduce impacts by encouraging the hiring of a local workforce.

Finding:

Through the implementation of **Mitigation Measure MM 4.14-2** from **Section 4.14**, *Public Services,* in the Final EIR, the Project would not induce substantial unplanned population growth in an area, either directly or indirectly through proposition of new homes and businesses or through the extension of roads or other infrastructure, the construction of which could cause significant environmental impacts and, therefore, have less than a significant impact.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. Mitigation Measure **MM 4.14-2** from Section **4.14**, *Public Services*, in the Final EIR, would be incorporated into the Project to reduce potential impacts to less than significant.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative population and housing impacts.

Description of Specific Impact:

Cumulative impacts are two or more individual impacts that, when considered together, are considerable or that compound or substantially increase other environmental impacts. Cumulative impacts for a project are considered significant if the incremental effects of the individual projects are considerable when viewed in connection with the effects of past projects, and the effects of other projects located in the vicinity of the Project site. The geographic scope for cumulative impacts on population and housing consists of a 6-mile buffer around the Project site, as viewed in **Chapter 3**, *Project Description,* **Figure 3-13** in the Final EIR.

These cumulative projects may have the potential to induce population growth. This includes recent nearby warehouse projects such as the IPG project and the Malibu Vineyards in Kern County (listed as projects #1 and #2, respectively in **Table 3-7** in the Final EIR), and the Majestic Gateway warehouse project (listed as project #33 in **Table 3-7** in the Final EIR) However, it is likely they would be able to be staffed by the existing regional workforce within Kern County, as each individual project would also be subject to project-level review and project-specific measures would be required, as needed, to reduce any potential population or housing significant impacts.

The Land Use Element of the MBGP (unincorporated planning area) anticipates the northeast Bakersfield area will experience significant growth, based on their "centers" concept, in which several other reasonably foreseeable projects are located. As noted above, the proposed warehouse use would be consistent with the existing SI (Service Industrial) MBGP land use designation on a majority of the Project site and thereby planned growth. Further, as noted in Section 4.14.2, the unemployment rate in Kern County remains higher than state and nation averages, at 9.6 percent as of June 2025. Projections also indicate the population will continue to grow to 1.2 million people by 2050. Job availability from this Project and combined projects would potentially reduce the unemployment rate and support planned growth in population in Kern County and surrounding communities. No new residences would be construction, nor would roadways or infrastructure be extended as part of the Project. Because the proposed Project would not directly increase population and there is a high unemployment rate, the proposed Project is not anticipated to result in a direct or indirect impact on population and housing, nor is the proposed Project anticipated to be growth inducing. Additionally, temporary impacts would be further reduced with the implementation of **Mitigation Measure MM 4.14-2**, as included in **Section 4.14**, *Public Services*, in the Final EIR, which would encourage all contractors of the Project site to hire at least 50% of their workers from local Kern County communities. This would ensure a workforce hired from within Kern County communities and reduces likelihood of workers commuting or relocating from outside Kern County for jobs and population growth.

Therefore, the proposed Project would not result in incrementally significant effects to population or housing that could be compounded or increased when considered together with similar effects from other

cumulative present and reasonably foreseeable future projects. Therefore, cumulative impacts would be less than significant.

Finding:

The Project would not contribute to cumulative population and housing impacts. These cumulative impacts would be further reduced through the implementation of **Mitigation Measure MM 4.14-2** from **Section 4.14**, *Public Services* in the Final EIR.

Level of Significance after Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. Mitigation Measure **MM 4.14-2** from Section **4.14**, *Public Services*, in the Final EIR will be incorporated into the Project to lessen the Project's contribution to cumulative impacts to a level that is less than significant.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

14. PUBLIC SERVICES

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None.

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governments facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times, or to other performance objectives for any of the public services: Fire Protection, Police Protection, Schools, Parks, Other Public Facilities? (Impact 4.14-1).

EXHIBIT A

Description of Specific Impact:

The on-site construction workforce would consist of up to 100 individuals; however, the average daily workforce would vary depending upon the stage in construction. It is anticipated that the construction workforce would commute to the Project site each day from local communities and report to the designated construction staging yards prior to the beginning of each workday.

During construction of the Project, service demands as a result of added personnel on-site would occur. The addition of construction personnel on the Project site could result in an increase in demand for fire protection services and be a potentially significant impact. Fire protection services for the Project site are provided by the Kern County Fire Department (KCFD). The nearest responding facility is KCFD Station No. 62. KCFD provides fire protection services across approximately 8,161 square miles and serves a population of more than 913,000 residents. According to the Bakersfield Joint Powers Authority (JPA) analysis, average fire department response times within KCFD's service area range from approximately 8.8 minutes in urban areas, 9.1 minutes in the Bakersfield JPA analysis subarea, 10.8 minutes in rural areas, and up to 21.2 minutes in remote areas. The presence of construction workers on the site would be temporary, as the construction period for the Project would last approximately 29 months, and would involve typical construction operations that are routinely served by KCFD. The temporary increase in on-site workers would not substantially increase demand beyond existing service conditions, would not require the construction of new or expanded fire protection facilities, and would not necessitate additional staffing or equipment. Given the proximity of Station No. 62 and KCFD's established service capacity and response times, the Project would not impair the ability of fire protection services to maintain acceptable response times or service levels. Therefore, based on the location and proximity to existing stations, the response time to the Project site is anticipated to be acceptable. KCFD commented on the Notice of Preparation (**Appendix A** of the Final EIR) and did not indicate that construction of new or expanded fire facilities or fire stations as a result of construction of the Project would be required.

The Project includes the installation of all required on-site fire suppression devices, as well as use of defensible space, installation of hydrants, and use of building materials to retard the spread of fire. that would assist responding firefighting personnel to fight fires at the Project site. For these reasons, potential impacts are considered less than significant.

Furthermore, the Project would implement **Mitigation Measure MM 4.8-13** (see **Section 4.8**, *Hazards and Hazardous Materials,* in the Final EIR for full mitigation measure text), which requires the development and implementation of a Fire Safety Plan. This plan ensures that procedures and emergency fire precautions are implemented, thus reducing the likelihood of a fire incident at the Project site. The Fire Safety Plan would be for use during the construction period and would include emergency fire precautions for vehicles and equipment, as well as implementing fire rules and trainings so temporary employees are equipped to support handling fire threats.

The proposed Project would include the development of 4 single story warehouses, totaling 1,505,440 square feet on approximately 109 acres. The facility would employ approximately 532 employees over the course of three shifts. Hours of operation for the proposed quick-serve restaurants would be 24 hours per day. The

proposed retail uses would employ approximately 40 employees. Therefore, implementation of the proposed Project would potentially increase the demand for existing fire and emergency services.

The proposed Project's primary function would be to facilitate industrial warehouse storage and logistics, along with industrial manufacturing and assembly specifically for food or beverage production. The warehouses are designed to support varied logistics uses including cold storage, with construction compliant with M-2 PD H (Medium Industrial – Precise Development Combining – Airport Approach Height Combining) District standards. The warehouses would serve trucks exclusively, necessitating a variety of truck doors to accommodate specialized storage, handling, and distribution for diverse commodities such as consumer goods, materials, and tools.

Any modification to the interior of the building (i.e., tenant improvements) will be subject to plan check review and require issuance of a building permit to ensure compliance with applicable codes (e.g., Building Code, Fire Code, Plumbing Code, etc.). Outdoor storage is not proposed as part of this Project. It is possible that certain goods and products allowed by the Zone District would require fire protection measures for warehousing and distribution from the Project site. This includes additional coordination with the Fire Department for tire storage and distribution, which would be coordinated through the tenant improvement approval process.

All uses permitted in the Project will be required to comply with the application sections of the Fire Code (and all codes) prior to the issuance of a building permit for those tenant improvements. Fire protection requirements are based on the number of residents and workers in the KCFD primary service areas. Service demand is primarily tied to population, not building size, because emergency medical calls make up approximately 55% of responses made by the KCFD. As the number of residents and workers increases, so does the number of emergency medical calls. There are no residential uses proposed as a part of the Project. Therefore, no residents would occupy the Project site, and an increase in service demands as a result of an increase in residential uses would not occur.

Furthermore, the Project would be in conformance with the MBGP land use designation and county zoning classification for the site. Therefore, buildout of the industrial uses at this location would have already been accounted for in County's long-range projections for demands on fire and emergency services.

The potential increase in demand for fire and emergency services would be mitigated through preparation of a Fire Safety Plan, implemented per **MM 4.8-13** (see **Section 4.8**, *Hazards and Hazardous Materials*, in the Final EIR for full mitigation measure text) and would help reduce fire risks onsite. In addition, all Project facilities would be designed and constructed in accordance with the 2022 California Fire Code and Kern County Fire Code, such that fire hazards are reduced and/or avoided, and the facilities would be required to have a fire rating in conformance with County and California Building Code standards. Fire protection services for the Project site are provided by the Kern County Fire Department, with the nearest responding facility being Station No. 62, which operates within established service capacity and response time objectives. Given the KCFD's documented ability to serve similar projects while maintaining average response times of approximately 8.8 to 9.1 minutes in the Bakersfield JPA and urban analysis subareas, existing fire protection services would be sufficient to timely respond to fire incidents during Project operations. As noted above, KCFD commented on the Notice of Preparation (**Appendix A** of the Final

EIR) and did not indicate that construction of new or expanded fire facilities or fire stations as a result of the operational components of the Project would be required. **Mitigation Measure MM 4.14-1** helps mitigate potential increases in the use of County fire and police services by requiring the Project proponent to develop a plan to ensure the sales taxes from the property be is received by unincorporated Kern County.

The County can use collected revenues to support fire and police operating budgets. **Mitigation Measure MM 4.14-2** helps mitigate potential increases in population by encouraging employers to hire 50% of their work force locally. Therefore, with implementation of **Mitigation Measures MM 4.8-13**, **MM 4.14-1,** and **MM 4.14-2**, the proposed Project would not result in the need for new or physically altered KCFD facilities, and significant environmental impacts would not result. Impacts would be less than significant. As described above in **Section 4.14.2,** *Environmental Setting*, in the Final EIR the KCSO provides primary law enforcement protection services for the Project site and surrounding areas. The Kern County Sheriff's Office is located at 1350 Norris Road, approximately 1.2 miles southwest of the Project site. The East Bakersfield Substation is located at 1726-1798 Flower Street, approximately 5.5 miles southeast of the Project site. The need for police protection services would potentially increase during construction of the proposed Project, similar to fire protection services.

The Project site is in a relatively urban location surrounded by a variety of uses. Due to the nature of the Project, it may attract vandals or present other security risks that would make Project facilities susceptible to crime. Fences would be installed around the perimeter of the proposed Project area to help reduce unauthorized access for safety and security purposes, and temporary pole lighting would also be used. All fencing shall comply with applicable requirements of the Kern County Public Works Department/Building Inspection Division. Thus, a substantial increase in demand for law enforcement services is not expected. Construction activities may temporarily increase traffic volumes along Airport Drive and Merle Haggard Drive. The added traffic associated with workers commuting to the Project site, haul routes, deliveries, and other Project-related traffic would be temporary; therefore, it would not have a significant adverse effect on the KCSO protective service provision or CHP's ability to patrol the highways.

While construction of the Project would increase the number of people on the Project site, the increase would be temporary, would not substantially increase the service demand for law enforcement protection services in Kern County, and would not result in the need for new facilities. Therefore, new or physically altered KCSO facilities would not be required to accommodate the proposed Project, and significant environmental impacts are not anticipated. Impacts would be less than significant.

Project operation could attract vandals or present other security risks. As described above, Project facilities could be susceptible to crime due to the nature of the proposed Project as a warehouse and distribution facility. Project site security features would include an 8-foot metal fence enclosing the entire developed area, with 8' sliding fence and sliding gate to enclose truck trailer parking. An 8- foot metal fence and sliding gate is also proposed along the perimeter of the Project site. All fencing shall comply with applicable requirements of the Kern County Public Works Department/Building Inspection Division. Thus, a substantial increase in demand for law enforcement services is not expected.

As previously addressed, the Project would not directly or indirectly induce unplanned population growth in the County. Although the Project could potentially result in a slight incremental increase in calls for

service to the Project site compared to existing conditions, this increase is expected to be nominal (as opposed to new residential or commercial/retail land uses, which do result in greater increase in calls for service) and would not result in the need for new police protection facilities. Overall, it is anticipated that the Project would be adequately served by existing KCSO facilities, equipment, and personnel. Therefore, impacts associated with the construction or expansion of police facilities would be less than significant.

The on-site construction workforce would consist of up to 100 individuals, which could have significant impacts on schools, parks, and other public facilities due to the possible increase in population. However, the average daily workforce would vary depending upon the stage in construction. The presence of construction workers would be temporary and is anticipated to last approximately 29 months. These construction workers would likely come from an existing local and/or regional construction labor force and would not likely relocate their households as a consequence of working on the Project. This is because the unemployment rate in Kern County was 9.6 percent as of June 2025, higher than state and national averages, meaning that construction employment associated with the Project would likely be filled by the existing local and regional workforce rather than induce relocation of workers' households. Additionally, implementation of **Mitigation Measure MM 4.14-2** would encourage all contractors of the Project site to hire at least 50% of their workers from local Kern County communities. Due to the short-term nature of increased employment of construction workers on the Project site, as well as the anticipation that at least 50% of construction workers would be sourced from local communities, a notable increase in the residential population and therefore the use of schools, parks, and other public facilities in the surrounding area is not expected. Furthermore, as described in **Section 4.13**, *Population and Housing*, in the Final EIR, impacts associated with population growth resulting from construction and operation of the Project are in conformance with the planned growth identified in the MBGP. Accordingly, there would not be a corresponding demand or use of the local schools, parks, or public facilities. Thus, Project construction workers would not increase demand for local schools, parks, or other public facilities such that substantial physical deterioration of such facilities would occur, nor result in substantial environmental impacts associated with the construction of new or physically altered facilities in order to maintain acceptable service ratios. Impacts during construction associated with schools, parks, and other public facilities would be less than significant.

As described above, the warehouse facility would employ approximately 532 employees over the course of three shifts. Hours of operation for the proposed quick-serve restaurants would be 24 hours per day. The proposed retail uses would employ approximately 40 employees. Though it is unlikely that the proposed Project would bring in employees from outside of the region during the operational phase due to higher unemployment rate in Kern County, the potential does remain. If employees were hired from out of the area and had to relocate to eastern Kern County, the resulting addition of potential families to this area would not result in a substantial increase in the demand on schools, parks, and other public facilities, as accommodations for housing would be available in the nearby communities, including the greater Bakersfield area as well as Oildale, Lamont, and Buttonwillow. Therefore, potential impacts on County public facilities are considered less than significant.

With regard to schools, as previously discussed, the Project would not directly or indirectly induce unplanned population growth in the County. Although the Project would require employees to construct and operate the Project, these short-term and long-term employees would likely already reside within the broader Project area. As such, it is not anticipated that many people would relocate to the County as a result

of the Project, and an increase in school-age children requiring public education is not expected to occur as a result.

Similar to other development Projects in the County, the Project would be subject to Senate Bill 50, which requires payment of mandatory impact fees to offset any impact to school services or facilities. The provisions of Senate Bill 50 are deemed to provide full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other state or local laws (Government Code Section 65996). In accordance with Senate Bill 50, the Project Applicant would pay its fair share of impact fees based on the Project's square footage per Government Code Section 65995(h). These impact fees are required of most residential, commercial, and industrial development Projects in the County. Therefore, impacts associated with construction or expansion of school facilities would be less than significant.

To further minimize impacts on County public facilities, the Project would implement **Mitigation Measure MM 4.14-1**, where the Project proponent would work with the County to determine how the use of sales and use taxes from construction of the Project can be maximized to support public facilities in the County. Additionally, **Mitigation Measure MM 4.14-2** would be implemented, which would encourage all contractors of the Project site to hire at least 50% of their workers from local Kern County communities. Therefore, staff required during operation would not increase demand for public facilities such that substantial physical deterioration of such facilities would occur, nor would Project operation require the construction or expansion of public facilities which might result in significant environmental impacts. No new or physically altered park, school or community facilities would be required to accommodate the proposed Project, as jobs would be drawn from local areas. Thus, the proposed Project would not result in substantial environmental impacts associated with the construction of new or physically altered facilities in order to maintain acceptable service ratios, and impacts would be less than significant.

Finding:

Through the implementation of **Mitigation Measures MM 4.14-1, MM 4.14-2**, and **MM 4.8-13** (see **Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR), the Project would not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts and, therefore, have less than a significant impact.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measures will be incorporated into the Project to reduce potential impacts to less than significant.

MM 4.14-1 The Project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the Project can be maximized. This process shall include, but is not necessarily limited to, the Project proponent/operator obtaining a street address for the Project Site which is within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization, so that the sales tax is received by unincorporated Kern County. As an alternative to the aforementioned process, the Project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount of the single payment to be determined via a formula approved by Kern County. The Project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.

MM 4.14-2 Prior to the issuance of any building permits on the property, the Project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the Project site to hire at least 50 percent of their workers from local Kern County communities. The Project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative public service impacts.

Description of Specific Impact:

Cumulative impacts are two or more individual impacts that, when considered together, are considerable or that compound or substantially increase other environmental impacts. Cumulative impacts for a project are considered significant if the incremental effects of the individual projects are considerable when viewed in connection with the effects of past projects and the effects of other projects located in the vicinity of the Project site. The cumulative study area is based on the service area for each of the fire, sheriff, and other governmental offices/facilities serving the Project site. As discussed above, fire service impacts related to

the Project would be less than significant with mitigation. **Mitigation Measure MM 4.8-13** requires implementation of a Fire Safety Plan during Project construction and operation that would include notification procedures and emergency fire precautions to reduce fire risks and the consequential need for fire protection services on-site. Other related cumulative projects may also be required to pay applicable fees and taxes to reduce significant impacts on fire or law enforcement protection services, as required by implementation of **Mitigation Measure MM 4.14-1**. With payment of the required mitigation fee as assessed by Kern County in coordination with the Project proponent, any slight contribution the Project would have on the need for additional fire or law enforcement protection services, facilities or personnel required would be appropriately funded. Lastly, implementation of **Mitigation Measure MM 4.14-2** would require the Project proponent to make efforts to hire approximately 50 percent of its workforce from Kern County, further contributing to the economic vitality of the County. Similar to the Project, all other past, present, and reasonably foreseeable future projects located within these fire and sheriff service areas were or would be required to pay this mitigation fee, if deemed appropriate by the Kern County Planning and Natural Resources Department. These projects would also be required to undergo environmental review, in compliance with the requirements of CEQA. Should potential impacts on public services be identified, appropriate mitigation would be prescribed that would reduce impacts to less than significant levels. Therefore, because the proposed Project would not create a significant impact on public services, and other related projects would also be expected to avoid or mitigate impacts on public services, this proposed Project would comply with the goals, policies, and implementation measures of the Kern County General Plan and cumulatively significant impacts are anticipated to be less than significant. Therefore, the proposed Project's incremental effect is not cumulatively considerable when viewed in connection with the effects of other closely related past projects, the effects of other current projects, and the effects of probable future projects. The proposed Project would not create a cumulatively considerable impact related to public services with the incorporation of **Mitigation Measures MM 4.8-13** (see **Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR) and **MM 4.14-1** and **MM 4.14-2.** Cumulative impacts would be less than significant.

Finding:

The Project would not contribute to cumulative public service impacts. These cumulative impacts would be further reduced through the implementation of **Mitigation Measures MM 4.8-13** (see Section 4.8, *Hazards and Hazardous Materials* in the Final EIR), **MM 4.14-1 and MM 4.14-2**, which includes a fire safety plan, requires the proponent/operator to work with the County to determine how the use of sales and use taxes from construction of the Project can be maximized to support public facilities in the County, and encourages all contractors of the Project site to hire at least 50 percent of their workers from local Kern County communities. Therefore, cumulative impacts are less than significant with mitigation.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts

of the Project. **Mitigation Measures MM 4.8-13**, **MM 4.14-1 and MM 4.14-2**, as described above, would be incorporated into the Project to lessen the Project's contribution to cumulative impacts to a level that is less than significant.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

15. RECREATION

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration would occur or be accelerated? (Impact 4.15-1).

Would the project include recreational facilities or require construction or expansion of recreational facilities that might have an adverse physical effect on the environment (Impact 4.15-2)?

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

None

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative recreation impacts.

Description of Specific Impact:

Cumulative impacts are two or more individual impacts that, when considered together, are considerable or that compound or substantially increase other environmental impacts. Cumulative impacts for a Project are considered significant if the incremental effects of the individual projects are considerable when viewed in connection with the effects of past projects and the effects of other projects in the vicinity of the Project site. The geographic scope for cumulative impacts on recreation resources includes portions of the MBGP

area and the City of Shafter that fall within the 6-mile radius of the Project site, which includes a total of 29 projects.

The Project's incremental impact of an increased use of parks would be minimal because of the relatively small number of permanent employees working on-site and the temporary nature of the workers involved in construction of the Project. With the need for more jobs as shown by the high unemployment rate of 8.9% in Kern County (California Employment Development Department, 2024), the population is not anticipated to substantially increase, but rather, a need can be met.

The Project, in combination with the other projects is not anticipated to increase the need for recreational facilities. The approximate 572 employees needed to construct the Project would meet the need of jobs in the surrounding unincorporated communities, meaning that the population would likely increase only slightly and use of recreational facilities would not increase substantially. Therefore, the Project's contribution to increased park usage would be negligible. The MBGP Parks Element also sets forth goals by the County to ensure adequate park and recreational facilities are in place to serve residents. This includes providing 4 acres of park and recreation space for each 1,000 persons and ensuring that all park and recreation facilities are adequately designed, landscaped, and maintained. Existing local parks and recreational facilities are also being maintained, having undergone renovation from 2023 to 2024 to ensure that facilities are updated and accessible to current and future residents. Though a slight increase in population is expected as a result of the Project, it is expected for the County to accommodate this by upgrading existing parks or constructing new facilities based on population growth for the entire unincorporated County. Therefore, the Project would not combine with impacts from cumulative projects to result in a significant impact.

There is no new construction or expansion of parks proposed as a part of this Project; therefore, the Project would result in little to no impact in this regard. Furthermore, impacts of the Project would not have the potential to combine with impacts from cumulative projects to result in a significant impact.

Finding:

As discussed above, the approximate 532 employees needed to construct the Project on its peak phase, would meet the need of jobs in the surrounding unincorporated communities, and the proposed retail uses would employ approximately 40 employees, meaning population would only increase slightly, and use of recreational facilities would not increase substantially. Therefore, the Project's contribution to increased park usage would be negligible and would, therefore, not combine with impacts from cumulative projects to result in a significant impact. The Project would comply with the goals, policies, and implementation measures of the MBGP. No additional mitigation measures are proposed. Therefore, impacts would be less than significant without mitigation.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. There are no applicable mitigation measures given that the Project would comply with the goals, policies, and implementation measures of the MBGP. No additional mitigation measures are proposed.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

16. TRANSPORTATION AND TRAFFIC

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

None.

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project conflict with a program, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, as follows: Metropolitan Bakersfield General Plan LOS C and Kern County General Plan LOS "D"? (Impact 4.16-1).

Description of Specific Impact:

The Project is not located along an existing bus route and few bus stops exist on the roadways likely to be used during construction and operation. As identified above, the nearest bus stop is located 0.5 mile east of the Project at the intersection of McCray Street and Merle Haggard Drive. Project construction and operation would not impact surrounding roadways with transit routes and thus would not impact transit facilities through closure of roadways that would impede public transit mobility. Therefore, the Project would not conflict with a plan, ordinance, or policy concerning transit facilities and impacts would be less than significant.

Project is located within the metropolitan plan area of Kern County where the service goal for roadway facilities is LOS "C". Per the MBGP, streets where existing LOS is below "C", requires special consideration for mitigation measures to prevent or delay degradation of the existing LOS. To determine MBGP consistency relating to intersection and roadway LOS, the Traffic Study provides an analysis of the operations of the existing and future street system with the addition of traffic associated with the Project. The operational analysis includes LOS analysis for peak-hour intersection and daily roadway operations,

as well as queueing and signal warrant evaluation. The analysis within the Traffic Study also identifies potential LOS or geometric deficiencies related to the Project.

To determine existing LOS for the intersections within the study area, the study considered existing intersection geometrics and existing AM and PM peak-hour traffic counts for the unsignalized and signalized intersections. The existing LOS for the study intersections are outlined below in Error! Reference source not found.. As noted above, The LOS goal for roadway facilities is LOS "C" within the Metropolitan Bakersfield area. Intersection delays are shown for all intersections that operate below LOS "C."

Under existing conditions, the Airport Drive & Day Avenue/Boughton Drive intersection experienced the greatest AM peak hour delay at 42.1 seconds and the Porterville Highway (SR 65) & Merle Haggard Drive intersection experienced the greatest PM peak hour delay at 39.9 seconds. Overall, of the seventeen (17) intersections analyzed, three intersections are currently operating below acceptable levels; Coffee Road & 7th Standard Road operates at LOS D during the PM peak hour, Porterville Highway (SR 65) & Merle Haggard Drive operates at LOS D during the AM and PM peak hour, and the intersection of Airport Drive & Day Avenue/Boughton Drive operates at LOS D during the AM peak hour.

Error! Reference source not found. in the Final EIR also identifies the LOS for existing-year conditions (2023) with the Project's estimated traffic generation. Similar to existing conditions, under existing plus Project conditions the majority of the study intersections would operate at LOS C or better during both peak hours, with the exception of Coffee Road & 7th Standard Road during the PM peak hour, Porterville Highway (SR 65) & Merle Haggard Drive during the AM and PM peak hour, and the intersection of Airport Drive & Day Avenue/Boughton Drive during the AM peak hour. These intersections are identified as opening year network deficiencies occurring prior to the addition of Project traffic. Further, the addition of Project traffic does not increase anticipated delay to a level which causes a further drop in LOS.

The LOS analysis is presented for information and General Plan consistency and is not a basis for determining significant environmental impact. Specifically, *Citizens for Positive Growth & Preservation v City of Sacramento* (2019) 43 C5th 609, 624 (LOS-based challenge moot in light of enactment of CEQA Guideline 15064.3). While Project traffic does not result in further deterioration of LOS, the Project would comply with **Mitigation Measure MM 4.16-1**, which would require intersection and roadway improvements that would improve the LOS. Additionally, **MM 4.16-2** would require the submittal of payment of a fair share fee towards transportation infrastructure improvements.

To determine the LOS with the Project traffic by year 2043, the study compares the future-year conditions (2043) to future-year plus Project conditions. The future-year scenario is derived from annual traffic growth rates between 0.15% and 3%. To determine the LOS of future-year plus Project, the scenario adds the Project's estimated traffic generation at buildout year 2043. Error! Reference source not found.**,** in the Final EIR compares future-year LOS with future-year plus Project LOS.

As indicated in Error! Reference source not found. in the Final EIR, future plus Project conditions would result in an unacceptable LOS, i.e. LOS D or below, at intersections Coffee Road/7th Standard Road, Golden State Highway/7th Standard Road, Porterville Highway (SR 65)/Merle Haggard Drive, Wings Way/Merle Haggard Drive, Landings Way/Merle Haggard Drive, Airport Drive/Merle Haggard Drive, and Airport Drive/Day Avenue/Boughton Drive. However, this does not account for planned local improvements with the potential to improve future-year conditions, specifically those identified in Error! Reference source not found. in the Final EIR.

Future intersection improvements identified in Error! Reference source not found. in the Final EIR are required through either the Regional Transportation Improvement Program (RTIF) and/or as part of the California High Speed Rail (HSR) project. The proposed Project would be required to comply with the RTIF program and would pay fees toward funding these improvements. For additional information on improvements associated with RTIF and HSR and anticipated as part of future-year conditions analysis, see **Appendix L** in the Final EIR. Further, as identified in Error! Reference source not found. in the Final EIR, and set forth in **MM 4.16-2**, the Project would be required to pay its fair share of required local improvements, that are not covered by the RTIF program or anticipated by adjacent development.

As outlined in the two far-right columns in **Error! Reference source not found.** in the Final EIR, under the future plus Project with improvements condition, LOS would improve. While intersections Coffee Road/7th Standard Road, Golden State Highway/7th Standard Road, and Porterville Highway (SR 65)/Merle Haggard Drive would still operate at an unacceptable LOS, Project traffic would not increase anticipated delay to a level which causes a further drop in LOS as compared to future conditions without the Project. Therefore, compliance with **MM 4.16-2** would ensure Project traffic would not result in further deterioration of LOS under future year conditions. The Project would not conflict with a plan, ordinance, or policy concerning roadway facilities and impacts would be less than significant.

Volume-to-capacity ratio (v/c) greater than 0.80 corresponds to a LOS of less than "C," as defined in the Highway Capacity Manual. As mentioned previously, a level of service "C" is the accepted standard in Kern County within the metropolitan Bakersfield areas. Refer to Error! Reference source not found.**,** in the Final EIR, for existing and existing plus Project roadway capacity and corresponding LOS.

The LOS analysis is presented for information and General Plan consistency and is not a basis for determining significant environmental impact. Specifically, *Citizens for Positive Growth & Preservation v City of Sacramento* (2019) 43 C5th 609, 624 (LOS-based challenge moot in light of enactment of CEQA Guideline 15064.3). Roadway level of services operates at an acceptable capacity under both existing and existing plus Project conditions.

As mentioned previously, a level of service "C" is the accepted standard in Kern County within the metropolitan Bakersfield areas. Refer to Error! Reference source not found. in the Final EIR for future-year, future-year plus Project, and future-year plus Project with improvements roadway capacity and corresponding LOS.

As indicated in Error! Reference source not found. in the Final EIR, future plus Project conditions would result in an unacceptable LOS, i.e. LOS D or below, at roadway segments7th Standard Road: Coffee Road

to Golden State Highway, 7th Standard Road: Golden State Highway to SR 99 NB offramp/Quinn Road, Merle Haggard Drive: Pegasus Drive to Wings Way, Merle Haggard Drive: Landings Way to Airport Drive, Airport Drive: China Grade Loop/Skyway Drive to Day Ave/Boughton Drive, and Airport Drive: Day Avenue/Boughton Drive to Merle Haggard Drive. As set forth in **MM 4.16-1**, the Project would include roadway improvements that would facilitate better roadway capacity and corresponding LOS. Further, future local improvements would improve future-year conditions, specifically those identified in Error! Reference source not found.**,** in the Final EIR.

Future roadway improvements identified in Error! Reference source not found. in the Final EIR are required through either the Regional Transportation Improvement Program (RTIF) and/or as part of the California High Speed Rail (HSR) project. The proposed Project would be required to comply with the RTIF program and would pay fees toward funding these improvements. For additional information on improvements associated with RTIF and HSR and anticipated as part of future-year conditions analysis, see **Appendix L** of the Final EIR, Traffic Study. Further, as identified in Error! Reference source not found. in the Final EIR, and set forth in **MM 4.16-2**, the Project would be required to pay its' fair share of required local improvements, that are not covered by the RTIF program or anticipated by adjacent development.

As outlined in the two far-right columns in Error! Reference source not found. in the Final EIR, under the future plus Project with improvements condition, roadway capacity would improve to an acceptable LOS. With the exception of roadway segment Merle Haggard Drive from Pegasus Drive to Wings Way, which due to physical constraints cannot be improved to improve the roadway capacity and LOS. Therefore, compliance with **MM 4.16-1** and **MM 4.16-2** would ensure Project traffic would not result in a deterioration of roadway LOS under future year conditions. The Project would not conflict with a plan, ordinance, or policy concerning roadway facilities and impacts would be less than significant.

Peak hour signal warrants were evaluated for unsignalized intersections within the study based on the California Manual on Uniform Control Devices (MUTCD). Peak hour signal warrants assess delays to traffic on the minor street approaches when entering or crossing a major street. Signal warrant analysis results for PM and AM peak hours are shown in the Final EIR**,** ***Error! Reference source not found.****s* and **Error! Reference source not found.** in the Final EIR.

Traffic signal warrants were not met under existing, existing plus Project, future, or future plus Project conditions. The Project would not increase traffic delays at the applicable nearby intersections such that a warrant signal would be met.

Overall, with implementation of **MM 4.16-1** through **MM 4.16-2**, the Project would not conflict with a plan, ordinance, or policy concerning roadway facilities and impacts would be less than significant. There are no existing dedicated bicycle or pedestrian facilities adjacent to the Project site frontage. The Kern County ATP recommends Class III bike lanes along Merle Haggard Drive and Airport Drive adjacent to the Project site. As noted above and recommended in the Kern County APT, corridor improvements including sidewalk gap closure and crosswalk enhancements are recommended along Merle Haggard Drive. Consistent with **MM 4.16-1**, the Project would be required to implement pedestrian facilities including sidewalks and wheelchair ramps along Airport Drive, Merle Haggard Drive, Petrol Road, and Landings Way. Additionally, the Project proponent would implement **MM 4.16-3,** which would require on-site bike

share, parking/storage, repair tools, and end-of-trip facilities. Therefore, the Project would not conflict with a plan, ordinance, or policy concerning bicycle or pedestrian facilities and impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant for the Project.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measures will be incorporated into the Project to reduce potential impacts to less than significant.

MM 4.16-1: Prior to final occupancy, the Project proponent shall complete the following:

a. Record an irrevocable offer of dedication to the County of Kern of all subject frontage along:

   1. Airport Drive, 55 feet in width, and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance, and Development Standards
   2. Merle Haggard Drive, 55 feet in width, and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance, and Development Standards
   3. Petrol Road, 45 feet in width, including the off-site portion of Petrol Road from the westerly Project boundary line to the easterly right-of-way of Landings Way for orderly development and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance, and Development Standards
   4. Landings Way, 45 feet in width, including the off-site portion of Landings Way from the northerly Project boundary line to the southerly right-of-way of Petrol Road for orderly development and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance, and Development Standards.

b. Under street improvement plans submitted for review and approval by the Kern County Public Works Department:

   1. Construct Airport Drive Project frontage to "Type A" Subdivision Standard, half width Arterial Street, and right turn lane (Plate R-40), per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to: curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins.
   2. Construct Merle Haggard Drive Project frontage to "Type A" Subdivision Standard, half width Arterial Street, and right turn lane (Plate R-40), per the Kern County Development Standards and the Land Division

Ordinance. These improvements shall be, but not limited to: curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins.

3. Construct Petrol Road Project frontage to "Type A" Subdivision Standard, half width Collector Street, and right turn lane (Plate R-40), per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to: curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins.
4. Construct Petrol Road from the westerly Project boundary line to the easterly right-of-way of Landings Way to Type "A" Subdivision Standard, half width Collector Street, for orderly development, per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, right turn channelization, and the necessary tie-ins.
5. Construct Landings Way Project frontage to Type "A" Subdivision Standard, half width Collector Street, and right turn lane (Plate R-40), per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to: curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins.
6. Construct Landings Way from the northerly Project boundary line to the southerly right-of-way of Petrol Road to Type "A" Subdivision Standards, half width Collector Street, for orderly development, per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, right turn channelization, and the necessary tie-ins.
7. Modify existing traffic signal at the intersection of Merle Haggard Drive and Landings Way, per the Kern County Development Standards and the Land Division Ordinance.
8. Include a striping plan and streetlight plan
9. Provide a 20-foot by 20-foot right of way corner cutoff at all intersections
10. All employee drive approaches shall conform to Plate R-55, per the Kern County Development Standards and the Land Division Ordinance.
11. All truck drive approaches shall conform to Plate R-58, widths to be determined in consultation with Kern County Public Works Department and per the Kern County Development Standards and the Land Division Ordinance.
12. All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, fences, or similar obstructions, shall be removed from the ultimate road right-of-way. Compliance with this requirement is the responsibility of the applicant and may result in significant expenditures.

c. Prior to final occupancy, the project proponent shall prepare and submit a Truck Routing Plan to the Kern County Public Works Department—Traffic Division for review and approval. The Truck Routing Plan shall identify the designated routes for project-related truck traffic between the project site and the regional roadway and highway system. Project-related trucks shall use the routes identified in the approved Truck Routing Plan. Prior to final occupancy, the project proponent shall install signs at all truck entrances and exits, and at any additional locations required by the Kern County Public Works Department—Traffic Division, directing truck drivers to the designated truck routes identified in the approved Truck Routing Plan. The project proponent/operator shall maintain the truck-route signs and provide the approved Truck Routing Plan to Project tenants, visitors, and users.(RTC 8/28/2026)

MM 4.16-2: Prior to the issuance of any building permit within Metropolitan Bakersfield, the Project proponent shall pay the required Transportation Traffic Impact fees.

MM 4.16-3: Prior to the issuance of construction or building permits, the proposed Project shall prepare a Transportation Demand Management program to reduce Vehicle Miles Travelled associated with employee trips. The program shall include Transportation Demand Management measures that would individually reduce the proposed Project's Vehicle Miles Traveled and trips, with the goal of obtaining a Vehicle Miles Traveled reduction to lessen the proposed Project's Vehicle Miles Traveled impact. The following Transportation Demand Management measures would be implemented by the proposed Project as part of the Transportation Demand Management program:

a. Alternative-Mode Subsidies and Incentives: provide subsidization of transit fares, carpool, or electric vanpool for employees of the Project site. Provide monetary incentives for alternate modes of transportation.
b. Travel Behavior Change Program: Provide a web site that allows employees to research other modes of transportation for commuting to the site.
c. Promotions and Marketing: Provide marketing and promotional tools to educate and inform travelers about site-specific transportation options and the effects of their travel choices with passive educational and promotional materials.
d. Commute Assistance Center: Provide a computer kiosk that allows employees to research other modes of transportation for commuting.
e. Preferential Carpool/Vanpool Parking Spaces: Provide reserved carpool/vanpool spaces closer to the building entrance.
f. Passenger Loading Zones: Provide passenger loading zones for easy access to carpools or vanpools.
g. Bike Share: Implement bike share to allow people to have on-demand access to a bicycle, as needed.
h. Bike Parking and Facilities: Include secure bike parking and showers to provide additional end-of-trip bicycle facilities to support safe and comfortable

bicycle travel. Provide on-site bicycle repair tools and space to use them supports ongoing use of bicycles for transportation.

Significant Effect:

Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Impact 4.16-3).

Description of Specific Impact:

The Project site is described as having a flat topography, with no elevations that would obstruct views if sharp curves were within the Project area. Additionally, there are no incompatible uses within the Project vicinity. However, the introduction of construction-related traffic would have the potential to increase accident rates and could result in significant impacts. The delivery of heavy construction equipment may require transport by oversize vehicles using area roadways. The delivery of heavy equipment would be hauled in and out of the Project site on an as-needed basis. These deliveries and use of oversize vehicles during construction can create a hazard to the public by limiting motorist views on roadways and creating obstructions, which is considered a potentially significant impact. Implementation of **Mitigation Measure MM 4.16-4**, would require the Project proponent to prepare a Construction Traffic Control Plan, obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize County maintained roads, and identify roads to be used during construction. The Construction Traffic Control Plan, would identify anticipated construction delivery times and vehicle travel routes in advance to minimize construction traffic during AM and PM peak hours. This would ensure that construction-related oversize vehicle loads are in compliance with applicable California Vehicle Code sections and California Street and Highway Codes applicable to licensing, size, weight, load, and roadway encroachment of construction vehicles. See below for the full mitigation language. Compliance with **MM 4.16-4** and the regulatory framework referenced above, would ensure construction would not result in increase hazards due to a geometric design feature of incompatible use.

Once operational, the Project would primarily operate as industrial warehouse storage, industrial manufacturing/assembly to facilitate the manufacturing of food or beverage products, and industrial warehouse storage including cold storage. The Project would also have two quick-serve restaurants operating on the site. The proposed Project would not include a design feature or utilize vehicles with incompatible uses that would create a hazard on the roadways surrounding the Project site. Consistent with applicable County Code requirements all internal drive aisles and Project driveways would be designed to allow for truck turning movement. The proposed Project would not include the development of sharp curves, dangerous intersections or other hazardous design features. In addition, as set forth in **MM 4.16-1**, the Project would include Type A" Subdivision Standard street improvements, a striping and streetlight plan, 20-foot X 20-foot right-of-way corner cutoffs at all intersections, and compliance Kern County Development Standards and the Land Division Ordinance. Therefore, compliance with the established regulatory framework identified above and **MM 4.16-1** and **MM 4.16-4**, would ensure the Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). Impacts would be less than significant.

Finding:

The Project would not increase hazards due to a geometric design feature or incompatible uses that would create a hazard on the roadways surrounding the Project site. However, implementation of **Mitigation Measures MM 4.16-1** and **MM 4.16-4**, which would require that the Project prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department that would ensure the Project would not impact substantially increase hazards due to a geometric design feature and would further reduce the impacts to less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. The following mitigation measure, as described above, will be incorporated into the Project to lessen the cumulative impacts to a level that is less than significant:

MM 4.16-4: Prior to the issuance of construction or building permits, the Project proponent/operator shall:

a. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department – Traffic Division and the California Department of Transportation offices for District 6, as appropriate, for approval, which approved plan must be implemented throughout the Project's construction phase. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must address, at a minimum, the following issues:

1. Timing of deliveries of heavy equipment and building materials;
2. Directing construction traffic with a flag person;
3. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
4. Ensuring access for emergency vehicles to the Project sites;
5. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
6. Maintaining access to adjacent property,
7. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hours; and,

8. Consult with the County to develop coordinated plans that would address construction-related vehicle routing and detours adjacent to the construction area for the duration of construction overlapping with neighboring projects. Key coordination meetings would be held jointly between applicants and contractors of other projects for which the County determines impacts may overlap.

b. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department, the Kern County Public Works Department-Traffic Division, and Caltrans.
c. Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by Project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County.
d. Submit documentation that identifies the roads to be used during construction. The Project proponent/operator shall be responsible for repairing any damage to county and non-county-maintained roads that demonstrably result from construction activities. The Project proponent/operator shall submit a pre-construction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Traffic Division and the Kern County Planning and Natural Resources Department.
e. Within 30 days of completion of construction, the Project proponent/operator shall submit a post-construction video log and inspection report to the County. This information shall be submitted in electronic format on USB. The County, in consultation with the Project proponent/operator's engineer, shall determine Project responsibility for the damage and the extent of remediation required, if any.

Significant Effect:

Would the project result in inadequate emergency access? (Impact 4.16-4).

Description of Specific Impact:

The Project would generate construction trips, including the movement of oversize equipment, and the potential for roadway lane closures during construction. These factors could temporarily increase the daily traffic volumes on surrounding local roadways and at intersections. It is anticipated that emergency access would be maintained at all times, and appropriate detours would be provided, as necessary. While the Project would not require closures of public roads beyond the construction phase, which could inhibit access by emergency vehicles, heavy construction-related traffic could have the potential to interfere with emergency response or emergency evacuation procedures in the event of an emergency, such as a wildfire

or a chemical spill. Heavy construction-related traffic could also interfere with emergency response to other uses in the vicinity and, therefore, could represent a significant impact. To ensure emergency access during construction, **MM 4.16-4** requires the preparation of a Construction Traffic Control Plan and includes assurance of access.

Project driveways would be designed to provide adequate and safe access to and from the Project site and would provide several routes for emergency responders to access different portions of the Project site and surrounding areas. The County's development and permitting review process would ensure that all access and circulation to and through the site would meet California Fire Code requirements. Further, consistent with County Code requirements all internal drive aisles and Project driveways would be designed to allow for truck turning movements. In addition, all drive aisles would accommodate standard fire lane turning radiuses and hammerhead turnaround maneuvers to allow access for emergency vehicles. Emergency vehicle access could occur from any of the driveways. In addition, as set forth in **MM 4.16-1**, the Project would include Type A" Subdivision Standard street improvements, a striping and streetlight plan, 20-foot X 20-foot right-of-way corner cutoffs at all intersections, and compliance Kern County Development Standards and the Land Division Ordinance. Therefore, compliance with the established regulatory framework identified above and **MM 4.16-1** and **MM 4.16-4**, would ensure the Project would not result in inadequate emergency access, and impacts would be less than significant.

Finding:

The Project would not result in inadequate emergency access. However, implementation of **Mitigation Measures MM 4.16-1** and **MM 4.16-4** would further reduce the impacts to maintain a less than significant status.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. **Mitigation Measures MM 4.16-1** and **MM 4.16-4**, as described above, will be incorporated into the Project to lessen the cumulative impacts to a level that is less than significant.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

Significant Effect:

The project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). (Impact 4.16-2).

Description of Specific Impact:
As noted above, the Technical Advisory provides initial screening criteria and thresholds of significance for the VMT evaluation. Given that the Project is mixed-use, individual components of the Project are evaluated separately for VMT.

Land use developments meeting one or more of the "screening" criteria contained in the OPR Technical Advisory are presumed to create a less than significant transportation impact and no further VMT analysis is required. These criteria relate to project size, low VMT areas, transit availability, and affordable housing. The retail element of the proposed Project is approximately 8,000 square feet, which is below the "local serving retail" threshold of 50,000 square feet and therefore screens out as less than significant. The warehouse and manufacturing elements of the Project do not meet any of the screening criteria. Therefore, a detailed VMT analysis is required.

A 15% reduction in VMT per capita or per employee is recommended for residential and office land uses, and net change in total VMT to evaluate retail land uses. No specific recommendations are provided for industrial land use, therefore an assessment consistent with employees was used for industrial use. Therefore, the focus of per employee evaluation is the home-based work trip per employee. Based on the Traffic Study, and as summarized below in Error! Reference source not found., in the Final EIR, the Kern COG travel demand model determined the Project VMT per employee of 18.48 would exceed the VMT threshold of 14.04, and would result in a potentially significant impact.

To reduce VMT impact the Project includes the following trip reduction features; installation of sidewalks and bicycle lanes along adjacent roadways as outlined in **MM 4.16-1**, 102 electric vehicle charging stations, and bicycle racks. While these features could support the potential for less trips associated with the Project, they would not result in a meaningful reduction to Project VMT such that it would be reduced below the 14.04 threshold. The Project would also comply with **Mitigation Measure MM 4.16-3**, which would require the preparation of a Transportation Demand Management (TDM) program to reduce Vehicle Miles Travelled associated with employee trips. With a goal of reducing Project VMT, the TDM program would ensure that the Project would implement features, including but not limited to, alternative-mode subsidies and incentives, travel behavior change program, preferential carpool/vanpool parking spaces, passenger loading zones, bike parking and facilities. However, the VMT reduction associated with a TDM program, as outlined in **MM 4.16-3**, cannot be quantified to result in a meaningful reduction below the established VMT threshold. There are no additional feasible or enforceable VMT-reduction measures available that would reduce the impact to a less than significant level. Therefore, the Project's VMT impact would remain significant and unavoidable.

Finding:

The Project would implement **Mitigation Measure MM 4.16-3**. However, there are no additional feasible or enforceable VMT-reduction measures available that would reduce the impact to a less than significant level. Therefore, the Project's VMT impact would remain significant and unavoidable.

Level of Significance After Mitigation:

Significant and unavoidable.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. **Mitigation Measure MM 4.16-3**, as described above, will be incorporated into the Project in an attempt to lessen the impact. However, there are no additional feasible or enforceable VMT-reduction measures available that would reduce the impact to a less than significant level. Impacts on VMT will remain significant and unavoidable.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

None.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

The Project would contribute to cumulative transportation and traffic impacts.

Description of Specific Impact:

Circulation System. Intersection and roadway improvements to maintain or improve the operational LOS of the street system in the vicinity of the Project would be implemented by the Project associated improvements, as outlined in **Mitigation Measure MM 4.16-1**, and through regional improvement funded through mitigation measures. **MM 4.16-2** would ensure appropriate funds for capital improvement projects to be constructed and maintained by Kern County Public Works Department – Traffic Division. In addition, the proposed Project would provide new facilities, such as sidewalks, to improve pedestrian mobility; and would not conflict with a plan, ordinance, or policy addressing circulation. Implementation of **4.16-3** would require the incentivization of operational employees to utilize alternative methods of transportation to the site, thereby reducing vehicle trips to and surrounding the site. Cumulative development in the County and surrounding jurisdictions would be subject to site-specific reviews that would not allow potential cumulatively considerable impacts related to inconsistencies with plans, programs, policies, and ordinances addressing circulation. Therefore, the proposed Project would not combine with other cumulative projects to result in significant cumulative impacts.

Vehicle Miles Traveled. OPR's Technical Advisory states, "a project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact." As discussed under **Threshold 4.16-2** in the Final EIR, the Project

would have a significant VMT impact with **MM 4.16-3**. No feasible mitigation measures have been identified to reduce Project-VMT impacts to a less than significant level. Therefore, the proposed Project would result in a cumulatively considerable significant and unavoidable impact related to VMT.

Design and Incompatible Use Hazards and Emergency Access Adequacy. The evaluation of the proposed Project concluded that it would not result in impacts related to incompatible uses, hazards due to roadway design, or inadequate emergency access. The proposed circulation layout would be required to be installed in conformance with the existing regulatory framework, **MM 4.16-1**, which would require the Project to include Type A" Subdivision Standard street improvements, a striping and streetlight plan, 20-foot X 20-foot right-of-way corner cutoffs at all intersections, and compliance Kern County Development Standards and the Land Division Ordinance, and **MM 4.16-4** which would require a Construction Traffic Control Plan. This would ensure that no potentially hazardous design features or inadequate emergency access would be introduced by the Project that could combine with potential hazards from other nearby projects. In addition, cumulative development in the County would be subject to site-specific reviews, including reviews by building and fire authorities that would require compliance with existing building and fire code standards that limit the potential of other projects to create design hazards or interference with emergency access. Therefore, the Project with cumulative projects would not result in a significant cumulative impact related to circulation design features, incompatible uses, and emergency access.

Finding:

Cumulatively, impacts for circulation, design and incompatible use hazards, and emergency access, with the implementation of **Mitigation Measure MM 4.16-1** through **MM 4.16-4**, would be less than significant. However, no feasible mitigation measures have been identified to reduce Project-VMT impacts to a less than significant level. Therefore, the proposed Project would result in a cumulatively considerable significant and unavoidable impact related to VMT.

Level of Significance After Mitigation:

Cumulative impacts would be less than significant for circulation, design and incompatible use hazards, and emergency access. Cumulative impacts would be significant and unavoidable for VMT impacts.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. **Mitigation Measures MM 4.16-1** through **MM 4.16-4**, as described above, will be incorporated into the Project to lessen the cumulative impacts. Cumulative impacts will still be significant and unavoidable with mitigation incorporated.

17. TRIBAL CULTURAL RESOURCES

A. Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment.

None.

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? (Impact 4.17-1).

Description of Specific Impact:

As discussed in **Section 4.4**, *Cultural Resources*, in the Final EIR, results from the Southern San Joaquin Valley Information Center (SSJVIC) records search indicated that four cultural resources have been previously recorded within a 0.5-mile radius of the Project area including three historic-period archaeological sites and one historic-period isolates. Of these four previously recorded resources, three are located in the vicinity of the Project area. The pedestrian survey determined that of the three resources, only one was found and relocated. Additionally, one previously unrecorded historic refuse scatter site was identified within the Project boundary. Neither the relocated existing resource nor the previously unrecorded resource were found to be eligible for listing under the NRHP or CRHR and therefore would not be considered a "Historical Resources" under CEQA.

As previously noted, neither SLF search request indicated there was any information relating to the potential presence of Native American tribal cultural resources on the Project site. In compliance with AB 52 and SB 18, the County provided formal notification letters to the Native American tribal contacts identified by the NAHC and applicable tribes from the County's Master List for AB 52 consultation. As indicated above, no tribes have requested formal consultation pursuant to SB 18 or AB 52.

It is unlikely that tribal cultural resources are present on the Project site given the prior ground disturbance, pedestrian survey results, record search results, Native American consultation, review of archival and environmental data, and existing additional site disturbance. While low, there is the potential for tribal cultural resources to be inadvertently unearthed during excavation and grading activities. Therefore, Project construction activities could result in potential impacts on previously unidentified tribal cultural resources. To ensure impacts on unknown resources would be less than significant, mitigation measures **MM 4.4-1** through **MM 4.4-3** (see **Section 4.4,** *Cultural Resources*, in the Final EIR for full mitigation measures) would be implemented.

MM 4.4-1 and **MM 4.4-2** would require retention of a lead archaeologist and Native American Monitor, cultural sensitivity training, steps for avoidance of a cultural resource, and if infeasible appropriate treatment of a resource set forth in a Cultural Resources Treatment Plan. In addition, compliance with the California HSC Section 7050.5 and PRC Section 5097.98, as detailed in **MM 4.4-3**, would ensure appropriate procedure and treatment of human remains, in the event of inadvertent discovery during Project construction activities. Therefore, compliance with **MM 4.4-1** through **MM 4.4-3** would reduce potential impacts associated with the unanticipated and inadvertent discovery of a tribal cultural resources to a less than significant level.

Finding:

Mitigation Measures MM 4.4-1 through **MM 4.4-3** (see **Section 4.4**, *Cultural Resources*, for full mitigation measures) would require cultural resources sensitivity training for construction workers, implementation of avoidance measures should prehistoric archaeological resources or sites be inadvertently located, archaeological monitoring during construction, and appropriate treatment of unearthed human remains. Implementation of these measures would reduce impacts on unknown resources to less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the Project's impacts on Tribal Cultural Resources. Mitigation Measures **MM 4.4-1** through **MM 4.4-3**, in **Section 4.4**, *Cultural Resources*, in the EIR, will be incorporated into the Project to reduce potential impacts to less than significant.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative tribal cultural resources impacts.

Description of Specific Impact:

An analysis of cumulative impacts takes into consideration the entirety of impacts that the Project discussed in **Chapter 3**, *Project Description*, in the Final EIR, would have on tribal cultural resources. The geographic area of analysis for tribal cultural resources includes the southern San Joaquin Valley, in unincorporated Kern County. This geographic scope of analysis is appropriate because the resources within this area are expected to be similar to those that occur on the Project area because of their proximity, their similarities in environments and landforms, and their location within the same Native American tribal territories. This is a large enough area to encompass any effects of the Project on tribal cultural resources that may combine with similar effects caused by other projects and provides a reasonable context wherein cumulative actions could affect tribal cultural resources.

This discussion is focused on a project's potential for resulting in site-specific impact that could contribute to a cumulative loss. Accordingly, impacts are site-specific and not generally subject to cumulative impacts unless multiple projects impact a common resource, or an affected resource extends off the site. With this consideration, the cumulative analyses for tribal cultural resources considers whether the Project, in combination with the past, present, and reasonably foreseeable projects, could cumulatively affect any common resource.

As discussed above, the Project site does not contain any known tribal cultural resources. However, the potential exists for undiscovered tribal cultural resources to be adversely impacted during groundbreaking activities. In the event that a previously unidentified tribal cultural resource is found, the Project would implement **MM 4.4-1** through **MM 4.4-3** to avoid a significant adverse impact to the tribal resource. Therefore, Project impacts would be reduced to a less than significant level.

In addition, future cumulative development projects have the potential to encounter/adversely affect tribal cultural resources. Potential tribal cultural resource impacts associated with other project development would be site-specific and would undergo environmental and development plan review in order to evaluate potential impacts. The combination of the proposed Project as well as past, present, and reasonably foreseeable projects would be required to comply with all applicable State, federal, and local regulations concerning preservation, salvage, or handling of cultural and tribal cultural resources, including compliance with required mitigation. This also includes project-by-project consultation with the appropriate tribal representatives to discuss mitigation measures that would be included to mitigate impacts on tribal cultural resources. Therefore, the Project's contribution to cumulative impacts would be less than cumulatively considerable.

Finding:

As discussed above, there is a low potential pattern that prehistoric resources may lie beneath these areas. However, with implementation of **Mitigation Measures MM 4.4-1** through **MM 4.4-3**, no tribal cultural resources are anticipated to be impacted as a result of Project implementation, and the Project would not have a cumulatively considerable contribution to impacts on tribal cultural resources. Impacts would be less than significant with mitigation in this regard.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. **Mitigation Measure MM 4.4-1** through **MM 4.4-3**, in **Section 4.4, Cultural Resources**, in the EIR will be incorporated into the Project to lessen the cumulative impacts to a level that is less than significant.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

None.

18. UTILITIES AND SERVICE SYSTEMS

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project result in a determination by the wastewater treatment provider which may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Impact 4.18-3).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Impact 4.18-1).

EXHIBIT A

Description of Specific Impact:

During construction activity, wastewater contained within portable toilet facilities and hand-washing facilities would be disposed of at an approved off-site disposal site. The Kern County Public Health Services Department Environmental Health Services Division is responsible for monitoring the use of portable toilet facilities, and the Project proponent would be required to provide documentation of a portable toilet pumping contract. There are no off-site connections from the Project site to the municipal sewer system at this time. Project construction would not require or result in the construction of new sewer or wastewater facilities that could cause significant environmental effects and, thus, impacts during construction would be less than significant.

During operation of the Project, sewer would be provided by North River Sanitary District, services laterals would be extended to the Project site from an existing 10-inch sewer main in in Merel Haggard Drive. Wastewater would then be conducted west to the North of River Sanitary District plant for treatment. The treatment plant is located at the intersection of 7th Standard Road and Palm Avenue approximately 17 miles to the west. The extension and construction of new wastewater lines outside the Project footprint or new or expanded wastewater treatment facilities are not proposed as part of the Project. The Project would not require or result in the relocation or construction of new or expanded water and wastewater conveyance facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant.

The Project would result in increased areas of impervious surfaces, resulting in the need for additional or expanded stormwater drainage, conveyance, and retention infrastructure. During Project construction, stormwater would be managed through compliance with National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements, where the proposed Project would design and submit a site-specific Storm Water Pollution Prevention Plan (SWPPP) with BMPs (i.e. silt fencing, gravel/straw bag berms, storm drain inlet protection, etc) to minimize the discharge of stormwater during construction. Additionally, as described in **Section 4.9,** *Hydrology and Water Quality* in the Final EIR, a Water Quality Management Plan would be prepared, which includes best management practices for runoff control.

The Project also would include the installation of an on-site storm drainage system consisting of inlets, underground piping, four water detention basins, landscaping, and other measures to capture and control precipitation from rain events. The drainage system would be designed to accommodate flows from the 100-year storm and retain on-site so that releases are no greater than pre-Project conditions. Further, the stormwater management system would be designed and constructed, and verified through plan check, to meet Kern County drainage requirements and other applicable standards, which include provisions for not only retention, but helping to ensure water quality is not affected. This would include controlling post-construction erosion control measures and providing features to maximize infiltration and increase time of concentration to allow sediments time to settle before water is released to downstream receiving waters.

All improvements during construction would be made within areas of the Project site that are already disturbed or proposed for disturbance and included in the analysis in this EIR. Thus, construction of the Project would not exceed the capacity of or require the relocation of any existing storm water drainage systems. The proposed Project also would not result in the relocation or construction of new or expanded

stormwater drainage facilities with the potential to cause significant environmental effects. Impacts would be less than significant and additional mitigation is not required.

Currently, there are no existing electrical connections at the Project site. During the construction of the Project, electricity would be consumed, on a limited basis, but would be needed for lighting, electric equipment, pumping and water supply for dust control. Temporary electric power would likely be provided to the Project site through the use of generators or temporary electrical connection from PG&E.

Operation of the proposed Project would increase on-site electricity demand compared to existing conditions. CalEEMod was used to calculate the approximate annual electricity demand of the proposed Project. The proposed Project would be required to comply with Title 24 energy efficiency measures and sustainability features of the California Building Standards Code (CBC). During the operation of the Project, electricity would be supplied to the Project site by PG&E. The supply and distribution network within the area surrounding the Project site would remain but the Project would tie into existing lines, and service laterals would be extended to the Project site. It is anticipated that there are sufficient planned electricity supplies in the PG&E service area for the increase in energy demands resulting from the Project. Therefore, the Project would not require or result in the relocation or construction of new or expanded electric power facilities, the construction or relocation of which could cause significant environmental effects. Impacts would be less than significant without mitigation. In addition, the Project would implement **Mitigation Measure MM 4.18-1**, requiring coordination with PG&E staff to determine if there are specific requirements regarding any potential electric service or facility issues and ensure compliance to applicable PG&E requirements.

Natural gas would not be required for the Project as all structures and equipment would be electrically operated. As such, the proposed Project would not require natural gas service or connections, and impacts would be less than significant.

No existing telecommunication facilities are located on-site. Cellular or satellite communication technology may be used for both internet and telephone systems during construction and operation. The Project would extend underground fiber lines or other communication lines to existing service laterals for internet and/or telecommunication access onto the Project site. No off-site telecommunication systems would be constructed; therefore, construction and operation of the Project would not cause significant environmental effects. Impacts would be less than significant.

Finding:
As discussed above, with the implementation of **Mitigation Measure MM 4.18-1,** the Project applicant must work with PG&E before permits are issued to identify any electric service or facility needs and then fully comply with all PG&E requirements throughout Project construction. The Project would have less than significant impacts regarding electric services and facilities without the need for mitigation.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measure will be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.18-1: Prior to issuance of grading and building permits the Project proponent shall coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed Project. The Project proponent shall comply with and adhere to all requirements identified by PG&E to fully mitigate impacts to electric services and facilities, as needed as Project construction progresses.

Significant Effect:

Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (Impact 4.18-2).

Description of Specific Impact:

As identified in the Water Supply Assessment prepared for the Project, OMWC's 2020 UWMP accounts for an estimated 5 afy (acre-feet per year) from the Project site (**Appendix J** of the Final EIR).

The Project's indoor water demand was determined using a water duty factor calculated based on typical heavy industrial and retail water duty factors and review of the water duty factors in the previous 2020 UWMP and other San Joaquin Valley water system master plans. Indoor water demand was estimated to be 248 afy for the proposed warehouse & office uses and 7 afy for the proposed retail uses.

Outdoor water demand was estimated by relying on the California Code of Regulations, Model Water Efficient Landscape Ordinance formula for industrial land uses. The Project would include approximately 22 acres of irrigated landscaping with drought-resistant strains to lower the maintenance cost and water usage. With this assumption, the overall outdoor water demand is estimated to be 44 afy. It should be noted the proposed detention banks are non-demand generating.

Taking into account the existing 2020 UWMP 5 afy estimation for the Project site, the proposed Project's total water demand is estimated to be 294 afy. A summary for water demand is included in this EIR in **Error! Reference source not found.** in the Final EIR.

Error! Reference source not found. in the Final EIR documents the OWMC's water demand projection through 2045, consistent with the 2020 UWMP. Because the Project site was not completely accounted for in the 2020 UWMP, this table also includes the increased water demand from the addition of the Airport Commerce Center (294 afy). With the increase in population and the new development, the demand is projected to be 10,336 afy by 2025. The UWMP does not include projections for the year 2045; however,

the total projections are assumed to be 22,082 afy based on the average annual changes between 2025 and 2040.

It should be noted that review of the water demands in the recent Annual Water Supply and Demand Assessments (AWSDA) filed by OMWC was also completed. The 2022 AWSDA documented a water demand of 9,205 af, the 2023 AWSDA documented a water demand of 8,787 af, and the 2024 AWSDA documented a water demand of 8,916 af. Per the contracted agreement with the NORMWD, the purchased surface water of 15,000 AFY is projected to remain the same. According to the 2020 UWMP, OMWC is expecting groundwater pumping capacity to increase over the next twenty years and is planning on increasing the utilization of their current groundwater wells. The OMWC projects 10,651 af of water to be pumped by 2025 and 12,802 af to be pumped between 2035 and 2045. ***Error! Reference source not found.*** in the final EIR summarizes the projected water supplies for the next 20 years in 5-year increments.

Error! Reference source not found. in the Final EIR presents the comparison of OMWC's supply and demand under normal year and single dry year conditions. Project water demand is 294 afy under normal year conditions and 309 afy under single dry year conditions. As noted above, the water supply of 2045 is assumed to be the same as the water supply from 2040. There is a surplus of water supply under both conditions from the year 2025 to 2045. The OMWC has more than enough water supplies to serve the Project's water demand under both conditions.

Error! Reference source not found.**,** in the Final EIR, presents the comparison of OMWC's supply and demand with multiple dry years. A multiple dry year is assumed to be a repeat of the single dry year over five consecutive years. The water supply of 2045 is assumed to be the same as the water supply from 2040. Under the hydrologic condition with multiple dry years, there still exists a surplus of water from the year 2025 to 2040. A water supply surplus exists from the year 2025 to year 2045. In the multiple dry years condition, the OMWC has more than enough water supplies to serve the Project's water demand.

The analysis in the WSA demonstrates that the OMWC will have sufficient water supplies to serve the existing and future water uses of the area, including the Project, under normal, single dry, and multiple dry years. Therefore, impacts would be less than significant without mitigation. In addition, the Project would implement **Mitigation Measures MM 4.18-2**, which requires the operator to provide information on any groundwater that would be used, and **Mitigation Measures MM 4.18-3** which requires the installation of water meters and annual water usages reporting. With implementation of **Mitigation Measures MM 4.18-2** and **MM 4.18-3**, water supply impacts would remain less than significant.

Finding:

The Water Supply Assessment shows that the Project will require about 294 acre-feet of water per year, and OMWC's projected supplies are sufficient to meet this demand under normal, single-dry, and multiple-dry year conditions through 2045. Even with expected growth in the service area, OMWC's surface water and groundwater supplies provide a consistent surplus, ensuring adequate water for the Project. The Project will also implement **Mitigation Measure MM 4.18-2**, which requires the operator to report any groundwater use, and **Mitigation Measure MM 4.18-3**, which requires installation of water meters on all facilities. With these measures in place, water supply impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measures would be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.18-2: Prior to issuance of grading permits, the owner/operator shall provide information on any groundwater that will be used. Unmetered water wells cannot be used as a source of groundwater for the permit activity. Groundwater may only be used in a permitted activity from a water well equipped with a water meter. A copy shall be sent to all Groundwater Sustainability Agencies and the Kern County Water Agency after being posted on the website. The information submitted on the permit shall include the following data:

a. The source and estimated amount of any groundwater being used in the permit activity.
b. Confirmation that any water well used in permit activity is metered.
c. The source and estimated amount of any reclaimed water used in the permit activity.

MM 4.18-3: Water meters shall be installed on all facilities. Once operations of the first facility constructed on-site have commenced, the Master Developer or subsequent future landowners shall be required to submit annual reportsto the Kern County Planning Department and the Kern County Environmental Health Services Department detailing the annual water usage on site.

Significant Effect:

Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Impact 4.18-4).

Description of Specific Impact:

The Project would generate solid waste that would be disposed of by a permitted hauler at the Bena Landfill (Class III Landfill) at 2951 Neumarkel Road approximately 16 miles southeast of the Project site. As of January 2020, the Bena Landfill has a remaining capacity of 29,317,945 cubic yards of the maximum 53,000,000 cubic-yard capacity. The permitted maximum daily disposal is 4,500 tons per day. The cease operation date is April 1, 20245. The next closest landfill to the Project site is the Shafter-Wasco Landfill, approximately 21 miles northwest of the Project site. As of January 2021, the landfill can accept up to 1,500 tons per day, has a maximum permitted capacity of 21,895,179 and remaining capacity of 12,874,292.

Using a standard nonresidential construction waste generation rate from the Environmental Protection Agency of 3.89 pounds/square foot, construction of the proposed Project would generate 4,099 cubic yards of waste [1,514,850 square feet (including dedicated office space and 9,410 square feet for quick-serve restaurants) x 3.89 pounds/square feet = 5,892,766 pounds; 5,892,766 pounds / 2,000 pounds/ton = 2,946 tons; 2,946 x 1.4 = 4,125 cubic yards). The Bena Landfill has 29.3 million cubic yards of remaining capacity and, thus, can accommodate the Project's temporary construction solid waste generation. Additionally, as part of compliance with CALGreen requirements, Kern County implements the following construction waste diversion requirements: submittal of a Construction Waste Management Plan and recycle and/or reuse a minimum of 65% C&D waste. Therefore, the Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. In addition, the Project would implement **Mitigation Measure MM 4.18-4**, which further requires that debris and waste to be recycled to the extent feasible.

The Project would produce waste during operational activities, which would include typical refuse generated by the proposed industrial warehouse and quick-serve restaurant uses. Most of these materials would be collected and delivered back to the manufacturer or to recyclers. Nonrecyclable waste would be placed in covered dumpsters and removed regularly by a certified waste-handling contractor for disposal at a Class III landfill. Based on CalRecycle's estimated solid waste generation rates for operation the Project would estimate approximately 20,189.3 pounds per day.

The Bena Landfill is permitted to accept 4,500 tons of solid waste per day and has a remaining capacity of 32,808,260 cubic yards, and thus can accommodate the proposed Project's operational solid waste generation. The Bena Landfill is planned to continue operations through April 1, 2046, and is expected to serve the Project throughout its operational phase. Furthermore, operational recycling practices would reduce the volume of operational waste that is landfilled and as noted above, implementation of **Mitigation Measure MM 4.18-4**, would require debris and waste generated to be recycled to the extent feasible. Therefore, impacts would be less than significant.

Finding:

The Project's solid waste generation during both construction and operation can be handled by nearby Class III landfills, primarily the Bena Landfill, which has substantial remaining capacity and adequate daily intake limits to accommodate the Project's needs. Construction waste is not expected to be significant, especially since the site is vacant, and recyclable materials will be diverted whenever feasible. The Project will also comply with CALGreen requirements and implement **Mitigation Measure MM 4.18-4**, which requires recycling of debris and waste to the maximum extent possible. During operation, waste generated by the warehouse and commercial uses will be collected by a permitted hauler, with recyclable materials diverted and the remaining waste disposed of at Bena Landfill, which has capacity through at least 2046. With these practices and mitigation in place, the Project's solid waste impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. The following mitigation measure would be incorporated into the Project to reduce potential impacts to less than significant:

MM 4.18-4: During construction and operation, debris and waste generated shall be recycled to the extent feasible. The provisions listed below shall apply to the Project:

a. A Recycling Coordinator shall be designated by the Project proponent to facilitate recycling as part of the Construction, Operation and Maintenance, and Trash Abatement and Pest Management Program.
b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes.
c. The Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal.
d. Contact information of the coordinator shall be provided to the Kern County Planning and Natural Resources Department prior to issuance of building permits.
e. The project proponent shall provide a storage area for recyclable materials within the fenced Project area that is clearly identified for recycling. This area shall be maintained on the site during construction and operation. A site plan showing the recycling storage area for construction shall be submitted prior to the issuance of any grading or building permit for the site

Significant Effect:

Would the project comply with Federal, State, and Local management and reduction statutes and regulations related to solid waste? (Impact 4.18-5).

Description of Specific Impact:

The proposed Project would generate solid waste during construction and operation for four warehouses, office space, and quick-serve restaurants. Common construction waste may include metals, masonry, plastic pipe, rocks, dirt, cardboard, or green waste related to land development. AB 341 required Kern County to attain a waste diversion goals of 75 percent by 2020 through reduction, recycling, or composting. In addition, as part of compliance with CALGreen requirements, Kern County implements the following construction waste diversion requirements:

- Submittal of a Construction Waste Management Plan;
- Recycle and/or reuse a minimum 65 percent C&D waste; and

- Recycle or reuse 100 percent of tree stumps, rocks, and associated vegetation and soils resulting from land clearing.

Furthermore, the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, requires expanded or new development projects to incorporate storage areas for recycling bins into the Project design. The Project would be required to comply with all federal, State, and local statutes and regulations related to the handling and disposal of solid waste. Additionally, the Project would implement **Mitigation Measure MM 4.18-4,** which requires recycling of debris and waste generated to the extent feasible. Compliance with the established regulatory framework would ensure less than significant impacts regarding compliance with management and reduction statutes and regulations related to solid waste, which would be further reduced by **Mitigation Measure MM 4.18-4.**

Finding:

The Project will generate solid waste during construction and operation, but it must follow Kern County's waste-diversion requirements, including preparing a Construction Waste Management Plan, recycling or reusing at least 65% of construction debris, and fully recycling materials from land clearing. The Project must also provide adequate space for recycling collection as required by state law. With these requirements and implementation of Mitigation Measure **MM 4.18-4**, which ensures debris and waste are recycled to the extent feasible, solid-waste impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measure MM 4.18-4** would be incorporated into the Project to reduce potential impacts to less than significant.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

None.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

Significant Effect:

The Project would contribute to cumulative utilities and service systems impacts.

Description of Specific Impact:
The Project's contribution to an increased need for utilities and service systems is considered in the context of other past, present, and reasonably foreseeable future projects in the area. The geographic scope of analysis for impacts on utilities and service systems includes projects within the service area for each utility provider described above, which includes demands on water supply, stormwater drainage, and solid waste disposal. The scope for impacts on water would be the OMWC District, and wastewater would be the service area of the NORSD WWTP. The scope for impacts on stormwater drainage would be the Project site, and the scope for impacts on solid waste disposal includes projects that rely on the same solid waste disposal facilities.

Project impacts would be cumulatively considerable if the incremental effects of the Project, when combined with other past, present, or reasonably foreseeable projects, as listed in **Chapter 3**, *Project Description* in the Final EIR, would result in a significant cumulative effect. Physical impacts on public services, utilities, and service systems are usually associated with population in-migration and growth in an area, which increases the demand for a particular service, leading to the need for expanded or new facilities, thereby limiting the potential to contribute to the demand for a particular service.

As described above, the Project would result in less than significant impact on water, wastewater, stormwater drainage, electricity telecommunications, natural gas, and solid waste disposal (during construction and operation).

Various proposed projects within the region would further impact the existing water supply that is derived from the Kern County Subbasin. The Project and other cumulative projects could substantially decrease groundwater supplies; thus, this impact is considered potentially significant. The Project would obtain its water supply from the OMWC and would be required to secure a will-serve letter. The WSA completed for the Project determined that there are sufficient supplies for both Project construction and operation. Other projects in the vicinity would be required to comply with applicable Kern County Development Standards and to be approved by the Kern County Public Works Department. Furthermore, the Project would implement **Mitigation Measure MM 4.18-2**, which requires the operator to provide information on any groundwater that will be used by the Project. Implementation of **Mitigation Measure MM 4.18-3** would also be required, which consists of installing water meters in all facilities. However, the basin is currently overdrafted, and the District's GSP has been deemed inadequate along with the other Kern subbasin plans where other similar known and unknown projects could occur. Thus, the cumulative impacts of any use of groundwater in the area are considered significant and unavoidable after all feasible and reasonable mitigation.

The 2023 Sanitary Sewer Master Plan for the North of River Sanitary District identified 13 capacity-related projects are proposed to improve NORSD facilities (NORSD 2023). Given NORSD's planned improvement projects, which consider a planned expansion capacity of 12 MGD (year 2028), 18 MGD (year 2050), 24 MGD, and a total eventual capacity of 30 MGD capacity, and the buildout dates of the Project, the cumulative impact on NORSD WWTP's capacity would be less than significant. Further, a will-serve letter would be required to be secured from NORSD indicating the Project can be served by the District. Given the available capacity at the NORSD WWTP, the Project's wastewater treatment needs, when considered in combination with past, present, and reasonably foreseeable future development within the service area, would not require the construction or expansion of wastewater treatment facilities that could result in significant environmental impacts. The Project would have adequate wastewater capacity to accommodate demand, and future development would similarly be required to demonstrate sufficient capacity as part of the development review process.

All development within the WWTP service area is subject to applicable federal, State, and local regulations governing wastewater collection, treatment, and discharge. These regulatory requirements are designed to minimize environmental impacts and ensure that cumulative wastewater impacts would not be cumulatively considerable. Therefore, the Project's contribution to cumulative wastewater impacts would not be cumulatively considerable. Impacts would be less than significant, and no mitigation is required.

The Project would be required to retain the stormwater per Kern County's drainage requirements and all other applicable standards. On-site detention basins would be designed to accommodate a 100-year storm event and would detain runoff and release it at a rate no greater than the predevelopment condition of the Project site. Additionally, the development of a SWPPP is required (see **Section 4.9**, *Hydrology and Water Quality* in the Final EIR), and a hydrologic study and final drainage plan would be created that would detail engineering design measures to manage stormwater flows and reduce potential increases in stormwater runoff to off-site areas. Other projects in the vicinity would be required to offset substantial increases in stormwater per County requirements, implement best management practices, and comply with the NPDES General Construction Permit and their respective SWPPP as applicable. Therefore, the Project would not contribute to a cumulatively considerable impact related to stormwater drainage.

Electric power for the construction and operation of the Project would be brought to the site through a PG&E service connection. The Project would connect to existing infrastructure, and the operation of the Project would be consistent with the planned electricity demand and would not require PG&E to construct any new physical improvements outside the scope of the Project related to the provision of electricity service. Furthermore, in compliance with **Mitigation Measure MM 4.18-1**, before issuance of grading and building permits, the Project proponent shall coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the Project and ensure Project improvements would not affect the provision of service to others. The Project's electric power when considered in combination with past, present, and reasonably foreseeable future projects within the utility providers' service area, would not require the relocation or construction of new or expanded off-site utility infrastructure that could result in significant environmental impacts or exceed existing system capacities.

All development within the service area would be required to comply with applicable federal, State, and local regulations that govern utility infrastructure planning, construction, and environmental protection.

These requirements ensure that cumulative impacts are minimized and that utility infrastructure is expanded in a coordinated and environmentally responsible manner. Based on the foregoing, the Project's contribution to cumulative impacts related to electric power would not be cumulatively considerable. Therefore, cumulative impacts associated with electric power would be less than significant, and no mitigation is required.

The proposed Project does not include the use of natural gas facilities on the Project site and gas lines would not be extended into the Project site. The proposed Project would not contribute to a cumulatively considerable impact related to natural gas demand and facilities.

The Project would result in a less than significant impact related to telecommunications. The geographic context for the cumulative analysis of includes the telecommunication providers service area. The Project's telecommunication demands, when considered in combination with past, present, and reasonably foreseeable future projects within the utility providers' service areas, would not require the relocation or construction of new or expanded off-site utility infrastructure that could result in significant environmental impacts or exceed existing system capacities.

All development within the service area would be required to comply with applicable federal, State, and local regulations that govern utility infrastructure planning, construction, and environmental protection. These requirements ensure that cumulative impacts are minimized and that utility infrastructure is expanded in a coordinated and environmentally responsible manner. Based on the foregoing, the Project's contribution to cumulative impacts related to telecommunications would not be cumulatively considerable. Therefore, cumulative impacts associated with telecommunication facilities would be less than significant, and no mitigation is required.

The geographic context for the cumulative analysis of solid waste impacts includes the Bena Landfill service area and other landfills serving Kern County. Future development would incrementally increase solid waste generation and reduce available landfill capacity over time.

However, the Bena Landfill is currently projected to have sufficient capacity to accommodate regional growth through its planned operations in 2046. As with the proposed Project, all future development would be subject to environmental review and required to comply with applicable federal, State, and local regulations governing solid waste management, diversion, and disposal. These include compliance with California's solid waste reduction mandates, such as AB 939 and SB 1383, which require jurisdictions to implement programs that reduce landfill disposal and increase recycling and organics diversion.

The Project would not result in a significant impact related to solid waste generation or infrastructure. In addition, the Project would implement **Mitigation Measure MM 4.18-4** which would further reduce the quantity of material sent for disposal at local landfills. When considered in combination with other developments in the region, the Project would not result in cumulatively considerable impacts to landfill capacity, solid waste infrastructure, or compliance with applicable waste reduction regulations. Therefore, cumulative impacts related to solid waste would be less than significant, and no mitigation is required.

Finding:

The Project would add demand for utilities and service systems, but most impacts, such as wastewater, stormwater, electricity, telecommunications, and solid waste would be less than significant because existing systems have adequate capacity, and the Project must comply with all applicable regulations. Required mitigation, including coordination with PG&E, **MM 4.18-1**, groundwater reporting, **MM 4.18-3**, installation of water meters, **MM 4.18-4**, and recycling of debris and waste, **MM 4.18-5**, would further limit impacts. Although OMWC can serve the Project's water needs, the region's groundwater basin is over drafted and local groundwater sustainability plans have been deemed inadequate; therefore, cumulative groundwater impacts remain significant and unavoidable even after mitigation. All other utility-related cumulative impacts would be less than significant because service providers have planned improvements, sufficient capacity, or regulatory requirements that ensure the Project's incremental contribution would not be cumulatively considerable.

Level of Significance After Mitigation:

Cumulative impacts would be significant and unavoidable for water supply.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. The proposed Project would result in significant and unavoidable impacts on a Project-specific and a cumulative basis, despite implementation of **Mitigation Measures MM 4.18-1** through **MM 4.18-4**, as described above.

19. WILDFIRE

A. Environmental Effects of the Project Found to Have No Impact on the Environment, or Have a Less Than Significant Impact on the Environment.

Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (Impact 4.19-4).

B. Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to Less Than Significant Levels.

Significant Effect:

Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? (Impact 4.19-1).

Description of Specific Impact:

While the Project site is classified as being within, or near high FHSZ, the Project site falls within plans such as KCFD's Ready, Set, Go! Plan, which provides guidance for evacuation during a wildfire event (KCFD 2020b), as well as the County's EOP, which identifies an emergency management program, provides standard operating procedures, and provides for public awareness and education (Kern County 2022). The above emergency response plans provide guidelines on emergency preparedness and outlines the responsibilities of all agencies during an emergency, however, do not identify evacuation routes. Thus, the Project would not impair adopted emergency plans identified above. Additionally, the Project would adhere to any applicable guidelines set forth in the plans and not conflict with the processes or procedures outlined by the plans.

Project construction also could inhibit access by emergency vehicles, heavy construction-related traffic could interfere with emergency response or emergency evacuation procedures in the event of an emergency, such as a wildfire, dam failure, or a chemical spill. This would be addressed through the preparation of a Construction Traffic Control Plan, ensuring that roadways surrounding the Project site are not impeded during construction, and emergency access is maintained to the area (see **Mitigation Measure MM 4.16-4** in **Section 4.16**, *Transportation and Traffic* in the Final EIR). This Construction Traffic Control Plan must at minimum, address ensuring emergency access, temporary lane closures, minimizing construction traffic during the a.m. and p.m. peak hours, and must be consulted with the County to develop coordinated plans for vehicle routing and detours. Through implementation of **Mitigation Measure MM 4.16-4**, emergency access would be maintained at all times during construction, and appropriate detours would be provided, as necessary. Also, in compliance with applicable Fire Code and Building Code requirements, construction managers and personnel would be trained in fire prevention and emergency response. Therefore, construction of the Project would have less than significant impacts on impairment to emergency or evacuation plans. Impacts would be less than significant.

During operations, the Project would generate 6,405 vehicle trips per day (**Section 4.16**, *Transportation and Traffic* in the Final EIR). To ensure operational traffic associated with the Project would not impair an emergency response plan or conflict with an emergency evacuation plan, **Mitigation Measure MM 4.16-1** would require the Project applicant to construct intersection improvements to reduce traffic delay. Any additional improvements would be addressed through Transportation Traffic Impact Fees required by **Mitigation Measure MM 4.16-2**. To further reduce congestion at intersections**, Mitigation Measure MM 4.16-3** would require the preparation of a Transportation Demand Management program to reduce VMT associated with employee trips. Additionally, the proposed Project would include off-site improvements along Airport Drive, Merle Haggard Drive, Landings Way, and Petrol Road. Such improvements would be necessary to meet applicable Kern County Public Works Department development standards. The existing roads would be improved with new pavement, curb and gutter, and sidewalk. Additionally, signing and markings would be constructed for the new pavement delineations. These improvements would ensure operational traffic from the Project would not conflict with vehicular circulation or emergency access along local roadways, including during emergency evacuations. Thus, operation of the Project would not result in the impairment of an adopted emergency response plan or emergency evacuation plan and, thus, impacts would be less than significant.

Finding:

Implementation of a Construction Traffic Control Plan, in accordance with **Mitigation Measure MM 4.16-4,** would ensure that potential impacts related to potential for Project-related construction traffic to interfere with vehicular circulation or emergency access along local roadways would be minimized, including during any times of emergency evacuation. To ensure operational traffic associated with the Project would not impair an emergency response plan or conflict with an emergency evacuation plan, **Mitigation Measure MM 4.16-1** would require the Project applicant to construct intersection improvements to reduce traffic delay. Any additional improvements would be addressed through Transportation Traffic Impact Fees required by **Mitigation Measure MM 4.16-2**. To further reduce congestion at intersections, **Mitigation Measure MM 4.16-3** would require the preparation of a Transportation Demand Management program to reduce VMT associated with employee trips.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. **Mitigation Measures MM 4.16-1, MM 4.16-2, MM 4.16-3** and **4.16-4**, in **Section 4.16**, *Traffic and Transportation*, in the Final EIR, will be implemented to ensure impacts are less than significant.

Significant Effect:

Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (Impact 4.19-2).

Description of Specific Impact:

Slope and wind speed can influence the rate of which wildfire spreads. The Project site is described as relatively flat with a gentle slope. The gradient does not exceed 5%. Therefore, the Project is not anticipated to expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire due to sloping topography.

On March 9, 2025, CalFire updated the updated the Fire Hazard Severity Zone maps to include lands within the LRA. These revised maps have been adopted by the Kern County Board of Supervisors. The Project site is located in three different designated fire hazard zones. This includes a High FHSZ, a Moderate FHSZ, and undesignated area. Generally, the LRA area is within the southern half of the Project site, the High FHSZ is in the northerly half of the Project site, and the two zones are separate by a horizontal band identified as a Medium FHSZ.

The Project site lies within a high FHSZ. Per wind rose plots for the city of Bakersfield (located south of the Project site), prevailing winds in August are typically blown from the southeast toward the northwest. Based on 2025 data, average monthly wind speeds in the City of Bakersfield were generally low to moderate, ranging from approximately 4.8 to 6.7 miles per hour (mph) throughout the year. Wind speeds were highest during the spring and early summer months (March through June) and lowest during the late summer and fall (August through October). Overall, annual wind conditions averaged approximately 5.6 mph, reflecting relatively stable and mild wind patterns typical of the region. According to the Western Fire Chiefs Association, wildfire risk in the western United States is highest during the late summer and early fall months, generally from August through October, when hot, dry conditions and seasonal winds prevail. By this measure, wildfires in the FHSZ (located northeast of the site) are anticipated to prevail northwest, away from the Project site (Western Regional Climate Center 2025). It is unlikely for wildfire to spread southwest from winds because the Project site is located near development. Development includes residential areas to the north and east and undeveloped vacant land to the north.

There is a level of risk for wildfire due to the comingling of structures and vegetation fuels on vacant land surrounding the site. In the event of a wildfire once the facility is operational, the employees associated with the Project (572 employees over the course of three shifts) would rapidly evacuate at the time of the event or well in advance of an approaching wildfire in conformance with applicable County evacuation directives. As discussed in the Kern County Multi-Jurisdiction Hazard Mitigation Plan, dry weather may trigger wildfire events. Severe weather can be predicted, so special attention can be paid during weather events including lightning or wind events. Reliable National Weather Service lightning warnings are available on average of 24 to 48 hours prior to a significant electrical storm. Fire alerts are expected to be reasonably rapid, allowing employees time to be properly evacuated in such events. Such measures would ensure that the exposure of Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire from prevailing winds would be minimized to the extent feasible.

Because of the existing and proposed conditions, the potential for wildfire on the Project site is considered low, even if it is within a high FHSZ. Additionally, the Project site is located on relatively flat terrain. Therefore, the construction and operation of the Project would not, due to slope, prevailing winds, and other factors, exacerbate the risk of wildfire. The Project would not expose occupants to pollutant concentrations from a wildfire or uncontrolled wildfire. Additionally, Project construction would comply with applicable existing codes and ordinances related to the maintenance of mechanical equipment, handling and storage of flammable materials, and cleanup of spills of flammable materials. Prior to issuance of grading or building permits, the Project proponent would also develop and implement a Fire Safety Plan, as required by **Mitigation Measure MM 4.8-13** (**Section 4.8**, *Hazards and Hazardous Materials*). Impacts would be less than significant.

Finding:

Implementation of a Fire Safety Plan, in accordance with **Mitigation Measure MM 4.8-13**, would ensure that potential impacts related to installation or maintenance of associated infrastructure is reduced and, thus, Project improvements would not exacerbate fire risk and impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. Mitigation Measures **MM 4.8-13**, in **Section 4.8**, *Hazards and Hazardous Materials*, of the Final EIR, will be implemented to ensure impacts are less than significant.

Significant Effect:

Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Impact 4.19-3).

Description of Specific Impact:

Development would include the construction and operation of an industrial warehouse facility with associated quick-serve restaurants. The proposed Project would include the construction of four single-story warehouses totaling approximately 1,505,440 square-feet (including 150,544 square-feet for dedicated office space), two single-story quick-serve restaurants totaling 9,410 square-feet, and related site improvements. The proposed Project is located on six (6) parcels totaling approximately 109 acres. Thus, this impact is considered potentially significant with the installation of new infrastructure that may exacerbate fire risk The existing roads would be improved with new pavement, curb and gutter, and sidewalk. Additionally, signing and markings would be constructed for the new pavement delineations. All roadway improvements would comply with applicable Kern County Public Works Department development standards, and all off-site roadway work would be located in areas designated LRA Moderate, LRA Unzoned, and LRA High where areas are either of high fire frequency or not susceptible to wildland conflagrations, respectively. Additionally, operation and maintenance associated with the above-mentioned infrastructure would adhere to County public road standards and County code.

Most fires in the dry valley areas and foothills are caused by lightning strikes on electrical systems (such as transmission lines) or vehicles. The installation of off-site electrical systems is not part of the Project and, therefore, would not result in increased fire risks that could result in temporary or ongoing impacts on the environment. Improvements to existing access roads may be placed within a HFSZ, but vegetation would be cleared to reduce the available fuel load and create a defensible space; therefore, the Project would not result in increased fire risks that could result in temporary or ongoing impacts on the environment. Additionally, as discussed in **Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR, prior to issuance of grading or building permits, the Project proponent would also develop and implement a Fire Safety Plan, as required by **Mitigation Measure MM 4.8-13**. Project implementation of this mitigation measure would ensure that potential wildfire impacts related to installation or maintenance of associated infrastructure is reduced; therefore, impacts would be less than significant.

Finding:

Project implementation of **Mitigation Measure MM 4.8-13** would ensure that potential wildfire impacts related to installation or maintenance of associated infrastructure are reduced; therefore, impacts would be less than significant.

Level of Significance After Mitigation:

Less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the environmental impacts of the Project. With implementation of **Mitigation Measure MM 4.8-13**, impacts would be less than significant After Mitigation.

C. Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant.

None.

D. Cumulative Environmental Effects of the Proposed Project That Will Have a Less Than Significant Impact on the Environment.

Significant Effect:

The cumulative wildfire impacts of the Project would have a significant impact on the environment.

Description of Specific Impact:

The geographic scope for cumulative impacts of wildfire is the planning area within the MBGP. This geographic scope was selected because the land within the region possesses relatively similar features and uses, including industrial and commercial uses (for example, distribution, storage, and shipping centers), transportation, vacant land, and residential uses. As shown in Chapter 3, Project Description, the area includes a variety of commercial and industrial developments. These have the potential to result in cumulative impacts on wildfire when considered together with the Project. The Project is not within an SRA, but it is located within a high FHSZ. Mitigation Measures will be applied to the Project to maintain wildfire related risks as less than significant.

With regard to impairment of an adopted emergency response plan or emergency evacuation plan, all of the related Projects would be required to provide adequate emergency access in accordance with County fire and building code requirements (or similar codes/requirements in accordance with the applicable jurisdiction within Kern County) and prior to the issuance of a building permit. Project Regional access to the Project site is provided by SR-99 and Merle Haggard Drive via Airport Drive. While the Project site is

classified as being within a high FHSZ, it would comply with fire code and building code requirements including fire prevention and emergency response training for site personnel. As concluded in the discussion of Project impacts above, the Project would have a less than significant impact related to impairment of an adopted emergency response or evacuation plan. Similar to the Project, related Projects would be required to determine whether they are classified as being within a high FHSZ, identified within an emergency evacuation route or within an adopted emergency evacuation plan, and whether they meet the requirements of applicable fire code and building code. Therefore, the Project and related Projects are expected to result in a less than significant cumulative impact to an adopted emergency response plan or emergency evacuation plan.

Regarding cumulative impacts related to exposure of Project occupants to pollutant concentrations from a wildfire, the Project is within an LRA, SRA, or Federal Responsibility Area identified as having substantial or very high fire risk, and some related Projects in the area also may be. Similar to the Project, all related projects would be required to implement building and landscape design features in accordance with the fire code and building code to reduce wildfire risk and exposure of occupants to pollutant concentrations from a wildfire. Adherence to the fire code and building code requirements as well as implementation of Countywide plans, including the KCFD Strategic Fire Plan, the Kern County CWPP, the Kern County EOP, and the Kern Multi-Jurisdiction Hazard Mitigation Plan, in nearby cities and throughout the adjacent unincorporated areas would minimize potential impacts related to exposure to and the uncontrolled spread of a wildfire. As concluded in the discussion of Project impacts above, the Project would have a less than significant impact on wildfire or the uncontrolled spread of a wildfire. Additionally, prior to issuance of grading or building permits, the Project would also be required to develop and implement a Fire Safety Plan, as required by **Mitigation Measure MM 4.8-11** (see **Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR). Therefore, the Project and related Projects are expected to result in a less than significant cumulative impact related to exposure of Project occupants to pollutant concentrations from a wildfire.

Related Projects may require associated infrastructure such as roads, fuel breaks, and power lines that could exacerbate fire risk or that may result in temporary or ongoing impacts on the environment. The County would review these projects for land use and zoning consistency and compliance with applicable requirements and analyze them for environmental impacts. The placement of infrastructure would adhere to all fire codes to minimize the potential fire risk such as sitting and design. Additionally, prior to issuance of grading or building permits, the Project would also be required to develop and implement a Fire Safety Plan, as required by **Mitigation Measure MM 4.8-11**, (**Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR). Therefore, the Project and related Projects are expected to result in a less than significant cumulative impact related to the installation or maintenance of associated infrastructure.

Some related Projects could be proposed in areas that could expose people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire slope instability. Based on the recent fire events in California, all Projects would be required to adhere to the County's zoning and land use designations and codes (or those of the applicable jurisdiction within Kern County), state and local fire codes, and regulations associated with drainage and site stability. These regulations, policies, and codes would reduce the potential for exposing people or structures to risks from downslope or downstream flooding or landslides as a result of post-fire slope instability. Each Project would require site-specific hydrology and drainage studies for effective drainage design. Therefore, the Project and related Projects

are expected to result in a less than significant cumulative impact related to exposing people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes.

Finding:

Although the Project and some related projects are located in areas with substantial or very high wildfire risk, all development is required to comply with applicable fire code and building code requirements and with countywide wildfire planning documents, including the KCFD Strategic Fire Plan, the Kern County CWPP, the Kern County EOP, and the Kern Multi Jurisdiction Hazard Mitigation Plan. These requirements, along with implementation of a Fire Safety Plan required under **Mitigation Measure MM 4.8-13**, will minimize wildfire risk, limit exposure of occupants to pollutant concentrations during a wildfire, and ensure appropriate siting and design of any associated infrastructure such as roads, fuel breaks, and utilities. With these mandatory measures in place, the Project and related projects will result in less than significant impacts from wildfire,

Level of Significance After Mitigation:

Cumulative impacts would be less than significant.

Brief Explanation of the Rationale for the Finding:

CEQA requires that all feasible and reasonable mitigation be applied to reduce the cumulative environmental impacts of the Project. Mitigation Measure **MM 4.8-13** in **Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR, would lessen the cumulative wildfire impacts to the greatest extent possible.

E. Cumulative Environmental Effects of the Proposed Project That Will Have a Significant Impact on the Environment.

Significant Effect:

None.

SECTION III. FINDINGS REGARDING GROWTH INDUCING IMPACTS

The Kern County General Plan recognizes that certain forms of growth are beneficial, both economically and socially. Section 15126.2(d) of the CEQA Guidelines provides the following guidance on growth-inducing impacts: "A project is identified as growth-inducing if it "would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth inducement can be a result of new development that requires an increase in employment levels, removes barriers to development, or provides resources that lead to secondary growth. With respect to employment, the project would not induce substantial growth. Construction workers would primarily be drawn from the local labor

pool or would temporarily stay in hotels in local communities. The duration of the construction phase is expected to last approximately 29 months and would be temporary. Additionally, it is expected that the number of employees needed during the construction phase would be up to 100 on-site workers. Therefore, due to the temporary nature of the construction phase, it is not expected that the project would induce substantial population growth. During the operational phase, it is expected that the warehouse facilities would employ approximately 532 employees over the course of the shifts, with a maximum of 100 employees onsite per day. Hours of operation for the proposed quick-serve restaurants would be 24 hours per day. The proposed retail uses would employ approximately 40 employees. The employees needed for the operational phase of the project would most likely be drawn from the surrounding cities and unincorporated community. These areas would include, but not be limited to, the unincorporated community of Oildale and the cities of Bakersfield, Kern City, City in the Hills, and Oil City. Given the size of the surrounding communities, the nature of the job, and the relatively high unemployment, it is not expected that the proposed project during the operational phase would induce substantial population growth.

SECTION IV. FINDINGS REGARDING CONSIDERATIONS WHICH MAKE CERTAIN ALTERNATIVES ANALYZED IN THE FINAL ENVIRONMENTAL IMPACT REPORT INFEASIBLE

Implementation of the proposed Project would result in significant and unavoidable Project-level impacts after mitigation to Air Quality, Greenhouse Gas Emissions, Hydrology and Water Quality, Transportation and Traffic, and Utilities and Service Systems. With the mitigation measures impacts in all issue areas but Air Quality, Greenhouse Gas Emissions, Hydrology and Water Quality, Transportation and Traffic, and Utilities and Service Systems would be reduced to less than significant. Therefore, per the state CEQA Guidelines, this section discusses alternatives that are capable of avoiding or substantially lessening effects on these resources. The following findings and brief explanation of the rationale for the findings regarding project alternatives identified in the EIR are set forth to comply with the requirements of Section 15091(a)(3) of the CEQA Guidelines.

The consideration of alternatives is an integral component of the CEQA process. The selection and evaluation of a reasonable range of alternatives provides the public and decision-makers with information on ways to avoid or lessen environmental impacts created by a project. When selecting alternatives for evaluation, CEQA requires alternatives that meet most of the basic objectives of the project, while avoiding or substantially lessening the project's significant effects.

Three alternatives to the Project were defined and analyzed.

Alternative 1: No Project Alternative

The CEQA Guidelines require EIRs to include a No Project Alternative for the purpose of allowing decision-makers to compare the effects of approving the Project versus a No Project Alternative. Accordingly, Alternative 1, the No Project Alternative, assumes that the development of the proposed

warehouse facilities, restaurants, and associated improvements would not occur. The No Project Alternative would not require the amendment to the Metropolitan Bakersfield General Plan Land Use Element, change in zone classification, the Precise Development (PD) Plan, or a Nonsummary vacation for construction and operation of the warehouse facilities, restaurants, and associated improvements. Under the No Project Alternative, the Project site would maintain the current zoning, land use classifications, and existing undisturbed land surrounded by industrial and commercial uses. No physical changes would be made to the Project site.

Air Quality

Under the No Project Alternative, the Project site would remain undeveloped and there would be no construction activities or operational activities that would generate air emissions. No exceedance of the SJVAPCD's significance thresholds would occur, no confliction with the attainment standard would happen, nor would the No Project Alternative contribute to a cumulative net increase of criteria pollutant in the Projects' region. Therefore, there would be no impact on air quality, and the No Project Alternative would result in less impacts related to air quality compared to the proposed Project.

Greenhouse Gas Emissions

Under the No Project Alternative, emissions associated with the proposed Project would not occur. Therefore, those emissions that contribute to GHGs would be eliminated and no impacts would occur related to generating emissions that may have a significant impact on the environment or consistency with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, there would be no impact, and the No Project Alternative would result in less impacts related to greenhouse gas emissions compared to the proposed Project.

Hydrology and Water Quality

Under the No Project Alternative, no development would take place on the Project site. The Project site's existing hydrology and water quality would remain unchanged as no development or ground disturbance related to the proposed warehouse and distribution facility would occur at the Project site. As noted previously, the basin is currently over drafted, and the District's Groundwater Sustainability Plan (GSP) has been deemed inadequate along with the other Kern subbasin plans where the other similar known and unknown Projects would occur. This alternative would do none of the following:

- Violate water quality standards or waste discharge requirements
- Contribute to the existing decrease of groundwater supplies
- Substantially alter the existing drainage patterns of the site or area in a manner that would
- result in substantial erosion or sedimentation on- or off-site
- Result in flooding on-site or off-site
- Create or contribute to substantial runoff water which would exceed the capacity of existing
- or planned stormwater drainage system, or impeded or redirect flood flows
- Result in flood hazards, tsunami, or seiche zones
- Conflict with or obstruct implementation of a water quality plan

Therefore, there would be no impact, and the No Project Alternative would result in less impact related to hydrology and water quality compared to the Project.

Transportation and Traffic

Under the No Project Alternative, no development would take place on the Project site. No construction and operational related trips would be generated. Existing traffic patterns and volumes on nearby roadways would remain unchanged. As such, the No Project Alternative would not conflict with a program, plan, or ordinance or policy addressing the circulation system, nor would the No Project Alternative conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) related to vehicle miles traveled (VMT). In addition, the No Project Alternative would not substantially increase hazards due to geometric design features or result in inadequate access. Therefore, there would be no impacts, and the No Project Alternative would result in less impacts related to transportation and traffic compared to the Project.

Utilities and Service Systems

Under the No Project Alternative, the proposed Project would not be constructed and there would be no new demand for utilities and service systems on the Project site. Therefore, the No Project Alternative would result in none of the following:

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects
- Generate solid waste in excess of State or local standards
- Conflict with federal, State, and local management and reduction statues and regulations related to solid waste

Therefore, there would be no impact, and the No Project Alternative would result in less impact related to utilities and service systems compared to the Project.

Conclusion and Relationship to Project Objectives

The No Project Alternative would avoid all of the significant and unavoidable impacts associated with the proposed Project. This alternative would result in less impact to all remaining environmental issue areas. The No Project Alternative would not achieve any of the Project objectives listed above in Section 6.2, *Applicant Submitted Project Objectives*. Although this alternative would create less environmental impacts overall, the objectives that shape the Project would not be realized under this alternative.

Alternative 2: Reduced Footprint Alternative

Alternative 2, the Reduced Footprint Alternative, would be developed at the Project site with a reduced footprint by approximately 15%. The reduction would come from removing the 17-acre parcel on the southeast corner of the Project that requires a GPA and rezone. Under this alternative, the two quick service

restaurants would be eliminated and Building 4 would be reduced by 30% or 262,400 square feet. Building 4 would be a total of 612,300 square feet. With the reduction of acreage in the southeast corner of the Project, a GPA and rezoning are no longer required. This approach would decrease the overall development footprint, as well as reduce the number of employee and truck trips, traffic congestion, and emissions compared to the Project, along with a proportionate amount of demand for water, energy, utilities, and other resources. However, it would still require the same entitlements as the Project.

Air Quality

The use of construction vehicles, heavy equipment operation, and worker carpool trips would be reduced compared to the Project due to significantly smaller demands as a result of the reduced Project size. Similar to the Project, this alternative would also require implementation of **Mitigation Measure MM 4.2-1** through **MM 4.2-12 and MM 4.1-3**. Similar to the Project, Mitigation Measures would reduce construction impacts to less than significant, but operational impacts would remain significant and unavoidable. As similar heavy equipment would be required on a daily basis under this alternative, with a site plan reduced by approximately 15% from the Project, construction impacts would be reduced compared to the Project and remain less than significant with mitigation. Additionally, the elimination of the quick service restaurants would reduce construction related air quality impacts and operational related air quality impacts as fewer cars would be traveling to the Project site. However, even with reduced operation emissions than the Project, due to fewer commuting truck trips, operation impacts of the Reduced Footprint Alternative would still exceed SJVAPCD CEQA significance thresholds.

With regard to exposure to sensitive receptors, the Reduced Footprint Alternative would have a decreased impact compared to the Project due to its smaller size. While the Project has the potential to expose sensitive receptors to substantial pollutant concentrations during construction, implementation of **Mitigation Measures MM 4.2-1** through **MM 4.2-12**, would reduce impacts to less than significant levels. The Reduced Footprint Alternative would reduce the operations and, in turn, the possible impacts on nearby sensitive receptors. As such, Project-level impacts would be less than significant and less than the Project. With regard to objectionable odors, neither construction nor long-term operations of the Project are anticipated to generate any significant objectionable odors. Given the smaller development footprint and reduced operational capacity of the Reduced Footprint Alternative, impacts would be less than the Project. Similar to the Project, the Reduced Footprint Alternative cumulative construction impacts would be significant and unavoidable. Mitigation Measures would reduce impacts related to NO_X and PM_{10} from diesel emissions, reduce dust generation, and address potential Valley Fever risk by implementing fugitive dust control measures, establishing a public complaint protocol for excessive dust generation, and requiring Valley Fever-related training for construction workers. However, assuming on a worst-case basis that the construction schedules for all cumulative Projects would overlap with each other and with the Reduced Footprint Alternative, cumulative impacts during construction would be significant and unavoidable related to NO_X and PM_{10} emissions.

Operation of the Reduced Footprint Alternative would result in an overall net reduction of emissions by reducing the number of traffic trips to the Project as a result of the approximately 30% reduction of the warehouse building and the elimination of the quick service restaurants. Operation of the Alternative exceeds the Project level regulatory thresholds and, therefore, would contribute to a long-term cumulative

increase in criteria pollutants. The Project's incremental contribution to operational impacts would be cumulatively considerable.

Based on the above, impacts under the Reduced Footprint Alternative would result in less overall impacts related to air quality compared to the Project. However, even with implementation of similar mitigation as proposed for the Project, impacts on cumulative air quality under this alternative would likely remain significant and unavoidable.

Greenhouse Gas Emissions

With regard to generation of GHGs, the Project would result in the temporary generation of emissions associated with various activities, including site preparation, grading, paving, building construction, and the application of architectural coatings. GHG emissions would be largely associated with off-road equipment use, as well as on-road vehicle operations associated with workers commuting to and from the Project site and haul-truck trips. The elimination of the quick service restaurants would reduce construction related GHG emissions and operational related GHG emissions as fewer cars would be traveling to the Project site. Similar to the Project, the Reduced Footprint Alternative would be required to implement **Mitigation Measures MM 4.2-3** and **MM 4.2-5** (Section 4.2, *Air Quality* in the Final EIR), **MM 4.5-1** and **MM 4.5-2** (Section 4.5, *Energy* in the Final EIR), and **MM 4.16-2** (Section 4.16, *Transportation and Traffic* in the Final EIR) which would reduce GHG emissions during the construction and operation phases. However, similar to the Project, the Reduced Footprint Alternative would be inconsistent with the Kern County RTP/SCS and would be inconsistent with the 2022 Scoping Plan due to significant VMT impacts and non-electric vehicular emissions because it will not be feasible to electrify all transportation—in specific, the trucks—that will be associated with operation of the Alternative. Therefore, impacts would be significant and unavoidable.

The Reduced Footprint Alternative would be required to use electric-powered off-road equipment and target a construction waste diversion rate of 80%, as part of **MM 4.7-1**, and provide electrical hookups for Transport Refrigeration Units (TRUs) as part of **MM 4.7-2**. The Reduced Footprint Alternative would have similar impacts relative to GHG emissions as the Project. As such, the Reduced Footprint Alternative would have a significant and unavoidable impact related to GHG emissions, and impacts would be similar to the Project. Similar to the Project, the Reduced Footprint Alternative would have a significant and unavoidable cumulative impact; however, the impacts of the Reduced Footprint Alternative would be less compared to the Project due to its lower intensity of operations, including fewer trips and a lower demand for energy.

Hydrology and Water Quality

Similar to the Project, the Reduced Footprint Alternative would be required to implement **Mitigation Measure MM 4.6-8**, which would require preparation of an Erosion and Sedimentation Control Plan and associated BMPs to prevent the occurrence of soil erosion and discharge. This alternative would also be required to implement **Mitigation Measure MM 4.8-3**, which requires the provision of a Hazardous Materials Business Plan. Implementing these mitigation measures would reduce impacts related to the following:

- Violating water quality standards or waste discharge requirements
- Substantially altering drainage patterns
- Creating or contributing runoff water that would exceed the capacity of existing or planned stormwater drainage systems
- Placing the Project within a 100-year flood hazard area

As it relates to groundwater supplies, overall construction and operation-related water requirements under the Reduced Footprint Alternative would be reduced under this alternative as compared to the Project, as less grading would be involved during construction, and operation would involve a smaller building as compared to the Project. Through **Mitigation Measures MM 4.9-1** and **MM 4.9-2**, as with the Project, the Reduced Footprint Alternative would also not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Nor would the alternative place housing in flood hazard areas or expose people or structures to flood risks.

Additionally, **MM 4.18-3 and MM 4.18-4** (Section 4.18, *Utilities and Service Systems* in the Final EIR) would also require information and tracking via water meters on any groundwater used for Project operation. Therefore, this alternative would not substantially deplete ground water supplies or interfere substantially with groundwater recharge. Furthermore, this alternative would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan as the Reduced Footprint Alternative would require implementation of BMPs and drainage control requirements that would be consistent with the Basin Plan.

Similar to the Proposed Project, the Project site is located well inland and far from the ocean or any enclosed or semi-enclosed water body such that there would be no potential threat from tsunami or seiche hazards, and impacts would be less than significant for both Project and cumulative scenarios.

Overall, impacts related to hydrology and water quality for this alternative would be less than significant with implementation of mitigation measures similar to those implemented under the Project. The Reduced Footprint Alternative would have a incrementally reduced impact related to hydrology and water quality compared to the Project due to the reduced footprint, which would result in reduced grading activities and would reduce the amount of impervious surface compared to the Project.

Despite the basin being currently overdrawn and the district's GSP being deemed inadequate along with the other Kern County subbasin plans where the other similar known and unknown Projects could occur, the Project is not contributing to the cumulative impact of any use of groundwater in the area, and therefore cumulative impacts are considered less than significant after all feasible and reasonable mitigation for both the Project and the Reduced Footprint Alternative.

Transportation and Traffic

Similar to the Project, construction of the Reduced Footprint Alternative would not significantly impact local traffic, with the implementation of mitigation. **Mitigation Measures MM 4.16-1** through **MM 4.16-4**, require the Project proponent to do the following:

- Construct intersection improvements to reduce a LOS deficiency for consistency with MBGP policy
- Pay the required Transportation Traffic Impact fees
- Implement a Transportation Demand Management program to reduce Project-related VMT
- Prepare a Construction Traffic Control Plan in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook

With regard to consistency with CEQA Guidelines Section 15064.3(b), operational trips would be reduced under this Alternative as compared to the Project as a result of the reduced size of the facility. Under both the Project and Reduced Footprint Alternative, VMT would exceed countywide thresholds. Potential impacts are significant and unavoidable because VMT trips exceeded the regional threshold and no feasible mitigation measures have been identified to further reduce Project VMT for wither the Project or cumulative conditions.

The Reduced Footprint Alternative would be subject to the requirements outlined in the Kern County Public Works Division Nine – Standards for Traffic Engineering. Chapter V of the document outlines requirements for line of sight, including uncontrolled intersections, alleys and minor driveways, controlled intersections, T-intersections, and landscaping. As with the Project, through the implementation of a Construction Traffic Control Plan and consistency with the standards outlined in Standards for Traffic Engineering, hazards due to geometric design features would be less than significant for the Reduced Footprint Alternative and would be similar to the Project.

With regard to emergency access, as this alternative would not cause a significant increase in congestion or significantly worsen the existing service levels at intersection roadways, the Reduced Footprint Alternative would have a less than significant impact on emergency access during construction and operation. As with the Project, the Reduced Footprint Alternative would also be required to implement **Mitigation Measure MM 4.16-4** requiring preparation of a Construction Traffic Control Plan, which would provide further assurances for emergency access.

Based on the above, impacts would be significant and unavoidable with mitigation for VMT. Given the reduction in operational trips and VMT under the Reduced Footprint Alternative as compared to the Project, the Reduced Footprint Alternative impacts related to VMT would be less than the proposed Project but remain significant and unavoidable.

Utilities and Service Systems

Eliminating 17 acres from the Project site would result in reduced demand for utilities and service systems due to the smaller size of the development and associated infrastructure. Therefore, all construction and operational methods, workforce, and timing for the Reduced Footprint Alternative would be reduced in comparison with the Project.

As with the Project, the construction and operation of four warehouse facilities and associated infrastructure would result in the generation of wastewater, and require new connections for water, wastewater, electrical

power, and telecommunications. The Reduced Footprint Alternative, similar to the Project, would be required to implement **Mitigation Measures MM 4.18-1** through **MM 4.18-2** in order to reduce all impacts associated with the construction of new water, stormwater, wastewater, and electricity connections and utility line extensions. Similar to the Project, the Reduced Footprint Alternative would be required to report any groundwater usage associated with Project operation and to equip all groundwater wells on-site with water meters as outlined in **MM 4.18-3**.

The Reduced Footprint Alternative would generate less solid waste compared to the Project. However, similar to the Project, the Reduced Footprint Alternative would be required to implement **Mitigation Measure MM 4.18-4**, which would require the provision of a recycling coordinator to ensure the separation and proper disposal of recyclable materials and solid waste during construction.

The Reduced Footprint Alternative would reduce the size of the development including the quick service restaurants, and thereby incrementally reducing operational water demands in comparison to the Project. As described in **Section 4.18**, *Utilities and Service Systems*, in the Final EIR, the Oildale Mutal Water Company (OMWC) would serve the Project. According to the Project's Water Supply Assessment (**Appendix J** of the Final EIR), OMWC would be able to meet the Project's water demand under Projected normal, single dry, and multiple dry years. Therefore, OMWC would be able to meet the lesser demands of the Reduced Footprint Alternative, providing sufficient supply to the Project site. However, as the basin is currently over drafted and the District's GSP has been deemed inadequate along with the other Kern subbasin plans where the other similar known and unknown Projects could occur, the cumulative impacts of any use of groundwater in the area are considered significant and unavoidable after all feasible and reasonable mitigation for both the Project and the alternative.

This Reduced Footprint Alternative is expected to result in similar cumulative impacts compared to the Project in regard to utilities and service systems with implementation of **Mitigation Measures MM 4.18-1** through **MM 4.18-4**. When comparing cumulative impacts, the impacts would be less than the Project in regard to water demand, wastewater, and solid waste generation due to the reduced footprint and number of employees. However, the Project would be located within the critically overdrafted Kern Subbasin and contribute to the water demand of the region. Therefore, cumulative impacts relative to water supply would be significant and unavoidable, similar to the Project.

Conclusion and Relationship to Project Objectives

Because of the approximate 15% reduction in Project size for the Reduced Footprint Alternative, all construction and operational methods, workforce, and timing would be proportionally reduced in comparison with the Project. Accordingly, the Reduced Footprint Alternative would result in incrementally less or similar impacts for the majority of environmental issue areas. Notably, this alternative would not eliminate cumulative significant and unavoidable impacts associated with aesthetics, air quality, biological resources, GHG emissions, transportation and traffic, utilities and service systems, and wildfire.

The Reduced Footprint Alternative would achieve all of the Project objectives listed above in **Section 6.2,** *Proponent Submitted Project Objective*s, but to a lesser degree than the Project due to its reduced size. This alternative would be a visually similar state-of-the-art warehouses near a major transportation corridor

except with the elimination of the quick service restaurants. By adhering to the development standards set forth in the Kern County Zoning Ordinance, this alternative would implement a visually appealing industrial Project with substantial landscaping for added visual buffer from the nearest residential developments. Additionally, this alternative would meet regional demand for Class A industrial facilities, which addresses local traffic patterns and needs and promotes land use compatibility with adjacent airport related uses. This alternative would contribute to the local economy through new capital investment, the creation of new employment opportunities, expansion of the tax base, economic growth and development, and payment of development fees. The local economy contribution would be incrementally less than the proposed Project due to the elimination of the quick service restaurants. Overall, the location of this alternative is consistent with current and future market demands which minimizes conflicts with surrounding uses.

The Reduced Footprint Alternative would achieve some, but not all Project objectives listed in Section 6.2.

Alternative 3: Eastern Kern/Mojave Specific Plan Project Alternative Site

Alternative project sites are typically evaluated in CEQA documentation to avoid, reduce, or eliminate significant and unavoidable impacts associated with the Project by considering the proposed development in an entirely different location. To be considered, an alternative site must have the capability of fulfilling all or most of the objectives of the Project, and thus must be large enough to support a similar facility and have similar ease of access to transportation corridors.

However, an alternative site may not meet the basic objectives of the Project, as listed in Section 6.2, Applicant Submitted Project Objectives, and likewise, may not avoid or substantially reduce the environmental impacts of the Project.

Alternative 3, the Alternative Site Location – Eastern Kern County/Mojave Specific Plan, proposes the same Project: construction and operation of four single-story warehouse facilities, two quick-service restaurants, and associated improvements, but sited in a different location within eastern Kern County, specifically in the Adopted Mojave Specific Plan Area, on a vacant lot. This alternative would be located near State Route 58 (SR 58) in the Mojave Desert, which serves as a major transportation corridor compared to SR 99 within the San Joaquin Valley. Alternative 3 would also include improvements to off-site roadways, utilities, water treatment facilities, gas lateral extensions, storm drainage systems, and associated infrastructure, similar to the Project.

The Mojave Specific Plan Area encompasses approximately 31,000 acres in eastern Kern County, including the unincorporated community of Mojave, and functions as the transportation hub of eastern Kern County. Alternative 3 would operate at the same capacity as the Project. Required entitlements for Alternative 3 would be dependent on the site selected, noting preference would be for a site similarly designated for industrial use. Alternative 3 would develop the same land area and all of the Project components. Approval of Alternative 3 would be required to comply with the Mojave Specific Plan.

Air Quality

The use of construction vehicles, heavy equipment operation, and worker carpool trips would be similar compared to the Project. This alternative would also require the implementation of **Mitigation Measures MM 4.2-1** through **MM 4.2-5,** adjusted with respect to the requirements of Eastern Kern Air Pollution Control District (EKAPCD) in order to reduce the severity of construction-related emissions. As similar heavy equipment on a daily basis would be required under this alternative as with the Project, impacts would be less than significant with mitigation for construction impacts. Overall, based on the above, with implementation of **Mitigation Measure MM 4.2-1** through **MM 4.2-5**, any potential impacts on criteria pollutants designated as nonattainment within the EKAPCD would be reduced and construction of Alternative 3 would not result in a conflict with or obstruct implementation of applicable air quality plans. Therefore, impacts from construction would be less than significant. Operational emissions would be less than the Project, the alternative is assumed to create a similar number of daily passenger and truck trips. These emissions would be below the EKAPCD's regional significance threshold for all pollutants. As such, operational impacts would be less than significant.

With regard to exposure to sensitive receptors, the impact of Alternative 3 cannot be predicted without knowledge of the specific alternative site and the locations of nearby sensitive receptors. While the proposed **Mitigation Measures MM 4.2-6** through **MM 4.2-12**, in addition to previously discussed **MM 4.2-1** through **MM 4.2-5**, would reduce impacts from pollutant concentrations during construction, it is conservatively assumed that impacts would be significant and unavoidable, unlike to the Project.

With regard to objectionable odors, neither construction nor long-term operations of the Project are anticipated to generate any significant objectionable odors. Alternative 3 would construct and operate the same business activities as the Project, and similarly would not generate any significant objectionable odors. Impacts would thus be similar to the Project and less than significant.

Cumulative construction impacts would be less than significant. Alternative 3 would fall under the jurisdiction of the EKAPCD, which has higher thresholds for air quality impacts than the location of the proposed Project. As such, Alternative 3 would be less than the proposed Project and would be less than significant.

Overall, with implementation of similar mitigation proposed for the Project, impacts on cumulative air quality under this alternative would become less than significant.

Greenhouse Gas Emissions

With regard to generation of GHG emissions, the Project would result in the temporary generation of emissions associated with various construction activities, including site preparation, grading, paving, building construction, and the application of architectural coatings. GHG emissions would be largely associated with off-road equipment use, as well as on-road vehicle operations associated with workers commuting to and from the Project site and haul-truck trips. Similar to the Project, the Alternative Site Location Alternative would be required to implement **Mitigation Measures MM 4.2-3** and **MM 4.2-5** (Section 4.2, *Air Quality* in the Final EIR), **MM 4.5-1** and **MM 4.5-2** (Section 4.5, *Energy* in the Final EIR), and **MM 4.16-3** (Section 4.16,

Transportation and Traffic in the Final EIR). Additionally, Alternative 3 would be required to use electric-powered off-road equipment and target a construction waste diversion rate of 80% as part of **MM 4.7-1** and provide electrical hookups for TRUs as part of **MM 4.7-2** to further reduce GHG emissions. However, similar to the Project, due to significant and unavoidable VMT impacts and non-electric vehicular emissions that will be associated with operations, the Alternative would not be consistent with applicable plan, policy, or regulation relating to greenhouse gas emissions.

Similar to the Project, Alternative 3 would have significant and unavoidable cumulative GHG impacts. However, impacts are anticipated to be less than the Project due to Alternative 3 being located on/near major highways or transportation corridors, including the Mojave Airport, State Routes 58 and 14, and the Southern Pacific Railroad line, which all lie within the Mojave Specific Plan area. Thus, VMT, and accordingly GHG emissions, may be reduced under this Alternative. As such, cumulative impacts would still be significant and unavoidable despite implementation of mitigation; however, impacts would be less than those of the Project.

Hydrology and Water Quality

Development within the Mojave Specific Plan area could result in erosion and sedimentation due to construction related activities that could impact groundwater quality. As mentioned within the Mojave Specific Plan EIR, all new Projects within the Specific Plan area would be required to implement BMPs pursuant to National Pollutant Discharge Elimination System (NPDES) requirements, as mentioned above. Implementation of existing NPDES measures would avoid impact during construction of individual Projects, such as Alternative 3, on a Project and cumulative basis.

Likewise, development within the Specific Plan area has the potential to result in long-term operational impacts on water quality due to the addition of urban pollutants and the increase in site activities. However, all regulated new development, including Alternative 3, would be required to implement BMPs per the NPDES program to address capture and treatment of runoff.

Similar to the Project, Alternative 3 would include the completion of a NPDES completion form and would be required to implement **Mitigation Measure 4.6-8** (**Section 4.6**, *Geology and Soils* in the Final EIR), which would require the preparation of an Erosion and Sedimentation Control Plan, including BMPs to prevent the occurrence of soil erosion and discharge. Alternative 3 would also be required to implement **Mitigation Measure MM 4.8-3** (**Section 4.8**, *Hazards and Hazardous Materials* in the Final EIR), which would require the provision of a Hazardous Materials Business Plan. Additionally, as with the Project, Alternative 3 would implement **MMs 4.9-1** and **MM 4.9-2** (**Section 4.9**, *Hydrology and Water Quality* in the Final EIR), requiring the Project proponent to implement a Stormwater Pollution Prevention Plan and complete a hydrologic study and final drainage plan to minimize potential runoff increases from the Project site. Compliance with applicable regulatory requirements and implementation of the aforementioned mitigation measures would serve to reduce potential impacts related to violating water quality standards or waste discharge requirements, substantially altering drainage patterns; or creating substantial soil erosion. Impacts would be less than significant and similar to the Project.

As it relates to groundwater supplies, Alternative 3 would implement **MM 4.18-3** and **MM 4.18-4** (**Section 4.18**, *Utilities and Service Systems* in the Final EIR) to require information and tracking via water meters

on any groundwater used for Project operation. However, as the Mojave Specific Plan is not within a groundwater basin that is considered over drafted as is the case with the Project, compliance with applicable regulatory requirements mentioned above and listed Mitigation Measures would result in cumulative impacts regarding groundwater to be less than significant, similar to the Project.

Similar to the Project, Alternative 3 would feature retention basins to facilitate groundwater recharge. Alternative 3 would be located well inland and far from the ocean or any enclosed or semi-enclosed water body such that there would be no potential threat from tsunami or seiche hazards and impacts would be less than significant. Overall, impacts related to hydrology and water quality would be less than significant with the implementation of similar mitigation measures, and is unlikely to result in effects to stormwater runoff or existing drainage patterns.

Transportation and Traffic

Similar to the Project, Alternative 3 would require similar trips for the construction of the warehouse and associated infrastructure; however, it is anticipated that local traffic would not be significantly impacted with the addition of construction traffic generated under this alternative. Compared to the Project, it is expected that vehicle trips during operation would be similar to the Project, with potentially fewer VMT when considering the Alternative 3's proximity to regional transportation infrastructure. It is conservatively assumed that similar to the Project, Alternative 3 would exceed the regional threshold for VMT. As a result, it is conservatively assumed that impacts would be similar to the Project and considered significant and unavoidable.

Similar to the Project, any LOS deficiencies would not result in significant environmental impacts under CEQA. All feasible mitigation would be required to maintain LOS at acceptable levels, and the Project proponent would be required to implement feasible intersection improvements. However, Alternative 3 would be required to implement conditions of feasible improvements that address deficiencies should there be any, such as **Mitigation Measure 4.16-2**, which would require the developer to pay the required Transportation Traffic Impact Fees that would be utilized for a fair share fee towards a long-term solution. As it relates to increasing hazards due to a geometric design feature or incompatible use, Alternative 3 would maintain the same Project characteristics. Similar to the Project, Alternative 3 would be required to implement **Mitigation Measures MM 4.16-1** through **MM 4.16-4,** which would include off-site road improvements for affected major intersections within the Mojave Specific Plan area. Alternative 3 would conform to Kern County standards for site access and street design, impacts associated with increased hazards due to a design feature would be less than significant, similar to the Project.

With regard to emergency access, it is unknown whether the Project would cause a significant increase in congestion or worsen the existing service levels at nearby intersection and roadway segments without a site-specific traffic analysis. However Alternative 3 would be required to comply with Policy 6.1.1 and 6.1.2 of the Mojave Specific Plan, which ensure a circulation system that supports the types and intensities of land uses in the Mojave Specific Plan, as well as a roadway network that is consistent with the County's circulation grid policy. As a result, it is conservatively assumed that impacts would be similar to the Project. Impacts on hazards caused by geometric design features would be similar to the Project and less than significant.

Overall, Alternative 3 would maintain all characteristics of the Project. VMT would exceed countywide thresholds with no feasible mitigation measures identified to further reduce VMT. As such, it is reasonably assumed that Alternative 3 would have similar impacts as the Project and considered to be significant and unavoidable for both Project level and cumulatively.

Utilities and Service Systems

As with the Project, the construction and operation of a warehouse distribution facility and associated infrastructure would require water usage for dust suppression as well as minimal generation of wastewater, usage of electrical power, and telecommunications. It is unknown the extent to which Alternative 3 would alter stormwater drainage in the absence of a specific site and site plan. However, as with the Project, Alternative 3 would be required to implement **Mitigation Measures MM 4.18-1** through **MM 4.18-2** in order to reduce all impacts associated with the development of new water, stormwater, wastewater, and electricity connections and utility line extensions during construction. Alternative 3, as with the Project, would also be required to report any groundwater usage associated with Project operation and to equip all groundwater wells on-site with water meters as outlined in **MM 4.18-3**.

An increase in solid waste generation under Alternative 3 as compared to the Project is not anticipated. However, Alternative 3, would be required to implement **Mitigation Measure 4.18-4**, which would require the provisions of a recycling coordinator to ensure the separation and proper disposal of recyclable materials and solid waste during construction, similar to the Project.

With regard to operations, Alternative 3 would generate similar water, wastewater, stormwater, electricity, solid waste, and telecommunications demands as the Project. As such, implementation of **Mitigation Measures MM 4.18-1** through **MM 4.18-4** would be required to reduce impacts on these utilities to less than significant, as with the Project.

While water demand would be similar to the Project, the Mojave Specific Plan is not within the boundaries of a groundwater basin that is considered over drafted as is the case with the Proposed Project within the valley region. A site-specific Water Supply Assessment would be required; however, it is conservatively assumed that cumulative water supply impacts would be similar to the Project, therefore the impact would less than the Project and be considered significant and unavoidable.

Alternative 3 would result in similar impacts on utilities and service systems compared to the Project, with regard to wastewater, stormwater, electricity, and solid waste utility providers in the area. Impacts on groundwater supply would be incrementally less to the Project but remain significant and unavoidable due to the Mojave Specific Plan not being within an over drafted groundwater basin.

Conclusion and Relationship to Project Objectives

Alternative 3 would potentially result in less or similar impacts for a majority of the environmental issue areas, and notably reduce aesthetics, air quality, and biological resources to less than significant impacts.

However, this alternative would not eliminate cumulative significant and unavoidable impacts associated with GHG emissions, transportation and traffic, utilities and service systems, and wildfire.

Alternative 3 would accomplish some but not all of the Project objectives listed above in Section 6.2. This alternative would be a visually similar state-of-the-art warehouses and quick serve restaurants situated near major regional transportation infrastructure. By adhering to Kern County Zoning Ordinance, Land Division Ordinance, and Development Standards, this alternative would implement a visually appealing industrial project. Additionally, Alternative 3 would meet regional demand for Class A industrial facilities, which would address local traffic patterns and needs, and promotes land use compatibility. This alternative would contribute to the local economy through new capital investment, the creation of new employment opportunities, expansion of the tax base, economic growth and development, and payment of development fees. This alternative would provide new general commercial opportunities for the surrounding area, however, would no longer support Meadows Field Airport employees and users.

Overall, the location of this alternative is consistent with current and future market demands which minimizes conflicts with surrounding uses. However, the alternative would no longer support Meadows Field Airport employees and users. As such, Alternative 3 would achieve most but not all Project goals.

Environmentally Superior Alternative

As presented in the comparative analysis above, and as shown in **Table 6-2**, *Comparison of Alternatives*, in the Final EIR , there are a number of factors in selecting the environmentally superior alternative. An EIR must identify the environmentally superior alternative to the Project. Alternative 1, the No Project Alternative, would be environmentally superior to the Project on the basis of its minimization or avoidance of physical environmental impacts. However, *CEQA Guidelines* Section 15126.6(e)(2) states:

> *The "no Project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.*

Because the No Project Alternative cannot be the Environmentally Superior Alternative under CEQA, the Environmentally Superior Alternative is considered to be the Eastern Kern/Mojave Specific Plan Project Alternative. This alternative would reduce the severity of significant and unavoidable impacts on aesthetics, air quality, and biological resources due to the relocation of the Project into a zoned industrial area.

The Eastern Kern/Mojave Specific Plan Project Alternative would result in less impact to aesthetics, air quality, biological resources, GHG emissions, and utilities and services. Thus, for most environmental issue areas, this alternative would result in fewer environmental impacts, when compared to the proposed Project. This alternative reduces the severity of some potential impacts; therefore the Eastern Kern/Mojave Specific Plan Project Alternative is considered the Environmentally Superior Alternative.

Exhibit B
15093 Statement of Overriding Considerations

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS

State CEQA Guidelines Section 15093

For

AIRPORT COMMERCE CENTER INDUSTRIAL PROJECT

by ACC Bakersfield JV, LLC (PP22405)

General Plan Amendment No. 5, Map No. 81-35
Zone Classification Change No. 46, Map No. 81-35
Precise Development Plan No. 36, Map No. 81-35

Board of Supervisors – October 13, 2026

Final Environmental Impact Report
(SCH #2025030498)

Lead Agency: Kern County Planning and Natural Resources Department

EXHIBIT B

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The Airport Commerce Industrial Project would result in environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures required for the project, would remain as significant and unavoidable adverse impacts, as discussed in the Environmental Impact Report (EIR) and CEQA Findings of Fact. These impacts are summarized below and constitute those impacts for which this Statement of Overriding Considerations is made.

1) The project would result in project-level and cumulatively considerable impacts related to consistency with air quality plans due to the net increase of criteria pollutant air quality emissions after the implementation of mitigation. During construction, the proposed project would incorporate Standard Permit Conditions 1 through 3 in order to further reduce impacts from fugitive dust, including applying dust suppressant material; limiting vehicle speeds; and watering exposed areas during construction, among others. With implementation of Mitigation Measures 4.2-1 through MM 4.2-3, potential construction impacts are considered less than significant. With the implementation of Mitigation Measures 4.2-4 through 4.2-12 operational emissions of the project would still exceed SJVAPCD CEQA significance thresholds; therefore, impacts would be significant and unavoidable.

   The construction emissions generated by the Project individually, but inclusive of both on-site facilities and off-site improvements, would not exceed SJVAPCD thresholds. With regard to Project level construction emissions, Mitigation Measures MM 4.2-1 through MM 4.2-12 would reduce impacts related to NOX and PM10 from diesel emissions, reduce dust generation, and address potential Valley Fever risk by implementing fugitive dust control measures, establishing a public complaint protocol for excessive dust generation, and requiring Valley Fever-related training for construction workers. However, assuming on a worst-case basis that the construction schedules for all cumulative projects would overlap with each other and with the proposed project, cumulative impacts during construction could be significant and unavoidable related to NOX and PM10 emissions.

   Despite implementation of mitigation measures MM 4.2-1 through MM 4.2-12 and MM 4.1-3, operation of the project exceeds the project level regulatory thresholds and, therefore, would contribute to a long-term cumulative increase in criteria pollutants. Therefore, the project would result in a significant and unavoidable cumulative impact.

2) The project would result in project-level and cumulative impacts related to greenhouse gas emissions. Implementation of the project would contribute to global climate change through direct emissions of GHGs. GHGs associated with the project include CO2, CH4, and N2O, and would be emitted from on-road vehicles and equipment used during construction and from vehicles used during routine operational activities. Mitigation Measures MM 4.7-1, MM 4.7-2, MM 4.2-2 through MM 4.2-5, MM 4.2-7, MM 4.5-1, MM 4.5-2, and MM 4.16-3 would reduce GHGs during the construction and operational phases.

However, the proposed Project would be inconsistent with CARB 2022 Scoping Plan due to significant VMT impacts and non-electric vehicular emissions because it will not be feasible to electrify all transportation, specifically, the trucks that will be associated with operation of the proposed Project. Therefore, impacts would be significant and unavoidable.

Due to the absence of established scientific methodologies and analytical tools, a definitive assessment of whether the Project's GHG emissions constitute a cumulatively considerable impact under CEQA Guidelines §§15065(a)(3) and 15130 cannot be made. However, CEQA recognizes that more severe environmental threats, such as global climate change as identified in AB 32, warrant lower thresholds for determining significance. Given the Project's annual emissions of 53,967 $MTCO_2e$ and the lack of standardized significance criteria, the Project's contribution to cumulative GHG im-pacts is considered potentially significant.

As there is no clear scientific or other criteria for determining the significance of the Project's contribution to global climate change, the Project's cumulative impacts would remain significant and unavoidable despite the implementation of the mitigation measures.

3) The project would result in cumulative impacts related to hydrology and water quality. Implementation of mitigation measures would re-duce project-specific impacts to less than significant. However, conditions of critical overdraft have the potential to cause a chronic lowering of water levels, inelastic land subsidence, and/or re-duction of surface water supply (as a reduction in baseflow to streams or an increase in induced sur-face water recharge). The Subbasin was determined or classified to be a "high" priority basin, which triggers the requirement of submittal of a GSP un-der the SGMA. Although the Water Supply Assessment found that adequate water supplies are available to meet the demands of the proposed project and project implementation, it would not cause undesirable results due to groundwater pumping. Groundwater pumping from other projects in the Subbasin have the potential to create significant and unavoidable impacts. Therefore, even with implementation of MM 4.6-8, MM 4.8-1, and MM 4.9-1 and MM 4.9-3, cumulative impacts would be significant and unavoidable.

4) The project would result in project-level and cumulative impacts related to transportation and traffic impacts. The Kern Council of Governments (COG) travel demand model deter-mined the Project Vehicles Miles Traveled (VMT) per employee of 18.48 would exceed the VMT threshold of 14.04 and would result in a potentially significant impact. Even with the implementation of MM 4.16-3 requiring a Transportation Demand Management (TDM) program, VMT reductions cannot be quantified to result in a meaningful reduction below the established VMT threshold. There are no additional feasible or enforceable VMT-reduction measures available that would reduce the impact to a less than significant level. Therefore, the Project's VMT impacts would remain significant and unavoidable.

   The Project would continue to have a significant VMT impact after the implementation of a TDM program required with MM 4.16-3. No feasible additional mitigation measures have been identified to reduce project-VMT impacts to a less than significant level. Therefore, the proposed Project would result in a cumulatively considerable significant and unavoidable impact related to VMT.

5) The project would result in cumulative impacts related to utilities and service systems. The proposed project's cumulative contribution from operational groundwater use and construction associated with the project would result in a cumulative significant and unavoidable impact. Although the Water Supply Assessment found that adequate water supplies are available to meet the demands of the proposed project and project implementation, it would not cause undesirable results due to groundwater pumping. Groundwater pumping from other projects in the Subbasin have the potential to create significant and unavoidable impacts. Therefore, even with implementation of MM 4.6-8, MM 4.8-1, and MM 4.9-1 and MM 4.9-3, cumulative impacts would be significant and unavoidable.

Findings

This Board of Supervisors finds and determines that it has considered the identified means of lessening or avoiding the project's significant effects and that to the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not mitigated to below a level of significance after mitigation, such impacts are at an acceptable level in light of the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits of the project, as discussed below, and such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (*CEQA Guidelines* Section 15092(b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the Findings, the Final EIR, and the record of proceedings for the project. Each of these benefits and considerations is a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, this Board of Supervisors would otherwise stand by its determination that the remaining benefit(s) or consideration(s) is or are sufficient to warrant project approval.

Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the Board of Supervisors determines that the adverse environmental impacts of the project are "acceptable" if any of these benefits would be realized. The project would provide benefits to the County of Kern as follows:

1) The proposed project is expected to contribute approximately $90,000 in construction-related sales tax revenue (based on an estimated $120 million construction budget, approximately 30% taxable materials, and the applicable Kern County .25% of the 8.25% combined sales tax rate), as well as an estimated $1.4 to $1.5 million in increased annual property tax revenue, resulting in a net fiscal benefit for Kern County.

2) The proposed project would support the economic development of Kern County by introducing a new industrial warehouse facility that would generate jobs during construction with a peak workforce of up to approximately 100 workers. Upon completion, the facility would employ

approximately 572 permanent employees, providing increased business for local contractors and vendors.

Exhibit C
Mitigation Monitoring & Reporting Program (MMRP)

EXHIBIT C

DRAFT
Mitigation Monitoring & Reporting Program (MMRP)

AIRPORT COMMERCE CENTER INDUSTRIAL PROJECT
By ACC Bakersfield JV, LLC (PP24405)

General Plan Amendment No. 5, Map 81-35
Zone Change No. 46, Map 81-35
Precise Development Plan No. 36, Map 81-35
Nonsummary Vacation, Map 81-35

Board of Supervisors – October 13, 2026
Final Environmental Impact Report
(SCH #2025030498)

Lead Agency: Kern County Planning and Natural Resources Department

EXHIBIT C

Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
4.1	**Aesthetics**				
#1	**MM 4.1-1:** Prior to the issuance of building permits for the proposed project, the project proponent/operator shall submit a proposed color scheme and treatment plan, for review and approval by the Kern County Planning and Natural Resources Department, that will ensure all project facilities blend in with the colors found in the surrounding landscape. All color treatments shall result in matte or nonglossy finishes.	Prior to the issuance of building permits	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall submit the proposed color scheme and treatment plan for all buildings.			
#2	**MM 4.1-2:** Prior to the issuance of building permits, site plans submitted for warehouse buildings located within 1,000 feet of the Merle Haggard Drive and Airport Drive corridors shall include the following aesthetic features: a. Rooftop screening features, such as a parapet or screening material, to create a visual screen for rooftop mechanical equipment. b. Reflective metal shall not be used as exterior architectural elements on buildings immediately adjacent to Merle Haggard Drive and Airport Drive. c. Entry gates to the loading truck court must be positioned to allow a minimum of 50 feet of available stacking depth inside the property line. The stacking depth would increase by 70 feet for every 20 loading bays and beyond 50 loading bays, to the extent feasible. d. Anti-idling signs must be installed at truck loading sites, the entrance to the development, and at all heavy-duty truck exit driveways directing drivers to the proper truck route.	Prior to the issuance of building permits and during construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: C. This mitigation measure shall be incorporated as a condition of approval for any site plan review. D. The project proponent shall submit the proposed site plans with the aesthetic features included in this mitigation measure for review and approval to the Kern County Planning and Natural Resources Department prior to the issuance of the building permit. E. The project proponent shall submit the proposed site plans with required stacking depth at entry gates for review and approval to the Kern County Planning and Natural Resources Department prior to the issuance of the building permit. F. Anti-idling signage shall be identified and labeled on site plans for review and approval prior to issuance of building permits. Conceptual illustrations of signs illustrating proper truck route shall be submitted for concurrent review. G. The project proponent or contractor shall install signs as approved by the Kern County Planning and Natural Resources Department. H. The project proponent or contractor shall submit photographs of the approved signs after installation to the Kern County Planning and Natural Resources Department. I. The Kern County Public Works Department shall verify in the field during the construction phase of the project.		

EXHIBIT C

<table>
<tr><th colspan="6">Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project</th></tr>
<tr><th>Impact</th><th>Mitigation Measure</th><th>Time Frame for Implementation</th><th>Responsible Monitoring Agency</th><th>Date</th><th>Initials</th></tr>
<tr><td rowspan="2">#3</td><td rowspan="2">MM 4.1-3: Prior to the issuance of building permits for any facilities on the project site, the proponent/operator applicant shall submit to the Kern County Planning and Natural Resources Department for approval a landscape plan that complies with the Kern County Zoning Ordinance requirements in Chapter 19.86 - Landscaping.
The plan shall include:
a. Preparation by a licensed Landscape Architect;
b. California native, drought-tolerant plants;
c. An irrigation plan as required under the Kern County Zoning Ordinance 19.86.070;
d. A vegetation barrier shall be installed along the Merle Haggard Drive and Airport Drive frontages of the project site. The vegetation barrier shall consist of multiple rows of trees and shrubs, a 10-foot-high berm, a decorative wall, or a combination thereof. Final design shall be submitted for review and approval by the Director of the Planning and Natural Resources Department. The vegetation barrier shall:
1. Be a minimum of 15 feet high (at full maturity) or a minimum of 3 feet above the decorative wall. The wall shall be between 6 and 8 feet high.
2. Be a minimum 30-foot-wide perimeter buffer along any visible boundary from the Merle Haggard Drive and Airport Drive;
3. Achieve porosity between .5 to .9 at full maturity and shall maintain porosity during all seasons.
4. Consist of multiple types of species to prevent plant mono-cultures. Use of coniferous trees, and/or trees comprised of waxy and/or hairy leaf surfaces with leaf and branch structure that provide increased surface areas is encouraged. Species composition shall include, but not be limited to, the following:</td><td>Prior to issuance of building permits, during construction, and project operation</td><td>Kern County Planning and Natural Resources Department</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance:
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The project proponent shall prepare a landscape plan, to the extent and limits identified in the mitigation measure.
C. The project proponent shall submit the landscape plan to the Kern County Planning and Natural Resources Department for review and approval prior to issuance of building permits.
D. The project proponent shall submit documentation and/or reporting of maintenance logs and growth rates to the Kern County Planning and Natural Resources Department 1-year after planting indicating successful species survival and rate of porosity growth. This shall be achieved through photo documentation and/or reporting of maintenance logs and growth rates to be submitted each spring, preferably after shrubs have begun to leaf out, but, if necessary, could be conducted any time during the summer.
E. The project proponent shall submit plant growth documentation each year for the first five (5) years or until the vegetation reaches maturity, whichever occurs first, in order for Kern County Planning and Natural Resources Department to confirm all growth has successfully reached maturity level.</td></tr>
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Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	A. Consist of evergreen, drought tolerant species of low biogenic emissions (e.g. low pollen, etc.), a minimum of 36-inch box size at time of installation and spaced no greater than 40 feet apart. B. One (1) tree having a minimum planting height of six (6) feet for every 40 lineal feet of buffer; C. Palm trees, deciduous trees, and monocarpic, and annual plants shall not be allowed to satisfy this requirement. D. Evergreen shrubs which reach a minimum height of four (4) to six (6) feet. E. Live ground cover consisting of low-height plants, or shrubs, or grass shall be planted in the portion of the landscaped area not occupied by trees or evergreen shrubs. F. Bare gravel, rock, bark or other similar materials may be used, but are not a substitute for ground cover plantings, and shall be limited to no more than 25 percent of the required landscape area. G. Consist of species that are native, non-invasive and non-poisonous 5. Be maintained and consistent throughout all seasons and climatic conditions for the life of the project. Vegetation maintenance for the vegetation barrier shall include tree and shrub replacement in the event of die-off, disease or damage due to accidents 6. Maximum height shall be maintained to comply with the H (Airport Approach Height) District, Section 19.76.080 or within the specified maximum height limit for an approved Zone Variance that is active for this project; 7. Designed to preserve safe lines-of-sight and viewshed standards for drivers on the road.				

Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	8. Be installed prior to final occupancy. 9. After year 1 of planting, the Project proponent shall submit documentation to the Kern County Planning and Natural Resources Department indicating successful species survival and rate of porosity growth. This shall be achieved through photo documentation and/or reporting of maintenance logs and growth rates to be submitted each spring, preferably after shrubs have begun to leaf out, but, if necessary, could be conducted any time during the summer. Documentation shall be submitted each year for the first five (5) years or until the vegetation reaches maturity, whichever occurs first, in order for Kern County Planning and Natural Resources Department to confirm all growth has successfully reached maturity level. e. Should perimeter fencing be proposed, fencing materials shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock, tubular steel, wrought iron, or brick, or other durable materials. Masonry block walls shall be decorative and not bare masonry blocks. Decorative materials can include a façade, colored masonry blocks, or other materials. Fencing proposed around sumps shall be chain-link with view obscuring slats.				

EXHIBIT C

Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#4	**MM 4.1-4:** Prior to issuance of building permits, the project proponent shall demonstrate to Kern County Planning and Natural Resources Staff, through the submittal of a lighting plan, that the project site will continuously comply with the applicable provisions of the Outdoor Lighting - Dark Skies Ordinance (Chapter 19.81 of the Kern County Zoning Ordinance), and shall be designed to provide the minimum illumination needed to achieve safety and security objectives. All lighting shall be directed downward and shielded to focus illumination on the desired areas only and avoid light trespass onto adjacent properties and roadways. Lenses and bulbs shall not extend below the shields.	Prior to the issuance of building permits and during construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall prepare an Outdoor Lighting Plan and shall submit the plan for review and approval by the Kern County Public Works Department. C. A copy of the approved Outdoor Lighting Plan shall be submitted by the project proponent to the Kern County Planning and Natural Resources Department, upon issuance. D. Kern County Planning and Natural Resources Department shall receive, approve, and file the Outdoor Lighting Plan prior to issuing building permits. E. An annual report shall be submitted to the Kern County Planning and Natural Resources Department that summarizes light and glare complaints received and the measures taken to address the registered complaints.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					
4.2	**Air Quality**				
#5	**MM 4.2-1:** The project shall continuously comply with applicable rules and regulations set forth by the San Joaquin Valley Air Pollution Control District.	Continuous compliance	Kern County Planning and Natural Resources Department, San Joaquin Valley Air Pollution Control District		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall adhere to applicable rules and regulations set forth by the San Joaquin Valley Air Pollution Control District.			

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Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#6	**MM 4.2-2:** Prior to issuance of grading permits, the project proponent shall provide to the Kern County Planning and Natural Resources Department a site-specific Dust Control Plan approved by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The Dust Control Plan shall include name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan; a description and location of operation(s); and a listing of all fugitive dust emission sources. The site-specific Dust Control Plan shall take into consideration grading and construction schedule, seasonal winds, site-specific wind patterns, and soil conditions to ensure adequate measures are implemented to manage fugitive dust. The following shall be included where applicable and feasible and is not to be considered all-inclusive; and any other measures to reduce fugitive dust emissions not listed shall be encouraged: a. Land Preparation, Excavation and/or Demolition. The following dust control measures shall be implemented: 1. Identify a comprehensive grading schedule for the entire project site. When feasible, grading activities shall be phased and minimized to those areas necessary for project access and installation of project features. 2. All onsite unpaved roads and offsite unpaved access roads shall be stabilized using water or chemical soil stabilizers that can be determined to be as efficient as or more efficient for fugitive dust control than California Air Resources Board approved soil stabilizers, and that shall not increase any other environmental impacts including loss of vegetation. 3. All soil excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of twice daily on unpaved/untreated roads and on disturbed soil areas with active operations. 4. All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per	Prior to the issuance of any grading permit and during construction	Kern County Planning and Natural Resources Department, San Joaquin Valley Air Pollution Control District, Kern County Public Works Department		
		Steps to Compliance: C. This mitigation measure shall be incorporated as a condition of approval for any site plan review. D. The project proponent shall prepare a site-specific Dust Control Plan, as identified in the mitigation measure. E. The project proponent shall submit the Dust Control Plan to the San Joaquin Valley Air Pollution Control District and the Kern County Planning and Natural Resources Department for review and approval prior to the issuance of any grading permit. F. The Kern County Public Works Department shall verify compliance of vehicular control measures in the field during the construction and decommissioning phases of the project. G. Vehicular control measure compliance documentation shall be sent to the Kern County Planning and Natural Resources Department.			

Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	hour (averaged over one hour), if disturbed material is easily windblown, or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property. 5. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate method to prevent windblown fugitive dust. 6. Where acceptable to the Kern County Fire Department, weed control shall be accomplished by mowing instead of disking, thereby, leaving the ground undisturbed and with a mulch covering. b. Site Construction. After clearing, grading, earth moving and/or excavating is completed within any portion of the project sites, the following dust control practices shall be implemented: 1. Once initial leveling has ceased, all temporality open and inactive soil areas within the construction site shall be (1) seeded and watered until plant growth is evident, (2) treated with a dust palliative, or (3) watered twice daily until soil has sufficiently crusted to prevent fugitive dust emissions. 2. Dependent on specific site conditions (season and wind conditions), revegetation shall occur in those areas so planned as soon as practical after installation of the solar panels. A native seed mix of grass and flowers shall also be added to the spread topsoil to enhance regrowth. 3. All active disturbed soil areas shall be sufficiently watered at least twice daily or have dust palliatives applied to prevent excessive dust. c. Vehicular Activities. During all phases of construction, the following vehicular control measures shall be implemented: 1. On-site vehicle speed shall be limited to 15 miles per hour on unpaved roads. 2. All areas with vehicle traffic shall be paved, treated with dust palliatives or watered a minimum of twice daily.				

Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	3. Streets adjacent to the project sites shall be kept clean, and project-related accumulated silt shall be removed. 4. Access to the project sites shall be by means of an apron into the project sites from adjoining surfaced roadways. The aprons shall be surfaced or treated with dust palliatives. If operating on soils that cling to the wheels of vehicles, a grizzly, wheel washer, or other such device shall be used on the road exiting the project sites, immediately prior to the pavement, in order to remove most of the soil material from vehicle tires. 5. Track-out debris onto public paved roads shall not extend 50 feet or more from an active operation and track-out shall be removed or isolated such as behind a locked gate at the conclusion of each workday, except on agricultural fields where speeds are limited to 15 mph. 6. All hauling materials should be moist while being loaded into dump trucks. 7. Drop heights when loaders dump soil into trucks shall not exceed 5 feet above the truck. 8. Soil loads should be kept below 6 inches or the freeboard of the truck. 9. All haul trucks hauling fine material (soil, sand, other loose material) off-site on public roads shall be either sufficiently watered or securely covered to prevent excessive dust. 10. Gate seals should be tight on dump trucks.				

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Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#7		Prior to the issuance of any grading permit and during construction	Kern County Planning and Natural Resources Department		

	MM 4.2-3: The Project proponent and/or its contractors shall continuously implement the following measures during construction and operation of the project to control emissions from the on-site equipment: a. All equipment shall be maintained in accordance with the manufacturer's specifications. b. All equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five (5) minutes. c. Construction equipment shall not operate longer than eight (8) cumulative hours per day without prior written authorization provided by the Kern County Planning and Natural Resources Department. d. All construction vehicles shall be equipped with proper emissions control equipment and kept in good and proper running order to substantially reduce NOx emissions. e. On-road and off-road diesel equipment shall use diesel particulate filters (or the equivalent) if permitted under manufacturer's guidelines. f. All on-site off-road equipment and on-road vehicles shall meet the recent California Air Resources Board engine emission standards or alternatively fueled equipment, such as compressed natural gas, liquified natural gas, or electric, as appropriate. g. Tier 4 engines shall be used on all equipment when available. h. Electric equipment shall be used whenever possible in lieu of diesel or gasoline powered equipment. An area to charge electric powered construction vehicles and equipment during construction shall be designated on-site if temporary power is available. i. Any future tenant operating a charbroiler shall comply with all applicable SJVAPCD rules and regulations, including obtaining and maintaining all required SJVAPCD permits and implementing any required emission control measures before operating a charbroiler. j. During operation of the proposed project, Signs and drive-aisle pavement markings shall be installed and maintained to clearly identify the approved on-site circulation pattern and minimize unnecessary on-site vehicle travel. Signs shall also be posted at appropriate and visible locations stating that off-site parking is	**Steps to Compliance:** A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall ensure construction and operation parameters, as identified in the mitigation measure, are adopted and maintained. C. Kern County Planning and Natural Resources Department shall confirm during compliance.

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Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	strictly prohibited. All signs and pavement markings shall be kept legible and in good condition throughout project construction and operation.(RTC 8/28/2026)				
#8	**MM 4.2-4:** To reduce demand for gas-powered landscape maintenance equipment, all required landscaping along major and arterial roadways will be designed with native drought-resistant species (plants, trees, and bushes).	During operation of project	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project shall remain consistent with standards in an approved landscape plan, consistent with MM 4.1-3.			
#9	**MM 4.2-5:** Prior to the issuance of grading permits, the Owner/Operator shall enter into a Developer Mitigation Agreement (DMA) (synonymous with a Voluntary Emissions Reduction Agreement) with the San Joaquin Valley Air Pollution Control District. The DMA is to fully mitigate construction and operations criteria air emissions of project implementation for project vehicle and other mobile source emissions. The Owner/Operator shall pay fees to fully mitigate project emissions of NOx (oxides of nitrogen), ROG (reactive organic gases), PM10 (particulate matter of 10 microns or less in diameter), and PM 2.5 (particulate matter of 2.5 microns or less in diameter) (collectively referred to as "designated criteria emissions") to avoid any net increase in these pollutants. The air quality mitigation fee shall be paid prior to the approval of any construction or grading approval or payment plan as designated by the San Joaquin Valley Air Pollution Control District.	Prior to the issuance of grading permits	San Joaquin Valley Air Pollution Control District, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall enter into a DMA with the SJVAPCD. C. The project proponent shall pay fees to the San Joaquin Valley Air Pollution Control District. D. The proponent shall provide proof of payment to the Kern County Planning and Natural Resources Department prior to issuance of grading permits.			
#10	**MM 4.2-6:** Prior to issuance of building permits, the project applicant/developer shall demonstrate to the satisfaction of the Kern County Planning that the project applicant shall require the use of super compliant, low-VOC paints (less than 10 g/L) during the architectural coating construction phase of project construction, and during project maintenance.	Prior to the issuance of grading permits	San Joaquin Valley Air Pollution Control District, Kern County Planning and Natural Resources Department		
		Steps to Compliance:			

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Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
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		A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall submit documentation demonstrating that super compliant, low-VOC paints (less than 10 g/L) will be used during architectural coating activities and project maintenance. C. Product data sheets or manufacturer specifications showing VOC content of less than 10 g/L shall be provided for review prior to permit issuance. D. The Kern County Planning and Natural Resources Department shall verify compliance prior to issuance of building permits.			
#11	**MM 4.2-7:** Prior to the issuance of occupancy permits, the Kern County Planning Department will require that the tenant lease agreements include contractual language that requires all Transport Refrigeration Units (TRUs) entering the project site be plug-in capable. Electrical hookups shall be provided as part of the tenant improvements for any tenant that requires cold storage. The electrical hookups shall be provided at all loading bays for truckers to plug in any onboard auxiliary equipment and power refrigeration units while their truck is stopped. Idling or use of auxiliary truck engine power to power climate control equipment shall be prohibited if the truck is capable of plugging in at the loading bay. In addition: a. All equipment shall be maintained in accordance with the manufacturer's specifications. b. All equipment, including TRUs, heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not is use for more than 5 minutes. To reduce idling emissions from trucks and TRUs, the project applicant/developer shall have signage placed at truck access gates, loading docks, and truck parking areas that clearly notes idling is strictly prohibited on the subject property. In coordination with Kern County, the project applicant/developer shall also place similar signs in the adjacent streets in the project area. At minimum, each sign placed outside the interior premises of the subject property shall note the idling prohibition on the adjacent streets ~~and include telephone~~	Prior to the issuance of grading permits	San Joaquin Valley Air Pollution Control District, Kern County Planning and Natural Resources Department		
		A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall demonstrate that tenant lease agreements require all Transport Refrigeration Units (TRUs) entering the site to be plug-in capable, and that electrical hookups are provided at loading bays for refrigeration units and auxiliary equipment. C. The project proponent shall install required weather-proof signage at truck access gates, loading docks, truck parking areas, and adjacent streets (in coordination with Kern County) prohibiting idling and providing required contact information. Sign locations shall be shown on submitted site and architectural plans. D. Kern County Planning and Natural Resources Department shall verify compliance prior to issuance of occupancy permits.			

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	~~numbers of the building facilities manager and the California Air Resources Board to report violations~~ in the project area. All signage shall be made of weather-proof materials. All site and architectural plans submitted to Kern County shall note the locations of these signs. Prior to issuance of occupancy permits, Kern County shall verify compliance with these requirements herein.(RTC 8/28/2026)				
#12	**MM 4.2-8** To minimize personnel and public exposure to potential Valley Fever–containing dust on and off site, the following control measures shall be implemented during project construction: a. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved offsite to other work locations. b. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground. c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area. d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers exposed to dust shall leave the area until a truck can resume water spraying. e. To the greatest extent feasible, heavy-duty earth-moving vehicles shall be closed-cab and equipped with a HEPA-filtered air system. f. Workers shall receive training in procedures to minimize activities that may result in the release of airborne *Coccidioides immitis* (CI) spores and recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department within 5 days of the training session. g. A Valley Fever informational handout shall be provided to all onsite construction personnel and surrounding residences within 1000 feet of the project site. The handout shall, at a minimum,	Prior to the issuance of grading or building permits	Kern County Planning and Natural Resources Department		
	Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. All Valley Fever materials shall be provided to all construction personnel prior to construction activities. C. The project proponent shall ensure practices are implemented as outlined in mitigation. D. The proponent shall provide training session materials, handout(s) and schedule of training to Kern County Planning and Natural Resources Department within 5 days of the training session. E. Kern County Public Works Department shall verify compliance in the field during construction.				

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	provide information regarding symptoms, health effects, preventative measures, and treatment of Valley Fever. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within 1000 feet of the project boundaries. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department. h. Onsite personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health-approved respirators shall be provided to onsite personnel, upon request. When exposure to dust is unavoidable, affected workers shall be provided appropriate NIOSH-approved respiratory protection. If respiratory protection is deemed necessary, employers must develop and implement a respiratory protection program in accordance with the California Occupational Safety and Health Administration's Respiratory Protection standard (8 CCR 5144).				
#13	**MM 4.2-9:** Prior to the issuance of grading permits, a one-time fee shall be paid to the Kern County Public Health Services Department in the amount of $3,200 for Valley Fever public awareness programs.	Prior to the issuance of grading permits	Kern County Public Health Services Department, Kern County Planning Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall pay the one-time fee to the Kern County Public Health Services Department. C. The proponent shall provide proof of payment to the Kern County Planning and Natural Resources Department prior to issuance of grading permits.			
#14	**MM 4.2-10:** At the time of project implementation, a COVID-19 Health and Safety Plan shall be prepared in accordance with the Kern County Public Health Services Department and Kern County Health	At the time of project implementation	Kern County Public Health Services Department, Kern County Planning Department		

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	Officer mandates. A copy of the COVID-19 Health and Safety Plan shall be submitted to the Kern County Planning Department to be kept on file.	**Steps to Compliance:** A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall prepare a COVID-19 Health and Safety Plan in accordance with the Kern County Public Health Services Department and Kern County Health Officer mandates, which shall be submitted to the Kern County Planning Department to be kept on file.			
#15	**MM 4.2-11:** Prior to commencement of any on-site construction activities (i.e., fence construction, mobilization of construction equipment, initial grading), the project applicant shall provide written notice to the public through mailing a notice to all parcels within 1,000 feet of the project site, no sooner than 15 days prior to construction activities. The notices shall include the construction schedule, a telephone number and email address where complaints and questions can be registered. Additionally, a minimum of one sign, legible at a distance of 50 feet, shall also be posted at the construction sites or adjacent to the nearest public access to the main construction entrances throughout construction activities which include the construction schedule (updated as needed) and a telephone number where complaints can be registered. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.	Prior to construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project applicant shall provide written notice to the public through mailing a notice to all parcels within 1,000 feet of the project site, no sooner than 15 days prior to construction activities. C. Signage shall be identified and labeled on site plans for review and approval prior to issuance of building permits. D. The project proponent or contractor shall install signs as approved by the Kern County Planning and Natural Resources Department. E. The project proponent shall provide documentation that the public notice has been sent, and the sign has been posted to the Kern County Planning and Natural Resources Department.			
#16	**MM 4.2-12:** Prior to the issuance of any grading or building permit, the project applicant shall establish a "construction coordinator" and submit written documentation which includes their phone number, email address and mailing address. The construction coordinator shall be responsible for the following: a. Responding to any local complaints about construction activities. The construction coordinator shall determine the cause of the construction complaint and shall be required to implement reasonable measures such that the complaint is resolved. b. Ensuring all appropriate construction notices have been made	Prior to the issuance of any grading or building permit	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall establish a "construction coordinator." C. A copy of the construction coordinator's contact information submitted to the Kern County Planning and Natural Resources Department, which includes their phone number, email address and mailing address.			

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	available to the public and that all appropriate construction signs have been installed. c. Maintaining an ongoing up-to-date log of all construction-related complaints (i.e., blowing dust, inability to access parcels, etc.) during project construction activities. The log shall include the nature of the complaint and the measures that were undertaken to address the concerns. Upon request, the construction coordinator shall provide the log to the Planning and Natural Resources Department no later than three business days from request.				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					
4.3	**Biological Resources**				
#17	**MM 4.3-1:** Prior to the issuance of grading permits, the project operator shall retain a Lead Biologist(s) who meets the qualifications of an Authorized Biologist as defined by California Department of Fish and Wildlife (CDFW) Service to oversee compliance with protection measures for all listed and other special-status species that may be affected by the construction and operation of the project. The resume and contact information for the Lead Biologist(s) shall be provided in writing to the Planning and Natural Resources Department. The following measures pertain to the Lead Biologist(s): a. The Lead Biologist(s), or their designee, shall be on the project site during all construction activities which include, but are not limited to, installation of perimeter fencing, clearing of vegetation, grading activities, and facility construction. b. The Lead Biologist(s) or their designee shall have the right to halt all activities that are in violation of the special-status species protection measures, as well as any regulatory permits from the U.S. Fish and Wildlife Service and/or the California Department of Fish and Wildlife, if applicable. Work shall proceed only after hazards to special-status species are removed and the species is no longer at risk.	Prior to the issuance of grading permits and during construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The proponent shall submit evidence of retainer of a Lead Biologist with the contact information of the qualified biologist(s) to the Kern County Planning and Natural Resources Department. C. The Kern County Planning and Natural Resources Department shall verify prior to issuance of building and grading permits. D. The proponent shall notify the Kern County Planning and Natural Resources Department, the on-call biologist, and the appropriate resources agency before proceeding with construction. E. The proponent shall stop work if in violation of the special-status species protection measures.			

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#18	**MM 4.3-2:** Prior to the issuance of grading permits, the Lead Biologist shall develop a Worker Environmental Awareness Training Program containing life history and identification information of special-status wildlife and plant species with potential to occur on site. The Worker Environmental Awareness Training Program shall review responsibilities for all on-site personnel including trash control, checking under and around vehicles and heavy equipment before starting, scanning for wildlife resources, contacting the Lead Biologist in the unanticipated instance of encountering special status wildlife species, and prohibition of pets and firearms. All on-site personnel shall be required to attend a worker environmental training. A sticker shall be placed on hard hats, indicating that the worker has completed the Worker Environmental Awareness Training. Copies of all prepared materials including, but not limited to, PowerPoint presentations, videos, information handouts and signed acknowledgement from each worker who has attended the required training shall be provided to the Planning and Natural Resources Department.	Prior to the issuance of grading permits, and during construction	Kern County Planning and Natural Resources		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall prepare a Worker Environmental Awareness Program for all construction personnel. C. The project proponent shall provide training materials to the Kern County Planning and Natural Resources Department. D. All construction workers shall attend the Construction Worker Environmental Awareness Training and Education Program prior to participating in construction activities; Full-time employees during regular operations shall also receive this training E. An acknowledgement form signed by each worker indicating that environmental training has been completed will be kept on record. F. A copy of the training materials, as well as a list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the Kern County Planning and Natural Resources Department upon the County's request. G. The Kern County Planning and Natural Resources Department shall review and verify documentation prior to issuance of grading or building permits.			
#19	**MM 4.3-3:** No more than thirty (30) days prior to the start of ground disturbance activities or issuance of any grading permits, a qualified biologist knowledgeable on the identification of rare plant species shall conduct a pre-construction plant survey of areas of proposed	No more than 30 days prior to the start of ground disturbance or issuance of any grading permits	CDFW or USFWS		

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	disturbance within the project site and 100-foot buffer (where legally accessible) to determine if any special-status plant species are present. If special-status plants are identified on-site, their locations shall be mapped and the project proponent shall confer with CDFW or USFWS as required by applicable law to facilitate salvage or seed collection. <u>If avoidance of the identified special-status plant population is feasible, a no-disturbance buffer of at least 50 feet shall be established around the population and maintained throughout construction. The project proponent shall consult with USFWS and CDFW, as appropriate, on the need for take authorization if impacts to listed plant species, including Bakersfield cactus, are unavoidable, and no listed plants shall be removed or destroyed without prior authorization from USFWS and/or CDFW, as appropriate. If listed plants are identified and will be impacted, the project shall compensate for loss of occupied habitat at a minimum ratio of 1:1 and the final ratio would be determined by CDFW and/or USFWS and will be based on the level of impacts from the project to occupied habitat.</u>(RTC 8/28/2026)	**Steps to Compliance:** A. This mitigation measure shall be incorporated as a condition of approval prior to issuance of grading permits or initiation of ground disturbance activities. B. No more than thirty (30) days prior to ground disturbance or issuance of grading permits, the project proponent shall retain a qualified biologist to conduct a pre-construction survey for special-status plant species within all proposed disturbance areas and a 100-foot buffer (where legally accessible). C. A survey report documenting survey methods, dates, findings, and mapping of any special-status plant species identified shall be submitted to the Kern County Planning and Natural Resources Department prior to issuance of grading permits. D. If special-status plant species are identified, the project proponent shall provide documentation demonstrating coordination with the California Department of Fish and Wildlife (CDFW) and/or the U.S. Fish and Wildlife Service (USFWS), as applicable, and shall implement any required salvage or seed collection measures prior to ground disturbance. E. The Kern County Planning and Natural Resources Department shall review and verify compliance prior to issuance of grading permits.			
#20	**MM 4.3-4:** During construction of the project site, the project proponent and/or contractor(s) shall implement the following general avoidance and protective measures: a. Immediately prior to conducting vegetation clearing or similar activities, the Lead Biologist or their designee shall perform a pre-construction visual survey of the area to ensure that no special-status species are present. Daily reports of these inspections shall be retained by the Lead Biologist and provided to the Kern County Planning and Natural Resources Department, U.S. Fish and Wildlife Service, or California Department Fish and Wildlife upon request. b. Within the vicinity of any construction activities, sensitive biological resources (i.e., special-status species, jurisdictional	During construction	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The proponent shall comply with this mitigation measure pertaining to construction activities and biological resources in coordination with California Department of Fish and Wildlife as needed. C. The proponent shall submit evidence of retainer of a Lead Biologist and evidence of coordination with CDFW to the Kern County Planning and Natural Resources Department.			

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	drainages, nesting birds, etc.) shall be delineated with stakes and/or flagging. c. All construction activities shall be confined within the project construction area, which may include temporary access roads, haul roads, and staging areas specifically designated and marked for these purposes. At no time shall equipment or personnel be allowed to adversely affect areas outside the project site. d. Any spoils shall be stockpiled in disturbed areas that lack native vegetation to the maximum extent practicable. Spoils that have been stockpiled and inactive for more than 24 hours shall be inspected by a qualified biologist for signs of special-status wildlife before moving or disturbing. e. To prevent inadvertent entrapment of San Joaquin kit foxes, American badgers, or other animals during construction, all excavated steep-walled holes or trenches more than two (2) feet deep shall be covered with plywood or similar materials at the close of each working day. If holes or trenches cannot be covered, one or more escape ramps constructed of earthen fill or wooden planks, no less than 12 inches wide and secured at the top, shall be placed a minimum of every 100 feet within the open trench. Covered and non-covered holes or trenches shall be thoroughly inspected for trapped animals by a qualified biologist at the beginning and end of each working day. Immediately before such holes or trenches are filled, they shall again be thoroughly inspected by trained Staff approved by the Lead Biologist. If any trapped animals are observed, escape ramps or structures shall be installed immediately to allow for their escape. If a listed species is trapped, the Lead Biologist shall immediately confer with the U.S. Fish and Wildlife Service and/or California Department of Fish and Wildlife. f. All construction pipes, culverts, or similar structures with a diameter of four (4) inches or greater that are stored at the site for more than 24 hours and without endcaps shall be thoroughly inspected by a qualified biologist prior to being moved or capped. If a listed wildlife species is discovered inside a pipe, that section of pipe shall not be moved until a qualified biologist	D. The Kern County Planning and Natural Resources Department shall verify prior to issuance of building and grading permits. E. The Lead Biologist shall prepare a summary monitoring report for the wildlife and resource agencies and Kern County Planning and Natural Resources Department on a monthly basis. F. Kern County Public Works Department shall verify in the field during construction. G. The Lead Biologist or their designee shall perform a pre-construction visual survey of the area, and daily reports of these inspections shall be provided to the Kern County Planning and Natural Resources Department, U.S. Fish and Wildlife Service, or California Department Fish and Wildlife upon request. H. The project proponent shall provide proof of herbicide applicator licenses to the Kern County Public Health and Services Department and Kern County Planning and Natural Resources Department prior to issuance of a grading or building permit. I. The proponent shall ensure the person performing the work has the appropriate State and local applicator licenses and complies with all State and local regulations regarding use. J. The Kern County Planning and Natural Resources Department shall verify work is completed in accordance with the mitigation measure. K. The project proponent shall provide a copy of all documentation to the Kern County Planning and Natural Resources Department.			

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	has been consulted and the animal has either moved from the structure on its own accord or until the animal has been captured and relocated in conformance with appropriate wildlife agency guidelines. g. No construction vehicle or equipment parked on the project site shall be moved prior to inspecting the ground beneath the vehicle or equipment for the presence of listed wildlife species. If present, the animal shall be left to move on its own. h. A speed limit of 15 miles per hour shall be enforced within the limits of the project site. If night work occurs on the project site, the speed limit will be 10 miles per hour. i. Fueling of construction equipment shall take place within existing roads or disturbed areas. No refueling within or adjacent to drainages (within 150 feet) shall be permitted. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. j. Trash and food items shall be contained in closed containers to reduce the attractiveness to opportunistic predators such as common ravens, coyotes, and feral dogs. k. Workers shall be prohibited from bringing pets and firearms to the project site and from feeding wildlife. l. No pets shall be allowed in project areas, except for trained canine animals related to security and operation of the facility. m. Intentional killing or collection of any listed plant or wildlife species shall be prohibited. n. Herbicides that may be used as vegetation control measures in project areas shall be applied in accordance with submeasures below. All uses of such herbicidal compounds shall observe label and other restrictions mandated by the U.S Protection Agency, California Department of Food and Agriculture, and state/federal legislation as well as additional project related restrictions deemed necessary by the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife. 1. The construction contractor or project personnel shall use herbicides that are approved by the California				

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	Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) for use in California and are appropriate for application adjacent to natural vegetation areas (i.e., nonagricultural use). Personnel applying herbicides shall have all appropriate State and local herbicide applicator licenses and comply with all State and local regulations regarding herbicide use. 2. Herbicides shall be mixed and applied in conformance with the manufacturer's directions. 3. The herbicide applicator shall be equipped with splash protection clothing and gear, chemical resistant gloves, chemical spill/splash wash supplies, and material safety data sheets for all hazardous materials to be used. To minimize harm to wildlife, vegetation, and water bodies, herbicides shall not be applied directly to wildlife. 4. Products identified as non-toxic to birds and small mammals shall be used if nests or dens are observed; and herbicides shall not be applied if it is raining at the site, rain is imminent, or the target area has puddles or standing water. 5. Herbicides shall not be applied when wind velocity exceeds 10 miles per hour. If spray is observed to be drifting to a non-target location, spraying shall be discontinued until conditions causing the drift have abated. 6. A written record of all herbicide applications on the site, including dates and amounts, shall be furnished annually to the Kern County Planning and Natural Resources Department.				

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#21	**MM 4.3-5:** No more than (30) days prior to the issuance of any grading permits or the start of ground disturbance, a qualified biologist knowledgeable in the identification of all special-status wildlife species shall conduct a pre-construction survey of areas proposed for disturbance within the project site and 500-foot buffer (where legally accessible) to determine if any special-status species are present. If, as a result of this pre-construction survey it is determined that special-status wildlife species are present, the project proponent shall confer with the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife, as required by applicable law, for proper avoidance measures or the need for take authorization through the acquisition of an incidental take permit, pursuant to Fish and Game Code section 2081 subdivision (d).	No more than (30) days prior to the issuance of any grading permits or the start of ground disturbance	U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. A qualified biologist shall conduct a pre-construction sweep of the project site for all special-status wildlife species as specified in the mitigation measure. C. If it is determined that special-status wildlife species are present, the project proponent shall confer with the U.S. Fish and Wildlife Service or California Department of Fish and Wildlife. D. The project proponent shall implement proper avoidance measures as specified in the mitigation measure.			
#22	**MM 4.3-6:** Preconstruction surveys shall be conducted by a qualified biologist to locate active breeding or wintering burrowing owl burrows no fewer than 14 days prior to commencement of ground-disturbing activities. Surveys need not be conducted for all areas of suitable habitat at one time; they may be phased so that surveys occur within 14 days prior to that portion of the project site <u>being</u> disturbed. The survey methodology shall be consistent with the methods outlined in the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation and shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any potential burrows with fresh burrowing owl sign or presence of burrowing owls. As each burrow is investigated, surveying biologists shall also look for signs of American badger and San Joaquin kit fox. Copies of the survey results shall be submitted to CDFW and the Kern County	Prior to the start of construction between February 15 and September 15	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval.			

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<table>
<tr><th colspan="6">Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project</th></tr>
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<tr><td></td><td colspan="2">Planning and Natural Resources Department. If burrowing owls are detected onsite, the avoidance buffers outlined below should be established. These buffers shall be implemented prior to and during any ground-disturbing activities. Specifically, CDFW's Staff Report recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist, approved by CDFW, verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Visible markers shall be placed near the identified burrow(s) to ensure that machinery does not collapse the burrow(s). <u>If any burrows are detected onsite in the impact area an Incidental Take Permit (ITP) may be required and CDFW should be consulted prior to initiating project activities that would impact the species. If active burrows are identified and will be impacted, the project shall compensate for loss of occupied habitat (i.e areas within 500-feet of active burrows) at a minimum ratio of 1:1 and the final ratio would be determined by CDFW and will be based on the level of impacts from the project to occupied habitat.</u>
<table>
<tr><th rowspan="2">Location</th><th rowspan="2">Time of Year</th><th colspan="3">Level of Disturbance</th></tr>
<tr><th>Low</th><th>Med</th><th>High</th></tr>
<tr><td>Nesting sites</td><td>April 1 – Aug 15</td><td>200 m*</td><td>500 m</td><td>500 m</td></tr>
<tr><td>Nesting sites</td><td>Aug 16 – Oct 15</td><td>200 m*</td><td>200 m</td><td>500 m</td></tr>
<tr><td>Nesting sites</td><td>Oct 16 – Mar 31</td><td>50 m</td><td>100 m</td><td>500 m</td></tr>
</table>
*meters (m)

If burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31) where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E1 (i.e., Example Components</td><td colspan="3">B. A qualified biologist shall conduct a pre-construction sweep of the project site for Burrowing Owls as specified in the mitigation measure.
C. A qualified biologist shall conduct pre-construction nest surveys during the appropriate breeding seasons.
D. The project proponent shall submit the findings of the pre-construction sweep to the California Department of Fish and Wildlife, California State Lands Commission, and the Kern County Planning and Natural Resources Department.
E. The project proponent shall implement burrowing owl measures as specified in the mitigation measure and in consultation with the California Department of Fish and Wildlife, as appropriate.
F. As directed by the agencies, the project proponent shall implement appropriate measures to prevent impacts and provide all documentation to the Kern County Planning and Natural Resources Department.
G. The Kern County Planning and Natural Resources Department shall verify prior to issuing grading and building permits</td></tr>
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	for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 CDFW Staff Report on Burrowing Owl Mitigation. Passive relocation may only occur after consultation with CDFW regarding the need for an ITP prior to implementing any relocation. If passive relocation is required and CDFW authorization has been issued to conduct the relocation, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and a Mitigation Land Management Plan in, accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation, for review by CDFW prior to passive relocation activities. If applicable, the Mitigation Land Management Plan shall include a requirement for the permanent conservation of offsite Burrowing Owl Passive Relocation Compensatory Mitigation. At a minimum, the following recommendations shall be implemented: a. Temporarily disturbed habitat shall be restored, if feasible, to pre-project conditions including decompacting soil and revegetating. b. Permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat shall be mitigated such that the habitat acreage, number of burrows and burrowing owl impacted are replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. c. If compensatory mitigation is required, permanently protect mitigation land through a conservation easement, deed restriction, or similar mechanism deeded to a nonprofit conservation organization or public agency with a conservation mission. If the project is located within the service area of a CDFW-approved burrowing owl conservation bank, the project operator may				

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	purchase available burrowing owl conservation bank credits. Land identified to mitigate for passive relocation of burrowing owl may be combined with other offsite mitigation requirements of the proposed project if the compensatory habitat is deemed suitable to support the species.(RTC 8/28/2026)				
#23	**MM 4.3-7:** If nighttime lighting for construction activities and operations is required and is within 50 feet of the outside edge of areas containing habitat for special-status wildlife, as determined by the qualified biologist, lighting shall be directed away from those areas that contain habitat for special-status wildlife.	During Construction	Kern County Planning and Natural Resources Department, Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall prepare an Outdoor Lighting Plan and shall submit the plan for review and approval by the Kern County Public Works Department. C. Kern County Planning and Natural Resources Department shall receive, approve, and file the Outdoor Lighting Plan prior to issuing building permits.			
#24	**MM 4.3-8:** Prior to and during construction activities: a. If any San Joaquin kit fox dens are found during pre-construction surveys, the status of the dens shall be evaluated no more than 14 days prior to project ground disturbance. Provided that no evidence of kit fox occupation is observed, potential dens shall be marked and a 50-foot avoidance buffer delineated using stakes and flagging or other similar material to prevent inadvertent damage to the potential den. If a potential den cannot be avoided, it may be hand-excavated following United States Fish and Wildlife Service standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance by the lead biologist. If kit fox activity is observed at a den, the den status shall change to "known" per United States Fish and Wildlife Service guidelines (1999), and the buffer distance shall be increased to 100 feet. Absolutely no excavation of San Joaquin	No more than 14 days prior to ground disturbance	Kern County Planning and Natural Resources Department; California Department of Fish and Wildlife, U.S. Fish and Wildlife Service		
		Steps to Compliance: H. This mitigation measure shall be incorporated as a condition of approval for any site plan review. I. The project proponent shall comply with this mitigation measure pertaining to construction activities and biological resources in coordination with United States Fish and Wildlife Service and California Department of Fish and Wildlife as needed. J. The proponent shall submit evidence of retainer of a Lead Biologist and evidence of coordination with CDFW to the Kern County Planning and Natural Resources Department.			

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	kit fox known or pupping dens shall occur without prior authorization from the United States Fish and Wildlife Service and California Department of Fish and Wildlife. The project proponent shall consult with USFWS and CDFW on the need for an ITP if impacts to occupied dens are unavoidable and no dens shall be excavated without prior authorization from the USFWS and CDFW. If active dens are identified and will be impacted, the project shall compensate for loss of occupied habitat (i.e areas within 500-feet of active dens or as determined by the resource agencies) at a minimum ratio of 1:1 and the final ratio would be determined by CDFW and will be based on the level of impacts from the project to occupied habitat. b. To enable kit foxes and other wildlife (e.g., American badger) to pass through the project site during construction, the perimeter security fence shall leave a 5-inch opening between the fence mesh and the ground or the fence shall be raised 5 inches above the ground. The bottom of the fence fabric shall be knuckled (wrapped back to form a smooth edge) to protect wildlife that passes under the fence. c. All pipes, culverts, or similar structures with a diameter of four inches or more that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the United States Fish and Wildlife Service has been consulted. If necessary, under the direct supervision of the biologist, the pipe may be moved once to remove it from the path of construction activity until the fox has escaped. d. To prevent inadvertent entrapment of San Joaquin kit foxes, badgers, or other animals during construction, all excavated, steep-walled holes or trenches more than two feet deep shall be	K. The Kern County Planning and Natural Resources Department shall verify prior to issuance of building and grading permits.			

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	covered with plywood or similar materials at the close of each working day, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If trapped animals are observed, escape ramps or structures shall be installed immediately to allow escape. If listed species are trapped, the United States Fish and Wildlife Service and California Department of Fish and Wildlife shall be contacted. e. All vertical tubes used in project construction, such as chain link fencing poles shall be temporarily or permanently capped at the time they are installed to avoid the entrapment and death of special-status birds. (RTC 8/28/2026)				
#25	**MM 4.3-9:** If construction activities are conducted during the typical nesting bird season (February 15 through September 15), pre-construction surveys shall be conducted by a qualified biologist prior to any site preparation and/or construction activity to identify potential nesting bird activity. The survey area shall include a 500-foot buffer surrounding the property. Swainson's hawk protocol-level surveys shall be consistent with the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC 2000); If no active nests are found within the survey area, no further mitigation is required. <u>If construction activities are delayed and are conducted during the subsequent nesting bird season, then an additional Swainson's hawk protocol survey will be required.</u> If nesting activity is identified during the pre-construction survey process, the following measures will be implemented: a. If active nest sites of bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code are	No fewer than 14 days prior to the commencement of any ground-disturbing activities and during construction	California Department of Fish and Wildlife, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. C. The project proponent shall conduct preconstruction surveys for breeding and nesting birds and raptors, as identified in the mitigation measure. D. Copies of the pre-construction survey and results, as well as all permits and evidence of compliance with applicable regulations, shall be submitted to the Kern County Planning and Natural Resources Department			

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	observed within the project site, then the project will be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young; b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the project site, then the appropriate buffer around the nest site (typically 250 feet for passerines and 500 feet for raptors) will be established. <u>For any Swainson's hawk nest site, a no-work buffer of ½ mile will be established around the nest site.</u> Construction activities in the buffer zone will be prohibited until the young have fledged the nest and achieved independence; and, c. Active nests shall be documented by a qualified biologist, and a letter report shall be submitted to the Kern County Planning and Natural Resources Department documenting project compliance with the Migratory Bird Treaty Act and California Fish and Game Code. <u>d. If the ½ mile buffer around any active Swainson's hawk nest cannot be avoided, then consultation with CDFW would be required to determine the need for an ITP or other avoidance or mitigation planning; and,</u> <u>e. Permanent impacts to foraging habitat near an active Swainson's hawk nest shall be mitigated such that the habitat acreage impacted is replaced based on a site-specific analysis and shall include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for Swainson's hawk foraging and dispersal (i.e., during nesting and non-nesting seasons) comparable to or better than that of the impact area, and with sufficiently large acreage, and presence of fossorial mammals. The habitat mitigation ratios and requirements are as follows:</u>	E. If active nests are found, a suitable buffer shall be established and the project will be modified and/or delayed as necessary to avoid direct take, and/or until the young have fledged the nest and achieved independence. F. The biologist shall document all active nests, and a letter of report shall be submitted to the Kern County Planning and Natural Resources Department documenting compliance with the Migratory Bird Treaty Act and California Fish and Game Code.			

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	1. If the closest nest is within 1 mile, the ratio shall be 1:1, 2. If the closest nest is more than 1 mile from the project site, but within 5 miles of the site, the ratio shall be ¾:1, 3. If the closest nest is more than 5 miles, but within 10 miles of the site, the ratio shall be ½:1, and 4. No compensatory mitigation shall be required if there are no nests within 10 miles of the project site.(RTC 8/28/2026)				
#26	**MM 4.3-10:** Pre-construction protocol-level surveys by a qualified biologist for nesting birds shall be required if construction activities are scheduled to occur during the breeding season for raptors and other migratory birds (February 1– August 31), to reduce potential impacts to nesting birds and raptors. The survey shall be conducted within 30 days of ground disturbance activities. a. If any nesting birds/raptors are observed, a qualified biologist shall determine buffer distances and/or the timing of project activities so that the proposed project does not cause nest abandonment or destruction of eggs or young. This measure shall be implemented so that the proposed project remains in compliance with the Migratory Bird Treaty Act and applicable State regulations.	30-days prior to the start of construction and weekly between February 1 and August 31 **Steps to Compliance:** A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds and all locally breeding raptor species without causing intrusive disturbance. C. The project proponent shall conduct preconstruction surveys for breeding and nesting birds and raptors, as identified in the mitigation measure. D. If active nests are found, a suitable buffer shall be established in consultation with the California Department of Fish and Wildlife around active nests and no construction within the buffer allowed until a qualified biologist has determined that the nest is no longer active. E. Copies of the pre-construction survey and results, as well as all permits and evidence of compliance with applicable regulations, shall be submitted to the Kern County Planning and Natural Resources Department	Kern County Planning and Natural Resources Department		

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#27	**MM 4.3-11:** Prior to any vegetation removal during site preparation, the areas required for construction shall be surveyed for actively nesting birds. If any wildlife is encountered during the course of construction, the wildlife shall be allowed to leave the construction area unharmed. Should any active bird nests be identified, the vegetation shall not be removed in areas that contain actively nesting birds. A biological monitor shall survey the areas of vegetation slated for removal, a report shall be submitted to the Kern County Planning and Natural Resources Department for review prior to site preparation.	Prior to vegetation removal	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The surveying biologist must be qualified to determine the status and stage of nesting by migratory birds without causing intrusive disturbance. C. If active nests are found, vegetation shall not be removed in areas that contain actively nesting birds. D. A biological monitor shall survey the areas of vegetation slated for removal, and a report shall be submitted to the Kern County Planning and Natural Resources Department for review prior to site preparation. E. As directed by the agencies, the project proponent shall implement appropriate measures to prevent impacts and provide all documentation to the Kern County Planning and Natural Resources Department. F. The Kern County Planning and Natural Resources Department shall verify prior to issuing grading and building permits.			
#28	**MM 4.3-12:** A qualified biologist shall conduct a survey for Crotch's bumble bee and their requisite habitat using the California Department of Fish and Wildlife-approved protocol during the blooming period immediately prior to project construction to detect bumble bees and potential nesting sites. The survey shall be conducted within a survey area that includes a 50-foot buffer around the Project footprint and results submitted to California Department of Fish and Wildlife at least seven (7) days prior to commencing any project activities. If Crotch's bumble bee is identified during surveys or at any time during Project construction, the project proponent shall confer with California Department of Fish and Wildlife to determine if take can be avoided. If avoidance of Crotch's bumble bee nest(s) is not feasible, take authorization prior to ground disturbing activities is warranted. Take authorization would occur through issuance of an Incidental Take Permit by California Department of Fish and Wildlife, pursuant to Fish and Game Code section 2081(b). <u>The take permit shall, at a minimum, compensate for loss of occupied habitat</u>	At least seven (7) days prior to commencing any project activities	Kern County Planning and Natural Resources Department, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. A qualified biologist shall conduct a pre-construction sweep of the project site for Crotch's bumble bee as specified in the mitigation measure. C. If Crotch's bumble bee is identified during surveys or at any time during Project construction, the project proponent shall confer with California Department of Fish and Wildlife to determine if take can be avoided. D. The project proponent shall implement avoidance measures as specified in the mitigation measure and in consultation with the California Department of Fish and Wildlife, as appropriate.			

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	at a minimum ratio of 1:1 and the final ratio would be determined by CDFW and will be based on the level of impacts from the project to occupied habitat. Alternatively, in the absence of surveys, the project proponent may assume presence and apply for and acquire an Incidental Take Permit for Crotch's bumble bee prior to initiating project activities. (RTC 8/28/2026)	E. As directed by the agencies, the project proponent shall implement appropriate measures to prevent impacts and provide all documentation to the Kern County Planning and Natural Resources Department. F. The Kern County Planning and Natural Resources Department shall verify prior to issuing grading and building permits.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					
4.4	**Cultural Resources**				
#29	**MM 4.4-1:** Prior to initial ground disturbance, or the issuance of grading permits, the project applicant shall retain a qualified Lead Archaeologist – meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined in 36 CFR Part 61, Appendix A to carry out all mitigation measures related to archaeological resources. The contact information for this Lead Archaeologist shall be provided to the Kern County Planning and Natural Resources Department prior to the commencement of any construction activities on-site. Further, the Lead Archaeologist shall be responsible for ensuring the following employee training provisions are implemented during implementation of the project: a. Prior to commencement of any ground disturbing activities, the Lead Archaeologist shall prepare Cultural Resources Sensitivity Training materials, including a Cultural Resources Sensitivity Training Guide, to be used in an orientation program given to all personnel working on the project. The training guide may be presented in video form. A copy of the proposed training materials, including the Cultural Resources Sensitivity Training Guide, shall be provided to the Planning and Natural Resources Department prior to the issuance of any grading or building permit. b. The project proponent/operator shall ensure all new employees or onsite workers who have not participated in earlier Cultural Resources Sensitivity Trainings shall meet provisions specified above.	Prior to commencement of any ground disturbing activities	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a County-approved archeologist that meets the Secretary of the Interior's Standards for professional archaeology (U.S. Department of the Interior, 2011), as well as a Native American monitor, as appropriate. C. The qualified archaeologist and Native American monitor shall prepare and submit a Cultural Resources Sensitivity training to the Kern County Planning and Natural Resources Department for review and approval. D. The qualified archaeologist shall conduct a Cultural Resources Sensitivity Training for all personnel working on the project. E. Evidence of Cultural Resources Sensitivity Training shall be submitted to the Kern County Planning and Natural Resources Department. F. A copy of the Cultural Resources Sensitivity Training guide shall be submitted to the Kern County Planning and Natural Resources Department. G. If necessary, implement recommended procedures in consultation with qualified archaeologist and Native American monitor. H. If cultural materials or artifacts are discovered, halt all work and contact a qualified archaeologist and Native American monitor to assess finds and recommend procedures.		

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	c. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the Lead Archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources. d. A copy of the Cultural Resources Sensitivity Training Guide/Materials shall be kept on-site and available for all personnel to review and be familiar with as necessary. It is the responsibility of the Lead Archaeologist to ensure all employees receive appropriate training before commencing work on-site.				
#30	**MM 4.4-2**: The project proponent shall comply with the following in the event of inadvertent discovery of resources occur during implementation of the project: Prior to the issuance of grading permits, the project proponent shall ensure the following measures are implemented for resources, which are discretionarily considered historical resources for the purposes of this project: a. The construction zone shall be narrowed or otherwise altered to avoid resources. All avoidance areas shall be identified on the final approved site plan as coordinated through the Lead Archaeologist and Native American Monitor and submitted to the Kern County Planning and Natural Resources Department for approval. b. In coordination with the qualified archaeologist avoidance shall be ensured by the delineation of environmentally sensitive areas. Protective fencing shall not identify the protected area as a cultural resource area in order to discourage unauthorized disturbance or collection of artifacts. c. A qualified Archaeologist and Native American Monitor shall monitor all project-related ground disturbing activities within 150 feet of the environmentally sensitive areas, in order to ensure avoidance. The Native American monitor shall be selected from a list of Native American contacts with traditional ties to the project area, provided by the Native American	Prior to the issuance of any grading or building permit	Kern County Planning and Natural Resources Department; Qualified Archaeologist and Native American monitor		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval. B. The project proponent shall retain a qualified archaeologist to monitor grading and other earth-disturbing activities and, if activities uncover historical resources, to assess finds and recommended procedures. C. The project proponent shall identify all avoidance areas on site plan and submit to Kern County Planning and Natural Resources Department for approval. D. The Kern County Planning and Natural Resources Department shall review and approve all reports, correspondence, and determinations regarding historical resources prepared by the qualified archaeologist. E. Kern County Building Inspectors will verify compliance in the field prior to and during the construction period.			

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	Heritage Commission and/or consultation with Native American tribal groups who may have interest in the project area. The archaeological monitor shall work under the supervision of the qualified archaeologist. d. If avoidance is demonstrated to be infeasible, the resource shall be collected and curated at an appropriate curatorial facility. Or if avoidance is demonstrated to be infeasible, a detailed Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist. The Cultural Resources Treatment Plan shall include a research design and a scope of work for data recovery of the portion(s) to be impacted by the project. Treatment may consist of (but would not be limited to): 1. a sufficient avoidance buffer to protect the resource until data recovery and/or removal is completed; 2. sample excavation; 3. surface artifact collection; 4. site documentation; and, 5. historical research, with the aim to target the recovery of important scientific data contained in the portion of the significant resource to be impacted by the project. 6. The Cultural Resources Treatment Plan shall also include provisions for analysis of data in a regional context, reporting of results within a timely manner, and curation of artifacts and data at an approved facility. The reports documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to and approved by the Kern County Planning and Natural Resources Director and shall also be submitted to the Southern San Joaquin Valley Information Center at California State University, Bakersfield.				

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<tr><td rowspan="2">#31</td><td rowspan="2">MM 4.4-3: If human remains are uncovered during project construction, the project proponent shall immediately halt work within 100 feet of the find, contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e) of the California Environmental Quality Act Guidelines. If the County Coroner determines that the remains are Native American, the coroner shall contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by Assembly Bill 2641). The Native American Heritage Commission shall designate a Most Likely Descendent for the remains per Public Resources Code 5097.98. Per Public Resources Code 5097.98, and in accordance with generally accepted cultural or archeological standards or practices, the landowner shall ensure that the immediate vicinity of the Native American human is not damaged or disturbed by further development activity until the landowner has conferred with the most likely descendent regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the remains are determined to be neither of forensic value to the Coroner, nor of Native American origin, provisions of the California Health and Safety Code (7100 et. seq.) directing identification of the next-of-kin will apply.</td><td>During grading or construction activities</td><td>Kern County Planning and Natural Resources Department; Kern County Public Works Department; Qualified Archaeologist and Native American monitor</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance:
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. If human remains are discovered, the project proponent shall immediately halt all work and contact the Kern County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines.
C. If the remains are determined to be Native American, the County Coroner shall contact the Native American Heritage Commission to assess the find.
D. The Kern County Planning and Natural Resources Department shall verify compliance with the mitigation.</td></tr>
<tr><td colspan="6">Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</td></tr>
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4.5	**Energy**				
#32	**MM 4.5-1:** Prior to the issuance building permits, the project proponent shall provide a report and summary of all energy efficient building design standards incorporated into the project design and operations to reduce the level of energy consumption of the project. The following measures shall be included in the project design, as applicable. Explanations for feasibility and implementation shall be included in the report: a. Within one year of the first day of Project operations, the Project shall install and maintain roof-mounted solar photovoltaics ~~mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants.~~ systems on proposed structures to the maximum extent feasible based on available rooftop area and design constraints. The rooftop solar photovoltaic systems shall be designed to maximize on-site renewable electricity generation. Within one year of the first day of Project operations, solar photovoltaics mounted on proposed structure's roofs to provide a portion of the future electrical demand and offset emissions from fossil fuel fired power plants. b. Incorporate green building measures that contribute to reducing energy use by at least 10 percent and up to 25 percent less than Title 24 requirements. c. Provide solar water heating for non-industrial water heating. d. ~~If needed, in addition to roof mounted solar, provide ground mounted solar photovoltaics arrays to provide a portion of the estimated electrical demand for the proposed Project~~ If rooftop solar photovoltaic systems do not meet the Project's entire future electrical demand, the Project shall install ground-mounted solar photovoltaic arrays to meet the	Prior to the issuance of grading or building permits; during the implementation of project	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall submit proof of design to the Kern County Planning Department. C. The Kern County Public Works Department shall verify compliance in the field during construction and operation.			

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	remaining electrical demand on-site to the maximum extent feasible. e. Commercial buildings shall be designed to meet LEED® certification standards. f. Roofs on all buildings shall be of a light color with a solar reflective index greater than 78 to reduce heat generation. g. Portions of parking lots (drive aisles) may be paved with concrete versus asphalt, based on structural determinations, to reduce heat absorption and the heat island effect ~~initial~~. h. Within two years of the first day of Project operations, up to 20% of employee parking stalls shall be covered. If feasible for electrical demand, the parking stall roofs shall contain solar photovoltaics i. LED lighting fixtures shall be used on all indoor and exterior site lighting; j. LED lighting fixtures shall be used on all public streets and site lighting; k. Electric forklifts and other material handling vehicles to reduce usage of fossil fuels shall be implemented, based on feasibility of operations. l. Consult with Kern County Public Works and Golden Empire Transit (GET) on feasible design circulation features for transit related public street improvements adjacent to the Project for implementation of MM 4.16~~7~~3 Transportation Demand Management Program m. Provide bicycle friendly features, such as onsite bike lanes, bike racks, electrical bike plugins and bike lockers, to reduce vehicle miles traveled and to encourage non-vehicular transportation; n. Where feasible design operations to incorporate the usage of high efficiency electric motors for industrial uses.				

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	o. Install battery storage associated with the rooftop and ground-mounted solar photovoltaic systems that shall be installed on-site, where feasible and appropriate.(RTC 8/28/2026)				
#33	**MM 4.5-2:** Prior to the issuance of building permits, the Project Proponent shall provide evidence ~~that the Project is designed to include the green building measures specified as mandatory in the application checklist contained in the current~~ to the Kern County Planning and Natural Resources Department demonstrating compliance with the California Green Building Standards Code. ~~In addition to the number of electric vehicle capable spaces provided with electric vehicle supply equipment required by the current California Green Building Standards, the Project shall provide electrified EV chargers for 22% of the electric vehicle capable spaces with electric vehicle supply equipment.~~ The Project shall provide electrified Level 2 EV chargers for 10 percent of the Project's total parking stalls, which is approximately 50 percent of the Project's proposed EV-capable parking spaces. The Project shall also provide 5 medium- and heavy-duty truck chargers. During initial construction, the Project Proponent shall also install infrastructure to facilitate the future installation of additional medium- and heavy-duty chargers, henceforth named "make-ready infrastructure". Make-ready infrastructure construction shall include conduit from the electrical rooms to the truck court, reserved space and pads for future transformers and switchgear, and ductbanks sized to accommodate future medium- and heavy-duty electric vehicle charging loads. Furthermore, the Project Proponent shall design and construct electrical rooms that are 25 percent larger than necessary for the expected Project electrical capacity needs, to accommodate future expansion of electric vehicle charging capability. Additionally, the owner of the project site shall cooperate with any tenant's application to Pacific Gas and Electric Company under Electric Rule 29, the Flexible Service Connections tariff, or any	Prior to the issuance of building permits	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall provide evidence that the project is designed to include the green building measures specified as mandatory in the application checklists contained in the current California Green Building Standards.			

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	applicable successor tariff or program for medium- and heavy-duty electric vehicle charging service.(RTC 8/28/2026)				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					

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4.6	**Geology and Soils**				
#34	**MM 4.6-1:** The project proponent shall limit grading to the minimum area necessary for construction. Prior to the initiation of construction, the project proponent shall retain a California registered and licensed professional engineer to submit final grading earthwork and foundation plans.	Prior to the issuance of building or grading permits	Kern County Public Works Department, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall have a licensed professional engineer submit final grading earthwork and foundation plans prior to construction to the Kern County Public Works Department for approval. C. Kern County Public Works Department shall verify in the field during site inspections. D. Confirming documentation of compliance with this mitigation measure shall be submitted to the Kern County Planning and Natural Resources Department.			
#35	**MM 4.6-2:** Prior to the issuance of grading permits for the project, the Project proponent shall conduct a full geotechnical study to evaluate soil conditions on the Project site and submit it to the Kern County Public Works Department for review and approval. The geotechnical study must be signed and stamped by a California-registered professional engineer and must, at minimum, identify the following: a. Maximum considered earthquake and associated ground acceleration; b. Potential for seismically induced liquefaction, landslides, differential settlement, and mudflows; c. Stability of any existing or proposed cut-and-fill slopes; collapsible or expansive soils; d. Foundation material type; e. Recommendations for placement and design of facilities, foundations, and remediation of unstable ground. f. The project proponent shall determine the final siting of project	Prior to issuance of building or grading permits	Kern County Public Works Department, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall have a licensed professional engineer to submit final geotechnical study and foundation plans prior to construction to the Kern County Public Works Department for approval. C. A copy of the approved geotechnical study shall be submitted to the Kern County Planning and Natural Resources Department prior to issuance of grading or building permits. D. Kern County Public Works Department shall verify in the field during site inspections.			

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	facilities based on the results of the geotechnical study and implement recommended measures to minimize geologic hazards. The project proponent shall not locate project facilities on or immediately adjacent to a fault trace. All structures shall be offset at least 100 feet from any mapped fault trace. Alternatively, a detailed fault trenching investigation may be performed to accurately locate the fault trace(s) to avoid sighting improvements on or close to these fault structures and to evaluate the risk of fault rupture. After locating the fault, accurate setback distances can be proposed. g. The Kern County Public Works Department shall evaluate any final facility siting design developed prior to the issuance of any building permits to verify that geological constraints have been avoided.				
#36	**MM 4.6-3:** Prior to the issuance of grading permits, the project proponent shall retain a California registered engineer to design the project facilities to withstand probable seismically induced ground shaking at the site. All grading and construction on-site shall adhere to the specifications, procedures, and site conditions contained in the final design plans, which shall be fully compliant with the seismic recommendations of the California-registered professional engineer. The procedures and site conditions shall encompass site preparation, foundation specifications, and protection measures for buried metal. The final structural design shall be subject to approval and follow-up inspection by the Kern County Building Inspection Department. Final design requirements shall be provided to the on-site construction supervisor and the Kern County Building Inspector to ensure compliance.	Prior to the issuance of grading permits	Kern County Public Works Department, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall have the California-registered professional engineer submit the final structural design to the Kern County Building Inspector for approval. C. Confirming documentation demonstrating compliance with this mitigation measure shall be submitted to the Kern County Planning and Natural Resources Department. D. Kern County Public Works Department shall verify in the field during site inspections.			
#37	**MM 4.6-4:** Building locations shall be stabilized against the occurrence of liquefaction by dynamic compaction, or other accepted soil stabilization method approved by the County Building official.	Prior to issuance of building or grading permits; during construction	Kern County Public Works Department, Kern County Planning and Natural Resources Department		
		Steps to Compliance:			

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		A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall have a licensed professional engineer request approval for the selected soil stabilization method from the County Building official. C. Kern County Public Works Department shall verify in the field during site inspections. D. Confirming documentation demonstrating compliance with this mitigation measure shall be submitted to the Kern County Planning and Natural Resources Department.			
#38	**MM 4.6-5**: Prior to the issuance of grading permits, a geotechnical evaluation, consisting of field exploration (drilling and soil sampling), laboratory testing of soil samples, and engineering analysis, shall be prepared to determine soil properties related, but not limited, to ground-motion acceleration parameters, the amplification properties of the subsurface units at the specific site, the potential for hydro compaction to affect the proposed facilities, and the potential for collapsible, subsiding, or expansive soils to affect the proposed facilities. These studies shall be used to determine the appropriate engineering for foundations and support structures as well as building requirements to minimize geotechnical hazard impacts. Copies of all analyses shall be submitted to the Kern County Public Works Department for review and approval. An approved copy of the evaluation shall be submitted to the Kern County Planning and Natural Resources Department.	Prior to the issuance of grading permits	Kern County Public Works Department, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall have a licensed professional engineer submit a geotechnical evaluation prior to the issuance of grading permits to the Kern County Public Works Department for approval. C. The project proponent shall submit an approved copy of the evaluation to the Kern County Planning and Natural Resources Department.			
#39	**MM 4.6-6:** The project proponent shall use existing roads to the greatest extent feasible to minimize erosion. Prior to approval of the grading permit, final plans shall be reviewed and approved by the Kern County Public Works Department to confirm existing roads were used to the greatest extent feasible.	Prior to approval of grading permit; project construction, project operation	Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.			

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<tr><td></td><td></td><td colspan="4">B. The project proponent shall submit the final plans, as identified in the mitigation measure, to the Kern County Public Works Department prior to approval of the grading permit.
C. Confirming documentation demonstrating compliance with this mitigation measure shall be submitted to the Kern County Planning and Natural Resources Department.</td></tr>
<tr><td rowspan="2">#40</td><td rowspan="2">MM 4.6-7: The project proponent shall limit grading to the minimum area necessary for construction and operation of the project. Final grading plans shall include best management practices (BMPs) to limit on-site and off-site erosion, a water plan to treat disturbed areas during construction and reduce dust, and a plan for the disposal of drainage waters originating on-site and from adjacent rights-of-ways (if required). The plans shall be submitted to the Kern County Public Works Department for review and approval.</td><td>Prior to approval of grading permit and during construction and operation</td><td>Kern County Public Works Department, Kern County Planning and Natural Resources Department</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance:
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The project proponent shall submit final grading plans, as identified in the mitigation measure, to the Kern County Public Works Department for review and approval prior to approval of grading permit.
C. Confirming documentation demonstrating compliance with this mitigation measure shall be submitted to the Kern County Planning and Natural Resources Department.</td></tr>
</table>

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Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#41	**MM 4.6-8:** The project proponent shall prepare a Soil Erosion and Sedimentation Control Plan to mitigate potential loss of soil and erosion. The plan shall be prepared by a California registered civil engineer or other professional approved to prepare said Plan and submitted for review and approval by the Kern County Public Works Department prior to issuance of grading permits. The Soil Erosion and Sedimentation Control Plan shall include, but is not limited to, the following: a. Best Management Practices to minimize soil erosion consistent with Kern County grading requirements and the California Regional Water Quality Control Board requirements pertaining to the preparation and approval of a Stormwater Pollution Prevention Plan (Best Management Practices recommended by the Kern County Public Works Department shall be reviewed for applicability); b. Sediment collection facilities as may be required by the Kern County Public Works Department; c. A timetable for full implementation, estimated costs, and a surety bond or other security as approved by the County; and d. Other measures required by the County during permitting, including long-term monitoring (post-construction) of erosion control measures until site stabilization is achieved. e. Provisions to comply with local and state codes relating to drainage and runoff, including use of pervious pavements, and/or other methods to the extent feasible, to increase stormwater infiltration and reduce runoff onto agricultural lands.	Prior to approval of grading permit; during construction	Kern County Public Works Department, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall have a licensed engineer or professional submit a Soil Erosion and Sedimentation Control Plan prior to the issuance of grading permits to the Kern County Public Works Department for approval. C. The project proponent shall submit a timetable for full implementation, estimate costs, and a surety bond or other security for the Soil Erosion and Sedimentation Control Plan to the Kern County Planning and Natural Resources Department for approval. D. Copies of any required long-term monitoring of erosion control shall be submitted to the Kern County Planning and Natural Resources Department to be kept on file.			

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<table>
<tr><th colspan="6">Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project</th></tr>
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<tr><td rowspan="2">#42</td><td rowspan="2">MM 4.6-9: Prior to the issuance of grading permits, the project proponent shall retain a qualified Paleontologist, defined as a Paleontologist meeting the Society for Vertebrate Paleontology’s Professional Standards (Society for Vertebrate Paleontology 2010), to carry out all mitigation measures related to paleontological resources. The qualified Paleontologist and the Lead Archaeologist may be the same individual:
a. Prior to the start of any ground-disturbing activities, the qualified paleontologist shall prepare a Paleontological Resources Awareness Training program for all construction personnel working on the proposed project. A Paleontological Resources Awareness Training Guide approved by the qualified paleontologist shall be provided to all personnel. A copy of the Paleontological Resources Awareness Training Guide shall be submitted to the Kern County Planning and Natural Resources Department. The training guide may be presented in video form.
b. Paleontological Resources Awareness Training may be conducted in conjunction with the archaeological resources training.
c. The training shall include an overview of potential paleontological resources that could be encountered during ground-disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified Paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized fossil collecting or intentional disturbance of paleontological resources.
d. The project applicant shall ensure all new on-site construction personnel who have not participated in earlier Paleontological Resources Awareness Trainings shall meet the provisions specified above.
e. The Paleontological Resources Awareness Training Guides shall be kept available for all personnel to review and be familiar with as necessary.</td><td>Prior to the issuance of grading permits and prior to start of ground-disturbing activities</td><td>Kern County Planning and Natural Resources Department</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance:
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The project proponent shall retain a qualified Paleontologist who shall ensure implementation of mitigation measures.
C. The qualified paleontologist shall prepare a Paleontological Resources Awareness Training program.
D. A Paleontological Resources Awareness Training Guide approved by the qualified paleontologist shall be provided to all personnel.
E. A copy of the Paleontological Resources Awareness Training Guide shall be submitted to the Kern County Planning and Natural Resources Department.</td></tr>
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<tr><td rowspan="2">#43</td><td rowspan="2">MM 4.6-10: During construction the qualified Paleontologist or designated monitor shall monitor all ground-disturbing activity (with the exception of vibratory or hydraulic installation of tracking or mounting structures and foundations or supports) that occurs at a depth of 5 feet or deeper below ground surface:
a. The duration and timing of monitoring shall be determined by the qualified Paleontologist in consultation with the Kern County Planning and Natural Resources Department and shall be based on a review of geologic maps and grading plans.
1. During the course of monitoring, if the paleontologist can demonstrate based on observations of subsurface conditions that the level of monitoring should be reduced, the Paleontologist, in consultation with the Kern County Planning and Natural Resources Department, may adjust the level of monitoring to circumstances, as warranted.
b. Paleontological monitoring shall include inspection of exposed rock units during active excavations within sensitive geologic sediments. The qualified Paleontologist shall have authority to temporarily divert excavation operations away from exposed fossils to collect associated data and recover the fossil specimens if deemed necessary.
c. Following the completion of monitoring, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site. If fossils are found, the report shall summarize the results of the inspection program, identify those fossils encountered, recovery and curation efforts, and the methods used in these efforts, as well as describe the fossils collected and their significance. A copy of the report shall be provided to the Kern County Planning and Natural Resources Department and to an appropriate repository such as the Natural History Museum of Los Angeles County.</td><td>During construction</td><td>Kern County Planning and Natural Resources Department</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance:
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The qualified Paleontologist or designated monitor shall monitor all ground-disturbing activity that occurs at a depth of 5 feet or deeper below ground surface.
C. The qualified Paleontologist shall consult with the Kern County Planning and Natural Resources Department on the duration and timing of monitoring, which shall be based on a review of geologic maps and grading plans.
D. Following the completion of monitoring, the paleontologist shall prepare a report documenting the absence or discovery of fossil resources on-site, which shall be provided to the Kern County Planning and Natural Resources Department and to an appropriate repository such as the Natural History Museum of Los Angeles County.</td></tr>
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<tr><td rowspan="2">#44</td><td rowspan="2">MM 4.6-11: If a paleontological resource is found, the project contractor shall cease ground-disturbing activities within 50 feet of the find. The qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis. Any fossils encountered and recovered shall be cataloged and donated to a public, non-profit institution with a research interest in the materials. Accompanying notes, maps, and photographs shall also be filed at the repository.</td><td>During construction</td><td>Kern County Planning and Natural Resources Department</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance:
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. If a paleontological resource is found, the project contractor shall cease ground-disturbing activities within 50 feet of the find.
C. The qualified Paleontologist shall evaluate the significance of the resources and recommend appropriate treatment measures.
D. Any fossils encountered and recovered shall be cataloged and donated to a public, non-profit institution with a research interest in the materials, and accompanying notes, maps, and photographs shall also be filed at the repository.</td></tr>
<tr><td colspan="6">Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.</td></tr>
<tr><td>4.7</td><td colspan="5">Greenhouse Gas Emissions</td></tr>
<tr><td rowspan="2">#45</td><td rowspan="2">MM 4.7-1: Includes the following:
a. Prior to issuance of occupancy permits, the project developer shall require and disclose to all tenants/business entities that only electric-powered off-road equipment (e.g. forklifts, material handling equipment, etc.) shall be utilized for all indoor and outdoor activities on the project site for daily warehouse and business operations and a copy of disclosure documents shall be submitted to the Planning and Natural Resources Department to be kept on file.
b. Prior to issuance of grading permits, the project construction's General Contractor shall target a construction waste diversion rate of 80 percent. A monthly construction report shall be provided to the County documenting total waste generated, types of waste streams, and total waste recycled.
c. During operation and to the extent feasible for safe warehouse operations, automatic light switches shall be incorporated into the project.
d. During operation, any equipment containing greater than five pounds of refrigerant, procured or installed, shall be tagged so that project applicant and tenant can identify and verify all</td><td>Prior to the issuance of occupancy and grading permits and during operation</td><td>Kern County Planning and Natural Resources Department</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance:
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The project proponent shall disclose to all tenants/business entities that only electric-powered off-road equipment shall be utilized for all indoor activities, as listed in the mitigation measure.
C. The project proponent shall submit record of all notifications and correspondence to the Kern County Planning and Natural Resources Department.
D. The project proponent shall provide to the County a monthly construction report.</td></tr>
</table>

Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
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	installed equipment. (RTC 8/28/2026)				
#46	**MM 4.7-2:** Prior to the issuance of grading and building permits for the project, documentation shall be provided to the Kern County Planning and Natural Resources Department demonstrating the proposed project will implement one of the following measures: a. Install solar panels, solar hot water, or other clean energy power generation sources on the proposed project site to provide 100% of the proposed project's energy needs; or b. Participate in Pacific Gas and Electric Company (PG&E) Solar Choice program for nonresidential (i.e., 100 percent carbon-free electricity) for electricity accounts associated with the project to procure 100 percent of the proposed project's electricity needs from renewable energy	Prior to issuance of occupancy permits	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval prior to issuance of grading and building permits. B. The project applicant shall submit documentation demonstrating that the project will either install on-site clean energy systems sufficient to meet 100 percent of the project's energy demand or enroll in PG&E's Solar Choice (or equivalent 100 percent carbon-free electricity) program for all project electricity accounts. C. The Kern County Planning and Natural Resources Department shall review and verify compliance prior to issuance of grading and building permits. The Kern County Public Works Department shall verify compliance in the field during construction.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effe cts identified in the Final EIR to the extent feasible.					
4.8	**Hazards and Hazardous Materials**				
#47	**MM 4.8-1:** Prior to the issuance of grading or building permits related to facilities requiring a Spill Prevention Control and Countermeasures Response Plan, the project proponent shall prepare and submit a Spill Prevention Control and Countermeasures Response Plan to the Kern County Public Health Services Department. Environmental Health Division, and the California Department of Water Resources, for review and approval by those agencies. The project proponent shall ensure the project is implemented in compliance with the approved Spill Prevention Control and Countermeasures Response Plan.	Prior to issuing grading or building permits; and continuous compliance	Kern County Planning and Natural Resources Department, Kern County Public Health Services Department, Kern County Environmental Health Division, and the California Department of Water Resources		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.			

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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
		B. The project proponent shall submit a Spill Prevention Control and Countermeasures Response Plan to the Kern County Public Health Services Department. Environmental Health Division, and the California Department of Water Resources for review and approval. C. The project proponent shall ensure the project is implemented in compliance with the approved Spill Prevention Control and Countermeasures Response Plan.			
#48	**MM 4.8-2:** Prior to the issuance of building permits, the project proponent shall ensure any hazardous materials be stored properly and Material Safety Data Sheets shall be on site. Hazardous waste shall be managed properly. Training shall be provided to all personnel involved in handling any hazardous materials or waste.	Prior to issuance of building permits	Kern County Planning and Natural Resources Department, Kern County Environmental Health Services Division/Hazardous Materials Section		
		Steps to Compliance A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall ensure all hazardous materials are stored and managed in compliance with Material Safety Data Sheets, and all MSDS are available on site. C. The project proponent shall ensure all personnel involved in handling any hazardous materials or waste be provided training.			
#49	**MM 4.8-3**: The project proponent shall consult with the Kern County Public Health Services Department – Environmental Health Division – Hazardous Materials Program. If required, the project proponent shall submit a Hazardous Materials Business Plan to the Kern County Environmental Health Division Hazardous Materials program and with the California Environmental Reporting System (CERS) for hazardous materials/wastes stored on site. This Business Plan, as applicable, shall be submitted within 30 days of operation.	Within 30 days of operation; and continuous compliance	Kern County Planning and Natural Resources Department; California Environmental Protection Agency; Kern County Public Health Services Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall consult with the Kern County Public Health Services Department – Environmental Health Division – Hazardous Materials Program regarding a Hazardous Materials Business Plan.			

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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
		C. If required, the project proponent shall submit a hazardous materials business plan to the California Environmental Protection Agency (which administers CERS) for review and approval. D. If required, submit final hazardous material business plan to the Kern County Environmental Health Services Department/Hazardous Materials Section for review and approval.			
#50	**MM 4.8-4**: The Project proponent shall continuously comply with the following: If suspect materials or wastes of unknown origin are discovered during construction onthe project site, which is thought to include hazardous waste materials the following shall occur: a. All work shall immediately stop in the vicinity of the suspected contaminant; b. Project Construction Manager shall be notified; c. Area(s) shall be secured as directed by the Project Construction Manager; d. Notification shall be made to the Kern County Environmental Health Services Division/Hazardous Materials Section for consultation, assessment, and appropriate actions; and, e. Copies of all notifications and correspondence shall be submitted to the Kern County Planning and Natural Resources Department	During construction	Kern County Planning and Natural Resources Department, Kern County Environmental Health Services Division/Hazardous Materials Section		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall stop work and notify Project Construction Manager if suspect materials or wastes of unknown origin are discovered during construction on the project site. C. The project proponent shall notify the Kern County Environmental Health Services Division/Hazardous Materials Section as identified in the mitigation measure.			
#51	**MM 4.8-5**: The project proponent shall continuously comply with the following: a. The project proponent shall not build any structure within 10 feet of the existing plugged and abandoned well located within the project boundaries. b. Prior to permit approval, the project proponent/operator shall consult with California Geologic Energy Management Division to determine if well testing is necessary to verify that no harmful substances, such as gas or oil, are leaking from the existing plugged wells onsite. If testing is required, the results of the well	Prior to issuance of grading and building permits	Kern County Planning and Natural Resources Department, California Department of Conservation – Geologic Energy Management Division		
		Steps to Compliance: A. This measure shall be incorporated as a condition of approval and continuously implemented throughout project construction. B. The project proponent shall ensure no structures are built within 10 feet of the existing plugged and abandoned well onsite.			

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	test shall be submitted to the California Geologic Energy Management Division for review and approval. A copy of California Geological Energy Management Division's approval shall be submitted to the Kern County Planning and Natural Resources Department. c. Surveyed locations of wells shall be provided to the California Geologic Energy Management Division in Latitude and Longitude, North American Datum 83 decimal format. d. Any wells found leaking shall be reported to California Geologic Energy Management Division immediately. Any wells that do not meet the aforementioned testing requirements shall be resealed and properly plugged and re-abandoned consistent with California Geologic Energy Management Division requirements. However, if there is evidence of contaminants found during testing, the qualified consultant shall prepare a report detailing the results of the testing and a work action plan to remediate any contamination found and to plug the wells. Any soil containing hydrocarbons shall be disposed of in accordance with local, state, and federal laws. The completed report and work action plan will be submitted to California Geologic Energy Management Division and the Kern County Department of Planning and Natural Resources for comment and review. e. All final stamped and approved project design plans will be provided to the California Geologic Energy Management Division for the record. f. If during construction activities, any new wells are encountered, all work shall cease in the vicinity of the well, and the project proponent would immediately notify the California Geologic Energy Management Division's C construction site well review engineer in the Inland District Office, and file for California	C. Prior to permit approval, the project proponent shall consult with the California Department of Conservation, Geologic Energy Management Division to determine if well testing is required. If testing is necessary, results shall be submitted to CalGEM for review and approval, and a copy of CalGEM's approval shall be provided to the Kern County Planning and Natural Resources Department. D. Surveyed well locations shall be provided to CalGEM in Latitude/Longitude, NAD83 decimal format. E. Any leaking wells shall be reported immediately to CalGEM, and wells not meeting testing requirements shall be resealed per CalGEM standards. If contamination is detected, a remediation plan shall be prepared and submitted to CalGEM and the Kern County Planning and Natural Resources Department. F. Final stamped and approved project design plans shall be submitted to CalGEM for the record. G. If new wells are encountered during construction, work shall cease in the area, and CalGEM shall be notified immediately to review an amended site plan with well casing diagrams.			

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	Geologic Energy Management Division review of an amended site plan with well casing diagrams.				

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#52	**MM 4.8-6:** Prior to initiating ground disturbing activities, the project applicant shall provide to the Director of Planning and Natural Resources documentation demonstrating that coordination with California Department of Conservation, Geologic Energy Management Division (CalGEM) has been successfully completed regarding the avoidance and/or remediation of abandoned oil wells within the project boundary. The documentation shall state that proposed construction above or near plugged or abandoned oil and gas wells has been avoided, and/or that remediation of wells (as applicable) meets current CalGEM standards.	Prior to ground disturbing activities	Kern County Planning and Natural Resources Department, California Department of Conservation – Geologic Energy Management Division		
		Steps to Compliance A. This measure shall be included as a condition of approval and completed prior to ground-disturbing activities. B. Prior to ground disturbance, the applicant shall coordinate with the California Department of Conservation, Geologic Energy Management Division regarding avoidance and/or remediation of abandoned or plugged oil and gas wells within the project boundary. C. Documentation confirming compliance with current CalGEM standards shall be submitted to the Kern County Planning and Natural Resources Department for verification prior to issuance of grading permits or initiation of ground disturbance.				
#53	**MM 4.8-7**: MM 4.8-5: The following note shall appear on all final maps and grading plans: *If during grading or construction, any plugged and abandoned or unrecorded wells are uncovered or damaged, the California Department of Geologic Energy Management Division (CalGEM) will be contacted to inspect and approve any remediation required.*	Prior to issuance of grading and building permits	Kern County Planning and Natural Resources Department, California Department of Conservation – Geologic Energy Management Division		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall contact CalGEM if any plugged and abandoned or unrecorded wells are uncovered or damaged during grading or construction, as listed in the mitigation measure. C. Compliance with this mitigation measure will be verified during site plan review by the Kern County Public Works Department and the Kern County Planning and Natural Resources Department.				

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<tr><td rowspan="2">#54</td><td rowspan="2">MM 4.8-8: Prior to grading or excavating the Underground Service Alert One-call center shall be contacted. The proposed excavation area shall be delineated with white marking paint or with other suitable markers such as flags or stakes at least two days prior to commencing any excavation work. A “Dig Alert” ticket number would be issued at the time Underground Service Alert is contacted. Excavating is not permitted without this ticket number and isvalid for twenty-eight days. Underground Service Alert would notify its member utilities having underground facilities in the area. Underground Service Alert does not notify nonmember utilities or energy companies, or Caltrans.</td><td>Prior to grading or excavating</td><td>Kern County Planning and Natural Resources Department, Office of Energy Infrastructure Safety</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The project proponent shall contact the Underground Service Alert One-call center through the office of Energy Infrastructure and Safety prior to grading or excavating.
C. A copy of the contact information for the Underground Service Alert One-call center and documentation confirming, including the Dig-Alert ticket number will be submitted to the Kern Conty Planning and Natural Resources Department to be kept on file.</td></tr>
<tr><td rowspan="2">#55</td><td rowspan="2">MM 4.8-9: Prior to the issuance of both grading and building permits, the project proponent shall prepare notification requirements should the rupturing of a pipeline occur during excavation and construction activities, the Kern County Fire Department and Pacific Gas and Electric Company (PG&E should be contacted immediately. Natural gas transmission pipeline rupture most often indicates an emergency situation and 9-1-1 should be dialed. If an emergency is not indicated, the Kern County Fire Department Meadows Field Station 62, located at 1652 Sunnyside Court, should be contacted at (661) 393-9311. Or at the non- Emergency telephone number (661) 324-6551. The project proponent shall follow all safety and cleanup regulations.</td><td>Prior to issuance of grading and building permits</td><td>Kern County Planning and Natural Resources Department, Kern County Fire Department</td><td></td><td></td></tr>
<tr><td colspan="4">Steps to Compliance:
A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.
B. The project proponent shall prepare notification requirements for the Kern County Fire Department and Pacific Gas and Electric Company should a pipeline rupture during excavation and construction activities.
C. Records of any pipeline ruptures shall be submitted to the Kern County Planning and Natural Resources Department to be kept on file.</td></tr>
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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#56	**MM 4.8-10**: Prior to the issuance of grading permits, on-site water wells not to be used for irrigation or industrial purposes shall be destroyed in accordance with California Well Standards as governed by the California Department of Water Resources and permit requirements of the Kern County Environmental Health Services Division.	Prior to issuance of grading permits	Kern County Planning and Natural Resources Department, Kern County Environmental Health Services Division		
		Steps to Compliance A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall destroy on-site water wells that are not intended for irrigation or industrial purposes, as listed in the mitigation measure. C. Records of on-site water wells to be destroyed shall be submitted to the Kern County Planning and Natural Resources Department			
#57	**MM 4.8-11:** Prior to the issuance building permits, the project proponent shall prepare notification requirements should asbestos containing materials be identified during construction. The San Joaquin Valley Air Pollution Control District shall be contacted for removal and disposal procedures. These procedures shall be followed in order to eliminate asbestos exposure to construction workers and surrounding workers and residents.	Prior to issuance of building permits	Kern County Planning and Natural Resources Department, San Joaquin Valley Air Pollution Control District		
		Steps to Compliance A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall contact the San Joaquin Valley Air Pollution Control District if asbestos containing materials are identified during construction. C. The project proponent shall remove and dispose of such hazardous materials, as listed in the mitigation measure.			
#58	**MM 4.8-12**: Prior to issuance of building and grading permits for portions of the project that meet the Federal Aviation Administration's noticing requirements, the project proponent/operator shall comply with the following:	Prior to the issuance of grading permits	Kern County Planning and Natural Resources Department, Federal Aviation Administration		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review.			

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Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	a. Submit Form 7460-1 (Notification of Proposed Construction or Alteration) to the Federal Aviation Administration, in the form and manner prescribed in Code of Federal Regulation 77.17. b. Obtain a Federal Aviation Administration issued "Determination of No Hazard to Air Navigation" or make the Federal Aviation Administration's recommended changes to the project. c. Provide documentation to the Kern County Planning and Natural Resources Department demonstrating the project would comply with the Kern County Zoning Ordinance Figure 19.08.160 that all project components in the flight area would create no significant military mission impact and a copy of the site plan has been provided to the appropriate military authority responsible for operations in the flight area. d. Provide documentation to the Kern County Planning and Natural Resources Department demonstrating that a copy of the final site plan has been provided to the operators of Meadows Field Airport.	B. The project proponent shall submit Form 7460-1, as listed in the mitigation measure, to the Federal Aviation Administration. C. The project proponent shall obtain a Federal Aviation Administration issued "Determination of No Hazard to Air Navigation" or make changes recommend by the Federal Aviation Administration. D. The project proponent shall provide documentation of compliance with the Kern County Zoning Ordinance Figure 19.08.160 to the Kern County planning and Natural Resources Department, as listed in the mitigation measure. E. The project proponent shall provide documentation that a copy of the final site plan has been provided to the operators of the Meadows Field Airport to the Kern County Planning and Natural Resources Department.			

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Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#59	**MM 4.8-13:** Prior to the issuance of grading permits, the project proponent shall develop and implement a Fire Safety Plan for use during construction and operation. The project proponent shall submit the plan, along with maps of the project site and access roads, to the Kern County Fire Department for review and approval. The Fire Safety Plan shall contain notification procedures and emergency fire precautions, including, but not limited to, the following: a. All internal combustion engines, both stationary and mobile, shall be equipped with spark arresters. Spark arresters shall be in good working order. b. Light trucks and cars with factory-installed (type) mufflers shall be used only on roads where the roadway is cleared of vegetation. These vehicle types shall maintain their factory-installed (type) mufflers in good condition. c. Fire rules shall be posted on the project bulletin board at the contractor's field office and in areas visible to employees. d. Equipment parking areas and small stationary engine sites shall be cleared of all extraneous flammable materials. e. Personnel shall be trained in the practices of the fire safety plan relevant to their duties. Construction and maintenance personnel shall be trained and equipped to extinguish small fires to prevent them from growing into more serious threats. f. The project proponent shall make an effort to restrict the use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to periods outside of the official fire season. When the above tools are used, water tanks equipped with hoses, fire rakes, and axes shall be easily accessible to personnel.	Prior to issuance of grading permits	Kern County Planning and Natural Resources Department, Kern County Fire Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall develop a Fire Safety Plan and submit it to the Kern County Fire Department for review and approval. C. The project proponent shall submit the approved Fire Safety Plan to the Kern County Planning and Natural Resource Department.			
#60	**MM 4.8-14:** Prior to the issuance of grading permits, the project proponent shall prepare a Vector Control Plan and submit it to the Kern County Planning and Natural Resources Department, Kern County Environmental Health Services Department, and Kern	Prior to issuance of grading permits	Kern County Planning and Natural Resources Department, Kern County Environmental Health Services Department, Kern		

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	Mosquito Abatement District for review and approval. The approved Plan shall be implemented and shall require the following during project construction: a. During project construction, the project proponent shall ensure that trash is stored in closed containers and removed from the site at regular intervals. b. Open containers shall be inverted and construction ditches shall not be allowed to accumulate water. Construction activities shall not generate standing water. c. The project proponent shall ensure that standing water and large quantities of trash do not accumulate onsite. Trash and food items shall be contained in closed containers to be locked at the end of the day and removed at least once per week. d. Project compliance shall be verified by the Kern County Public Works Department during the course of that agency's performance of any on-site inspections.		Mosquito Abatement District		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for site plan review and grading permits. B. Prior to issuance of grading permits, the project proponent shall prepare and submit a Vector Control Plan to the Kern County Environmental Health Services Department and the Kern Mosquito Abatement District for review and approval. The Plan shall also be provided to the Kern County Planning and Natural Resources Department. C. During construction, the project proponent shall implement the approved Plan, including proper trash containment and weekly removal, prevention of standing water, and ensuring ditches and containers do not accumulate water. D. Compliance shall be verified by the Kern County Public Works Department during construction inspections.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					
4.9	**Hydrology and Water Quality**				
#61	**MM 4.9-1:** Prior to issuance of a grading permit, the project proponent/operator shall submit a Stormwater Pollution Prevention Plan for review and approval by the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department. The Stormwater Pollution Prevention Plan shall be designed to minimize runoff and shall specify best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sediment or any other pollutants from moving offsite and into receiving waters. The requirements of the Stormwater Pollution Prevention Plan shall be incorporated into design specifications and construction contracts. Recommended best management practices to be incorporated in the	Prior to the issuance of a grading permit	Kern County Planning and Natural Resources Department, Kern County Public Works Department, Regional Water Quality Control Board		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall submit an approved copy of the Storm Water Pollution Prevention Plan (SWPPP) prepared in coordination with the Regional Water Quality Control Board – Lahontan Region to the Kern			

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	Stormwater Pollution Prevention Plan shall include the following: a. Minimization of vegetation removal; b. Implementing sediment controls, including silt fences as necessary; c. Installation of a stabilized construction entrance/exit and stabilization of disturbed areas; d. Properly containing and disposing of hazardous materials used for construction onsite; e. Properly covering stockpiled soils to prevent wind erosion; f. Proper protections and containment for fueling and maintenance of equipment and vehicles; g. Appropriate disposal of demolition debris, concrete and soil, and aggressively controlling litter. h. Cleanup of silt and mud on adjacent street due to construction activity; i. Checking all lined and unlined ditches after each rainfall; j. Restore all erosion control devices to working order to the satisfaction of the Kern County Planning and Natural Resources Department and/or Kern County Public Works Department after each rainfall run-off; k. Install additional erosion control measures as may be required due to uncompleted grading operations or unforeseen circumstances which may arise.	County Planning and Natural Resources Department and/or the Kern County Public Works Department. C. The Kern County Public Works Department shall verify compliance in the field during construction.			
#62	**MM 4.9-2:** Prior to the issuance of a grading permit, the project proponent/operator shall complete a final drainage plan designed to evaluate and minimize potential increases in runoff from the project site. The study shall include, but is not limited to the following: a. A numerical stormwater model for the project site that evaluates existing and proposed (with Project) drainage conditions during storm events ranging up to the 100-year event. b. The study shall also consider potential for erosion and sedimentation in light of modeled changes in stormwater flow across the Project area that would result from Project implementation. c. Engineering recommendations to be incorporated into the project design and applied within the site boundary. Engineering	Prior to the issuance of grading permits	Kern County Planning and Natural Resources Department, Kern County Public Works Department, Regional Water Quality Control Board		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall submit a final hydrologic study and drainage plan to the Kern County Public Works Department for approval prior to the issuance of grading permits.			

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	recommendations will include measures to offset increases in stormwater runoff that would result from the project, as well as implementation of design measures to minimize or manage flow concentration and changes in flow depth or velocity so as to minimize erosion, sedimentation, and flooding onsite or offsite. d. The hydrologic study and drainage plan shall be prepared in accordance with the Kern County Grading Code and Kern County Development Standards and approved by the Kern County Public Works Department prior to the issuance of grading permits.	C. The hydrologic study and drainage plan shall be prepared in accordance with the Kern County Grading Code and Kern County Development Standards and approved by the Kern County Public Works Department prior to the issuance of grading permits. D. The Kern County Public Works Department shall verify compliance in the field during construction.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					
4.10	**Land Use**				
#63	**MM 4.10-1:** Prior to the issuance of building permits, the Project operator shall submit to the Kern County Planning and Natural Resources Department documentation from the Meadows Field Airport administration officials identifying acceptable use of telemetry to avoid potential frequency conflicts with airport operations.	Prior to issuance of a building permit	Meadows Field Airport, The Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall consult with the Meadows Field Airport to identify the appropriate Frequency Management Office officials. C. The project proponent shall submit proof of the consultation to the Kern County Planning and Natural Resources Department.			
#64	**MM 4.10-2:** Prior to the issuance of building permits, the project operator shall submit to the Kern County Planning and Natural Resources Department an executed avigation easement, approved as to form by County Counsel, for the benefit of the Meadows Field Airport.	Prior to issuance of a building permit	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall submit an executed avigation easement to the Kern County Planning and Natural Resources Department, as listed in the mitigation measure.			

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Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					
4.12	**Noise**				
#65	**MM 4.12-1:** The following measures are required to reduce short-term noise levels associated with project construction: a. Construction activities at the project site shall comply with the hourly restrictions for noise-generating construction activities, as specified in the Kern County NoiseOrdinance (Municipal Ordinance Code 8.36.020). Accordingly, construction activities shall be prohibited between the hours of 9:00 PM to 6:00 AM on weekdays, and between 9:00 PM to 8:00 AM on weekends. These hourly limitations shall not apply to activities where hourly limitations would result in increased safety risk to workers or the public or nighttime concrete pours that have been granted prior authorization from the County. b. Equipment staging and laydown areas shall be located at the furthest practical distance from nearby residential land uses. To the extent possible, staging and laydown areas should be located at least 500 feet of existing residential dwellings. c. Where feasible construction equipment shall be fitted with approved noise- reduction features such as mufflers, baffles and engine shrouds that are no less effective than those originally installed by the manufacturer. d. Haul trucks shall not be allowed to idle for periods greater than five minutes, except as needed to perform a specified function (e.g., concrete mixing). e. On-site vehicle speeds shall be limited to 15 miles per hour, or less (except incases of emergency). f. Back-up beepers for all construction equipment and vehicles shall be broadbandsound alarms or adjusted to the lowest noise levels possible, provided that the Occupational Safety and Health Administration and California Division of Occupational Safety and Health's safety requirements are not	During construction activities	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The construction contractor shall ensure that all construction equipment is equipped with manufacturer-approved mufflers and baffles. C. The project proponent shall adhere to noise reduction measures outlined in this mitigation measure. D. The Kern County Public Works Department shall verify compliance with the Kern County Noise Ordinance in the field as needed.			

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	violated. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.				
#66	**MM 4.12-2:** Prior to the issuance of grading permits, a "Noise Disturbance Coordinator" shall be established. The project operator shall submit evidence of methods of implementation and shall continuously comply with the following during construction: a. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. b. The disturbance coordinator shall determine the cause of the noise complaint(e.g., starting to early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.	Prior to issuance of grading permits and during construction	Kern County Planning and Natural Resources Department; Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall establish a "Noise Disturbance Coordinator" who shall continuously ensure adherence to noise reduction measures outlined in this measure. Contact information for the "Noise Disturbance Coordinator" shall be submitted to the Kern County Planning and Natural Resources Department. C. The project operator shall submit evidence of methods of implementation				
#67	**MM 4.12-3:** Prior to commencement of any on-site construction activities (i.e., fence construction, mobilization of construction equipment, initial grading, etc.), the project proponent/operator shall provide written notice to the public through mailing a notice, which shall include: a. The mailing notice shall be to all residences within 1,000 feet of the project site, no sooner than 15 days prior to construction activities. The notices shall include: the construction schedule, telephone number and email address where complaints and questions can be registered with the Noise Disturbance Coordinator. b. A minimum of one sign, legible at a distance of 50 feet, shall be posted at the construction site or adjacent to the nearest public access to the main construction entrance throughout construction activities that shall provide the construction schedule (updated as needed) and a telephone number where noise complaints can be registered with the Noise Disturbance Coordinator.	Prior to commencement of any on-site construction activities	Kern County Planning and Natural Resources		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall provide written notice to the public through mailing a notice on the construction schedule, telephone number and email address where complaints and questions can be registered with the Noise Disturbance Coordinator, as listed in the mitigation measure. C. The project proponent shall provide the Kern County Planning and Natural Resources Department with documentation that the public notice has been sent. D. Signage shall be identified and labeled on site plans for review and approval prior to issuance of building permits. Conceptual illustrations of signs with required contact information shall be submitted for concurrent review.				

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	c. Documentation that the public notice has been sent and the sign has been posted shall be provided to the Kern County Planning and Natural Resources Department.	E. The project proponent or contractor shall install signs as approved by the Kern County Planning and Natural Resources Department.			
#68	**MM 4.12-4:** The following notes shall be placed on allgrading and building permits issued for the project site: *"Construction noise reduction methods such as shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible.* *During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.* *All equipment shall be fitted with factory equipped mufflers and be in good working condition. Construction contracts shall specify that all construction equipment, fixed ormobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices".*	Prior to issuance of grading or building permits	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall include the notes on all permits and plans accordingly, as listed in the mitigation measure, prior to approval of grading or building permits by the Kern County Planning and Natural Resources Department.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					
4.14	**Public Services**				
#69	**MM 4.14-1:** The project proponent/operator shall work with the County to determine how the use of sales and use taxes from construction of the project can be maximized. This process shall include, but is not necessarily limited to, the project proponent/operator obtaining a street address within the unincorporated portion of Kern County for acquisition, purchasing and billing purposes, and registering this address with the State Board of Equalization. As an alternative to the aforementioned process, the project proponent/operator may make arrangements with Kern County for a guaranteed single payment that is equivalent to the amount of sales and use taxes that would have otherwise been received (less any sales and use taxes actually paid); with the amount	Prior to the issuance of grading permits	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall coordinate with Kern County to determine appropriate fee. C. Confirming documentation demonstrating compliance with this mitigation measure shall be submitted to the Kern County Planning and Natural Resources Department to be kept on file.			

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	of the single payment to be determined via a formula approved by Kern County. The project proponent/operator shall allow the County to use this sales tax information publicly for reporting purposes.				
#70	**MM 4.14-2:** Prior to the issuance of any building permits on the property, the project operator shall submit a letter detailing the hiring efforts prior to commencement of construction, which encourages all contractors of the project site to hire at least 50 percent of their workers from local Kern County communities. The project operator shall provide the contractors a list of training programs that provide skilled workers and shall require the contractor to advertise locally for available jobs, notifying the training programs of job availability, all in conjunction with normal hiring practices of the contractor.	Prior to issuance of building permits	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project operator shall submit a letter detailing the hiring efforts prior to commencement of construction to the Kern County Planning and Natural Resource Department, as listed in the mitigation measure.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					
4.16	**Transportation and Traffic**				
#71	**MM 4.16-1:** Prior to final occupancy, the project proponent shall complete the following: a. Record an irrevocable offer of dedication to the County of Kern of all subject frontage along: 1. Airport Drive, 55 feet in width, and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance, and Development Standards 2. Merle Haggard Drive, 55 feet in width, and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance, and Development Standards 3. Petrol Road, 45 feet in width, including the off-site portion of Petrol Road from the westerly project boundary line to the easterly right-of-way of Landings Way for orderly development and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance, and Development Standards	Prior to approval of final occupancy; During project operation	Kern County Public Works Department-Development Review, California Department of Transportation, Kern County Planning and Natural Resources Department		
		Steps to Compliance: C. This mitigation measure shall be incorporated as a condition of approval for any site plan review. D. The project proponent shall coordinate with the Kern County Public Works Department and CalTrans to implement the listed traffic improvements, as listed in the mitigation measure. E. The project proponent shall submit proof of approved and completed traffic improvements to the Kern County Planning and Natural Resources Department.			

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	4. Landings Way, 45 feet in width, including the off-site portion of Landings Way from the northerly project boundary line to the southerly right-of-way of Petrol Road for orderly development and additional right-of-way for right turn channelization, per the Kern County Land Division Ordinance, and Development Standards b. Under street improvement plans submitted for review and approval by the Kern County Public Works Department: 1. Construct Airport Drive project frontage to "Type A" Subdivision Standard, half width Arterial Street, and right turn lane (Plate R-40), per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to: curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins. 2. Construct Merle Haggard Drive project frontage to "Type A" Subdivision Standard, half width Arterial Street, and right turn lane (Plate R-40), per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to: curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins. 3. Construct Petrol Road project frontage to "Type A" Subdivision Standard, half width Collector Street, and right turn lane (Plate R-40), per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to: curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins. 4. Construct Petrol Road from the westerly project boundary line to the easterly right-of-way of Landings Way to Type "A" Subdivision Standard, half width Collector Street, for orderly development, per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter,	F. The project proponent shall engage in ongoing coordination with the Kern County Public Works Department and the Planning and Natural Resources Department to ensure buildout of road improvements required by year 2042 are recalculated and funded accordingly by the project proponent and at no cost to the County.			

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	sidewalk, wheelchair ramps, asphalt concrete, right turn channelization, and the necessary tie-ins. 5. Construct Landings Way project frontage to Type "A" Subdivision Standard, half width Collector Street, and right turn lane (Plate R-40), per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to: curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, and the necessary tie-ins. 6. Construct Landings Way from the northerly project boundary line to the southerly right-of-way of Petrol Road to Type "A" Subdivision Standards, half width Collector Street, for orderly development, per the Kern County Development Standards and the Land Division Ordinance. These improvements shall be, but not limited to, curb, gutter, sidewalk, wheelchair ramps, asphalt concrete, right turn channelization, and the necessary tie-ins. 7. Modify existing traffic signal at the intersection of Merle Haggard Drive and Landings Way, per the Kern County Development Standards and the Land Division Ordinance. 8. Include a striping plan and streetlight plan 9. Provide a 20-foot by 20-foot right of way corner cutoff at all intersections 10. All employee drive approaches shall conform to Plate R-55, per the Kern County Development Standards and the Land Division Ordinance. 11. All truck drive approaches shall conform to Plate R-58, widths to be determined in consultation with Kern County Public Works Department and per the Kern County Development Standards and the Land Division Ordinance. 12. All easements shall be kept open, clear, and free from buildings and structures of any kind pursuant to Chapters 18.50 and 18.55 of the Kern County Land Division Ordinance. All obstructions, including utility poles and lines, trees, pole signs, fences, or similar obstructions, shall be removed from the ultimate road right-of-way. Compliance				

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	with this requirement is the responsibility of the applicant and may result in significant expenditures. c. Prior to final occupancy, the project proponent shall prepare and submit a Truck Routing Plan to the Kern County Public Works Department—Traffic Division for review and approval. The Truck Routing Plan shall identify the designated routes for project-related truck traffic between the project site and the regional roadway and highway system. Project-related trucks shall use the routes identified in the approved Truck Routing Plan. Prior to final occupancy, the project proponent shall install signs at all truck entrances and exits, and at any additional locations required by the Kern County Public Works Department—Traffic Division, directing truck drivers to the designated truck routes identified in the approved Truck Routing Plan. The project proponent/operator shall maintain the truck-route signs and provide the approved Truck Routing Plan to Project tenants, visitors, and users.(RTC 8/28/2026)				
#72	**MM 4.16-2:** Prior to the issuance of any building permit within Metropolitan Bakersfield, the project proponent shall pay the required Transportation Traffic Impact fees.	Prior to the issuance of building permits	Kern County Planning and Natural Resources Department, Kern County Public Works Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall pay the required fees to the Kern County Public Works Department. C. The proponent shall provide proof of payment to the Kern County Planning and Natural Resources Department prior to issuance of grading permits.			
#73	**MM 4.16-3:** Prior to the issuance of construction or building permits, the proposed project shall prepare a Transportation Demand Management program to reduce Vehicle Miles Travelled associated	Prior to the issuance of construction or building permits	Kern County Public Works Department, Kern County Planning and Natural Resources Department		

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	with employee trips. The program shall include Transportation Demand Management measures that would individually reduce the proposed project's Vehicle Miles Traveled and trips, with the goal of obtaining a Vehicle Miles Traveled reduction to lessen the proposed project's Vehicle Miles Traveled impact. The following Transportation Demand Management measures would be implemented by the proposed project as part of the Transportation Demand Management program: a. Alternative-Mode Subsidies and Incentives: provide subsidization of transit fares, carpool, or electric vanpool for employees of the project site. Provide monetary incentives for alternate modes of transportation. b. Travel Behavior Change Program: Provide a web site that allows employees to research other modes of transportation for commuting to the site. c. Promotions and Marketing: Provide marketing and promotional tools to educate and inform travelers about site-specific transportation options and the effects of their travel choices with passive educational and promotional materials. d. Commute Assistance Center: Provide a computer kiosk that allows employees to research other modes of transportation for commuting. e. Preferential Carpool/Vanpool Parking Spaces: Provide reserved carpool/vanpool spaces closer to the building entrance. f. Passenger Loading Zones: Provide passenger loading zones for easy access to carpools or vanpools. g. Bike Share: Implement bike share to allow people to have on-demand access to a bicycle, as needed. h. Bike Parking and Facilities: Include secure bike parking and showers to provide additional end-of-trip bicycle facilities to support safe and comfortable bicycle travel. Provide on-site bicycle repair tools and space to use them supports ongoing use of bicycles for transportation	**Steps to Compliance:** A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall prepare a Transportation Demand Management program. C. The project proponent shall implement the Transportation Demand Management measures, as listed in the mitigation measure.			

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#74	**MM 4.16-4:** Prior to the issuance of construction or building permits, the project proponent/operator shall: a. Prepare and submit a Construction Traffic Control Plan to Kern County Public Works Department – Traffic Division and the California Department of Transportation offices for District 6, as appropriate, for approval. The Construction Traffic Control Plan must be prepared in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook and must address, at a minimum, the following issues: 1. Timing of deliveries of heavy equipment and building materials; 2. Directing construction traffic with a flag person; 3. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic; 4. Ensuring access for emergency vehicles to the project sites; 5. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections; 6. Maintaining access to adjacent property, 7. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the AM and PM peak hours; and, 8. Consult with the County to develop coordinated plans that would address construction-related vehicle routing and detours adjacent to the construction area for the duration of construction overlapping with neighboring projects. Key coordination meetings	Prior to the issuance of construction or building permits	Kern County Public Works Department; California Department of Transportation; Kern County Planning and Natural Resources Department		
	Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall create a Construction Traffic Control Plan, as identified in the mitigation measure, which shall be submitted to the Kern County Public Works Department-Development Review and the California Department of Transportation offices for District 9, as appropriate, for review and approval. C. The project proponent shall obtain and submit all necessary encroachment permits, as listed in the mitigation measure, to the Kern County Public Works Department-Development Review, and California Department of Transportation. Copies of approved permits shall be submitted to the Kern County Planning and Natural Resources Department D. The project proponent shall enter a secured agreement with Kern County to ensure that any demonstrably damaged County roads are promptly repaired, as listed in the mitigation measure. E. The project proponent shall submit documentation that identifies the roads to be used during construction, as listed in the mitigation measure. F. The project proponent shall submit a post-construction video log and inspection report to the County and any following procedures, as listed in the mitigation measure. G. The Planning and Natural Resources Department shall review videos and documentation and verify compliance.				

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	would be held jointly between applicants and contractors of other projects for which the County determines impacts may overlap. b. Obtain all necessary encroachment permits for the work within the road right-of-way or use of oversized/overweight vehicles that will utilize county maintained roads, which may require California Highway Patrol or a pilot car escort. Copies of the approved traffic plan and issued permits shall be submitted to the Kern County Planning and Natural Resources Department, the Kern County Public Works Department-Traffic Division, and Caltrans. c. Enter into a secured agreement with Kern County to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and/or Kern County. d. Submit documentation that identifies the roads to be used during construction. The project proponent/operator shall be responsible for repairing any damage to county and non-county maintained roads that demonstrably result from construction activities. The project proponent/operator shall submit a pre-construction video log and inspection report regarding roadway conditions for roads used during construction to the Kern County Public Work Department-Traffic Division and the Kern County Planning and Natural Resources Department. e. Within 30 days of completion of construction, the project proponent/operator shall submit a post-construction video log and inspection report to the County. This information shall be submitted in electronic format on USB. The County, in consultation with the project proponent/operator's engineer, shall determine project responsibility for the damage and the extent of remediation required, if any.				
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					

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4.18	**Utilities and Service Systems**				
#75	**MM 4.18-1:** Prior to issuance of building permits the project proponent shall coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed project. The project proponent shall comply with and adhere to all requirements identified by PG&E to fully mitigate impacts to electric services and facilities, as needed as project construction progresses.	Prior to issuance of building permits and during construction	Kern County Planning and Natural Resources Department, PG&E		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall coordinate with PG&E staff to determine the specific requirements regarding any potential electric service or facility issues needed to adequately accommodate the proposed project, as listed in the mitigation measure. C. The project proponent shall adhere to all requirements identified by PG&E to fully mitigate impacts to electric services and facilities.			
#76	**MM 4.18-2:** Prior to issuance of grading permits, the owner/operator shall provide information on any groundwater that will be used. Unmetered water wells cannot be used as a source of groundwater for the permit activity. Groundwater may only be used in a permitted activity from a water well equipped with a water meter. A copy shall be sent to all Groundwater Sustainability Agencies and the Kern County Water Agency after being posted on the website. The information submitted on the permit shall include the following data: a. The source and estimated amount of any groundwater being used in the permit activity. b. Confirmation that any water well used in permit activity is metered. c. The source and estimated amount of any reclaimed water used in the permit activity.	Prior to issuance of grading permits and during construction	Groundwater Sustainability Agencies, Kern County Water Agency, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall provide information on any groundwater that will be used prior to issuance of grading permits to all Groundwater Sustainability Agencies and the Kern County Water Agency after being posted on the website. C. The project proponent shall adhere to all groundwater measures outlined in this mitigation measure.			

EXHIBIT C

Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
#77	**MM 4.18-3:** Water meters shall be installed on all facilities. Once operations of the first facility constructed on-site have commenced, the Master Developer or subsequent future land owners shall be required to submit annual reports to the Kern County Planning Department and the Kern County Environmental Health Services Department detailing the annual water usage on site.	During construction and operation	Kern County Planning Department, Kern County Environmental Health Services Department, Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall install water meters on all facilities, as listed in the mitigation measure. C. An annual report shall be submitted to the Kern County Planning Department and the Kern County Environmental Health Services Department that details the annual water usage on site.			
#78	**MM 4.18-4:** During construction and operation, debris and waste generated shall be recycled to the extent feasible. The provisions listed below shall apply to the project: a. A Recycling Coordinator shall be designated by the project applicant to facilitate recycling as part of the Construction, Operation and Maintenance, and Decommissioning, Trash Abatement and Pest Management Program. b. The Recycling Coordinator shall facilitate recycling of all construction waste through coordination with contractors, local waste haulers, and/or other facilities that recycle construction/demolition wastes. c. The Recycling Coordinator shall also be responsible for ensuring wastes requiring special disposal are handled according to State and County regulations that are in effect at the time of disposal. d. Contact information of the coordinator shall be provided to the Kern County Planning and Natural Resources Department prior to issuance of building permits.	Prior to issuance of grading or building permits; during construction and operation	Kern County Planning and Natural Resources Department		
		Steps to Compliance: A. This mitigation measure shall be incorporated as a condition of approval for any site plan review. B. The project proponent shall submit a site plan showing the recycling storage area for construction prior to the issuance of any grading or building permit for the site. C. The project proponent shall designate a Recycling Coordinator who shall ensure implementation of mitigation measures and the Construction, Operation and Maintenance, and Decommissioning, Trash Abatement and Pest Management Program. D. A copy of the recycling coordinator's contact information submitted to the Kern County Public Works – Waste Management Division shall also be provided to the Kern County Planning and Natural Resources Department.			

EXHIBIT C

Mitigation Monitoring & Reporting Program Airport Commerce Center Industrial Project					
Impact	**Mitigation Measure**	**Time Frame for Implementation**	**Responsible Monitoring Agency**	**Date**	**Initials**
	e. The project proponent shall provide a storage area for recyclable materials within the fenced project area that is clearly identified for recycling. This area shall be maintained on the site during construction and decommissioning. A site plan showing the recycling storage area for construction shall be submitted prior to the issuance of any grading or building permit for the site.	E. Kern County Public Works Department shall verify in the field during site inspections.			
Justification: Changes or alterations to the project have been required to substantially reduce the potentially significant environmental effects identified in the Final EIR to the extent feasible.					