

APPENDIX A:
NOTICE OF PREPARATION AND
SCOPING COMMENTS

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Notice of Preparation Environmental Impact Report City of Hollister

Date: April 9, 2021

To: State Clearinghouse
State Responsible Agencies
State Trustee Agencies
Other Public Agencies
Interested Organizations

From: Abraham Prado, Interim Development Services Director
City of Hollister
Development Services Department
339 Fifth Street
Hollister, CA 95023

Subject: Notice of Preparation (NOP) of the Draft Environmental Impact Report (EIR) for the Hollister General Plan Update 2040, Climate Action Plan and Sphere of Influence (SOI) Amendments and Annexations

Lead Agency: City of Hollister Development Services Department

Project Title: Hollister General Plan Update 2040 and Climate Action Plan

Project Area: City of Hollister and the Planning Area

Notice is hereby given that the City of Hollister (City) will prepare an EIR for the Hollister General Plan Update 2040, Climate Action Plan, and Sphere of Influence Amendments and Annexations (proposed project) and will hold a public meeting to receive comments on the scope of the EIR, as detailed below. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15206, the proposed project is considered a project of statewide, regional, or areawide significance. The City, acting as the Lead Agency, determined that the proposed project could result in potentially significant environmental impacts and that an EIR is required.

The City will prepare an EIR to address the potential environmental impacts associated with the proposed project at a programmatic level consistent with CEQA Guidelines Section 15168. The program-level EIR will evaluate the proposed project for potential impacts on the environment and analyze the proposed policies to determine the potential environmental consequences of future change. An evaluation of project alternatives that could reduce significant impacts will be included in the EIR. The proposed project, its location, and potential environmental effects are described below.

The City is requesting comments and guidance on the scope and content of the EIR from interested public agencies, organizations, and individuals. With respect to the views of Responsible and Trustee Agencies as to significant environmental issues, the City needs to know the reasonable alternatives and mitigation measures that are germane to each agency's statutory responsibilities in connection with the proposed project.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than the close of the 30-day NOP review period at **5:00 p.m. on Monday, May 10, 2021**. If you submit comments on the scope of the EIR, you will automatically be added to the City's distribution list for future notices and information about the environmental review process for the proposed project. If you do not wish to submit comments on the scope of the EIR, but would like to be added to the City's mailing list, you can submit your contact information, including email address with a request to be added to the mailing list.

Please send your written comments to **Abraham Prado**, at the address shown above or email to abraham.prado@hollister.ca.gov with "*Hollister GPU 2040, CAP, and SOI EIR*" as the subject line. Public agencies providing comments are asked to include a contact person for the agency.

A Scoping Meeting to accept verbal comments will be held before the Hollister Planning Commission on **Thursday, April 22, 2021 at 6:00 pm** via the Zoom platform.

PROJECT LOCATION, DESCRIPTION, AND OBJECTIVES

This section describes the location, project description, and overall objective of the proposed project. A copy of this NOP, information about the project, including relevant documents, information on upcoming meetings, and ways you can provide feedback can be viewed online at <https://hollister2040.org/>.

Project Location

The project encompasses the Hollister City Limits, Sphere of Influence (SOI), Urban Service Area, and Planning Area located in San Benito County, also referred to as the EIR Study Area. See Figures 1 and 2 for regional and study area maps.

Project Description and Objectives

The project to be reviewed in the Draft EIR consists of three related yet distinct components:

- Adoption of the Hollister 2040 General Plan by the City of Hollister.
- Adoption of the Hollister Climate Action Plan by the City of Hollister.
- Potential amendment of the City of Hollister’s Sphere of Influence and/or annexation of lands to the City of Hollister by the San Benito County Local Agency Formation Commission (LAFCO).

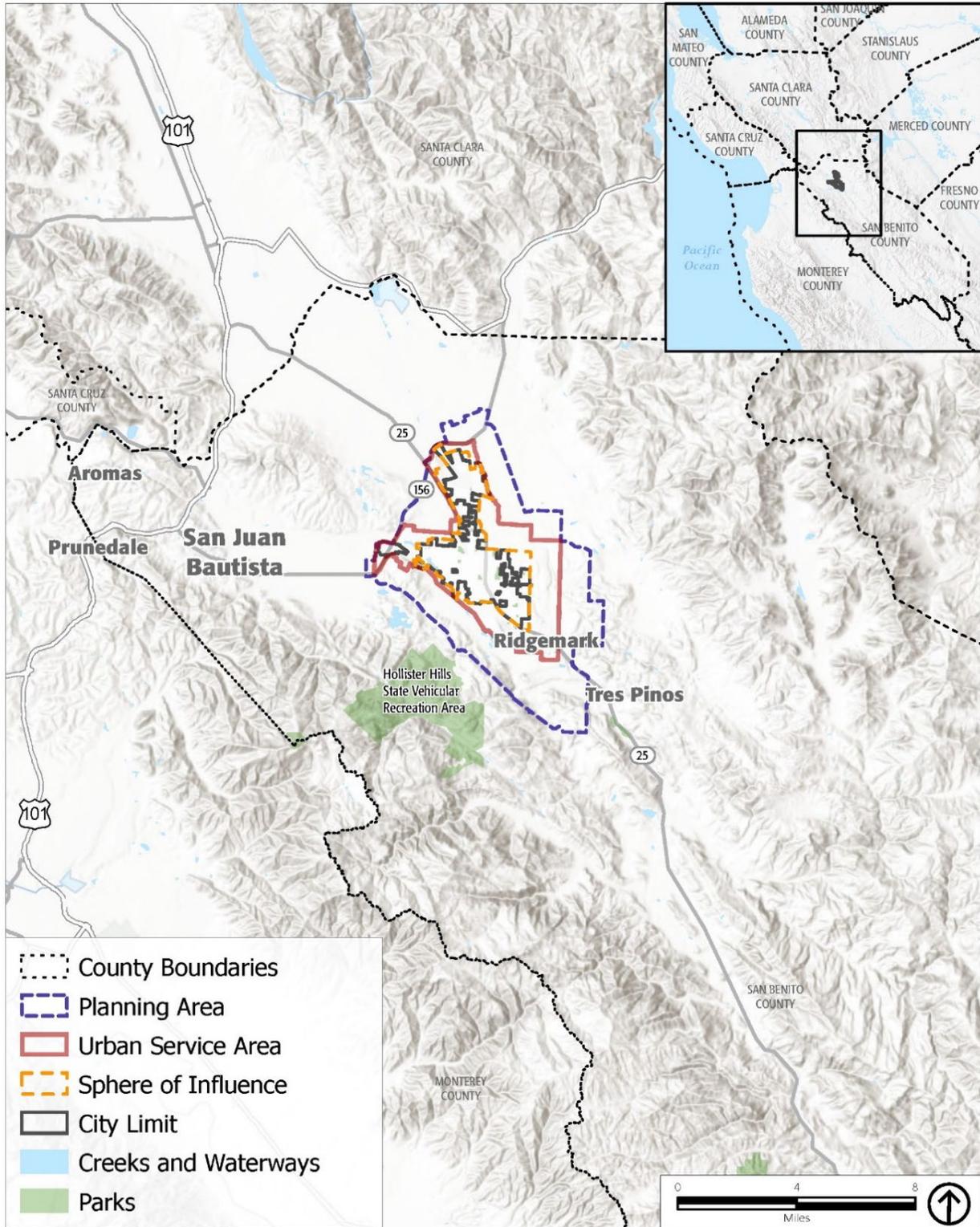
Often described as each jurisdiction’s “constitution”, general plans are required by State law to guide land use and development, typically within a 20-year horizon. General plans must be periodically updated to respond to new State laws, changing conditions, and emerging issues and opportunities. Hollister’s existing General Plan was adopted in 2005, with a horizon year of 2023. Since the horizon year is approaching, the City is now updating its plan to extend the planning period to 2040. The Hollister General Plan Update will build off the current General Plan and provide a framework for land use, transportation, and conservation decisions through the year 2040. The proposed General Plan will direct future growth within the EIR Study Area and address the city’s vulnerability to environmental challenges such as earthquakes, wildland fires, and other hazards identified in the proposed Local Hazard Mitigation Plan and Climate Action Plan to be completed concurrently with the General Plan Update. The General Plan is intended to respond to local and regional housing needs, foster economic growth and local job creation, enhance civic identity and placemaking, and protect sensitive natural resources. The proposed Climate Action Plan (CAP) will identify strategies and measures to reduce greenhouse gas emissions generated by existing and future uses in Hollister. The General Plan Update could potentially lead to Sphere of Influence amendments and annexations that would accommodate future housing sites and limited commercial development.

Environmental Review and Environmental Factors Potentially Affected

The Draft EIR will determine whether implementation of the proposed project may result in environmental impacts that require mitigation measures to offset potential impacts. By incorporating implementation provisions (goals and policies) that focus on reducing environmental impacts, the proposed project can be made largely “self-mitigating”, which reduces the need for separate EIR mitigation measures, improves the efficiency of implementation, and increases the likelihood that development within the study area will be environmentally sustainable. In accordance with CEQA, the cumulative impacts discussion will be based on review of other plans shaping development outside of the study area. CEQA requires that an EIR evaluate alternatives to a project that could reasonably attain the project objectives while reducing any significant impact of the project, as well as considering the “No Project” Alternative (i.e., what could happen if the project were not approved). The EIR will address the proposed project’s potential impacts in the following environmental topics:

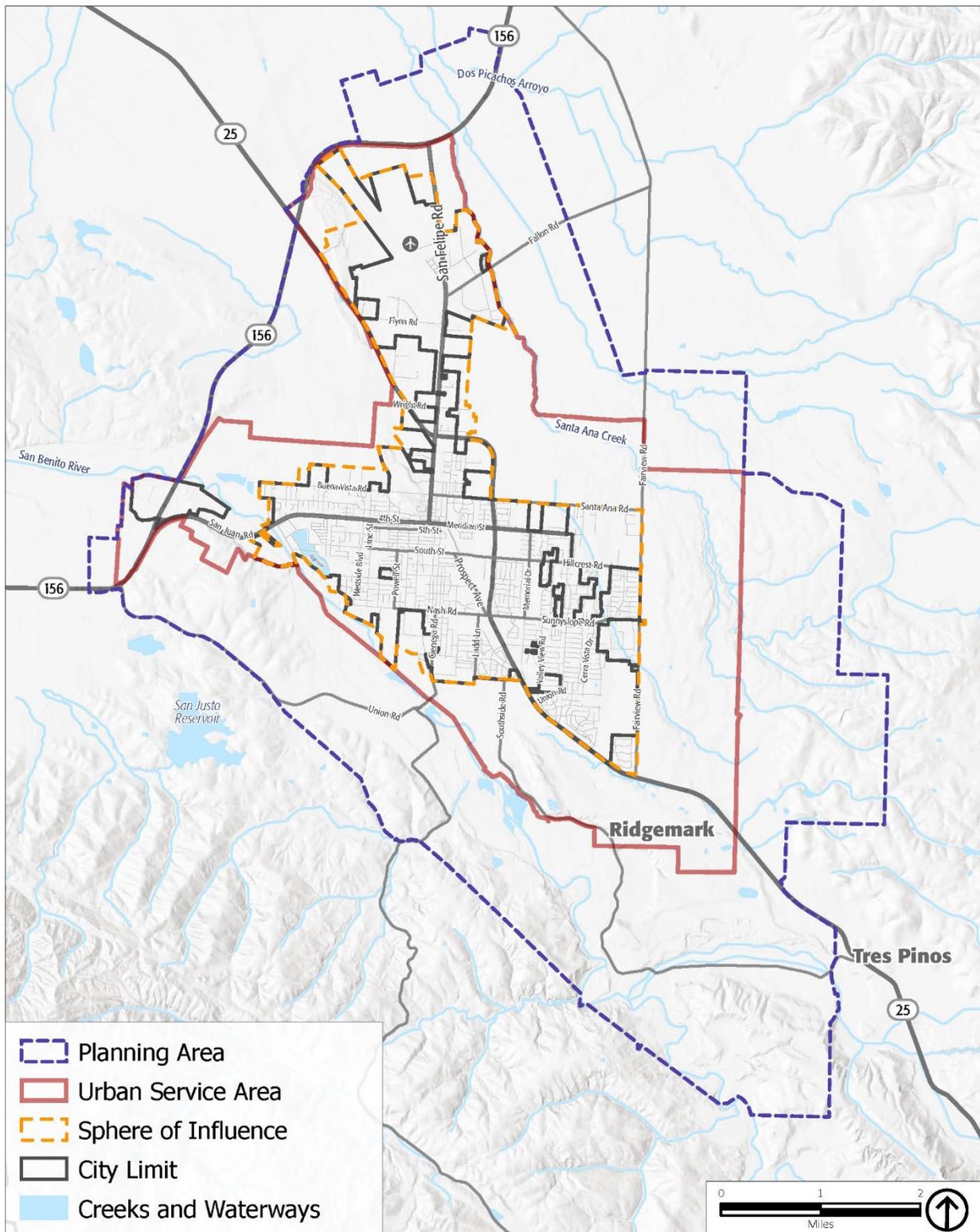
- | | | |
|--|-----------------------------------|---------------------------------|
| ▪ Aesthetics | ▪ Geology and Soils | ▪ Population and Housing |
| ▪ Agricultural and Forestry Resources | ▪ Greenhouse Gas Emissions | ▪ Public Services |
| ▪ Air Quality | ▪ Hazards and Hazardous Materials | ▪ Parks and Recreation |
| ▪ Biological Resources | ▪ Hydrology and Water Quality | ▪ Transportation |
| ▪ Cultural and Tribal Cultural Resources | ▪ Land Use and Planning | ▪ Utilities and Service Systems |
| ▪ Energy | ▪ Noise | ▪ Wildfire |

Figure 1 Regional and Vicinity Map



Source: ESRI, 2020; PlaceWorks, 2020; San Benito County, 2020; USGS, 2019

Figure 2 General Plan Planning Area



Source: ESRI, 2020; PlaceWorks, 2020; San Benito County, 2020; USGS, 2019

NATIVE AMERICAN HERITAGE COMMISSION

April 12, 2021

Governor's Office of Planning & Research

APR 19 2021

STATE CLEARINGHOUSE

Abraham Prado
City of Hollister
339 Fifth Street
Hollister, CA 95023

Re: 2021040277, Hollister General Plan Update 2040, Climate Action Plan, and Sphere of Influence Amendments and Annexations EIR Project, San Benito County

Dear Mr. Prado:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



CHAIRPERSON
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Luiseño

VICE CHAIRPERSON
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Chumash

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Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

 - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

May 11 2021

May 10, 2021

STATE CLEARINGHOUSE

Abraham Prado, Interim Development Services Director
City of Hollister
339 Fifth Street
Hollister, California 95023
abraham.prado@hollister.ca.gov

Subject: Hollister General Plan Update 2040, Climate Action Plan, and Sphere of Influence Amendments and Annexations Environmental Impact Report (EIR) Project (Project) Notice of Preparation (NOP) SCH No.: 2021040277

Dear Mr. Prado:

The California Department of Fish and Wildlife (CDFW) received a NOP from the City of Hollister for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Abraham Prado
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May 10, 2021
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projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code may be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Hollister

Objective: The City of Hollister's existing General Plan was adopted in 2005, with a horizon year of 2023. Since the horizon year is approaching, the City is now updating its plan to extend the planning period to 2040. The Hollister General Plan Update will build off the current General Plan and provide a framework for land use, transportation, and conservation decisions through the year 2040. The proposed General Plan will direct future growth within the EIR Study Area and address the city's vulnerability to environmental challenges such as earthquakes, wildland fires, and other hazards identified in the proposed Local Hazard Mitigation Plan and Climate Action Plan to be completed concurrently with the General Plan Update. The General Plan is intended to respond to local and regional housing needs, foster economic growth and local job creation, enhance civic identity and placemaking, and protect sensitive natural resources. The proposed Climate Action Plan (CAP) will identify strategies and measures to reduce greenhouse gas emissions generated by existing and potential future uses in Hollister. The General Plan Update could potentially lead to Sphere of Influence (SOI) amendments and annexations that would accommodate future housing sites and limited commercial development.

Location: The Project encompasses the Hollister City Limits, the SOI, Urban Service Area, and Planning Area located in San Benito County, also referred to as the EIR Study Area.

Timeframe: The proposed project would extend its planning period to 2040.

Abraham Prado
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COMMENTS AND RECOMMENDATIONS

The NOP indicates that the Environmental Impact Report (EIR) for the Project will describe existing environmental conditions in the Project area, and analyze potential impacts resulting from Project activities. The EIR will also identify and evaluate alternatives to the proposed project.

When an EIR is prepared, the specifics of mitigation measures may be deferred, provided the lead agency commits to mitigation and establishes performance standards for implementation. There are numerous special-status species that have been documented in the Project vicinity (CDFW 2021) that may be present at individual Project sites in the Project area. These resources need to be addressed prior to any approvals that would allow ground-disturbing activities or land use changes to adequately assess potential impacts. CDFW is concerned regarding potential impacts to special-status species including, but not limited to, the State and federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*), the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and the steelhead south-central California Coast Distinct Population Segment (DPS) (*Oncorhynchus mykiss irideus* pop. 9); the State and federally threatened California tiger salamander (*Ambystoma californiense*); the Federally threatened and State Species of Concern California red-legged frog (*Rana draytonii*); the State threatened Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*); the State species of special concern burrowing owl (*Athene cunicularia*), western spadefoot (*Spea hammondi*), western pond turtle (*Emys marmorata*), San Joaquin Coachwhip (*Masticophis flagellum ruddocki*) and American badger (*Taxidea taxus*).

CDFW also recommends consulting with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) on potential impacts to federally listed species including, but not limited to, San Joaquin kit fox, vernal pool fairy shrimp, steelhead, California tiger salamander, and California red-legged frog. Take under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; take under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS and NMFS in order to comply with FESA is advised well in advance of any ground-disturbing activities.

In addition to potential species impacts, it is likely that some Project activities that will be subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. If a Lake or Streambed Alteration Agreement (LSAA) is needed, CDFW is required to comply with CEQA in the issuance or the renewal of a LSAA. Therefore, for efficiency in environmental compliance, we recommend that any potential lake or stream disturbance that may result from Project activities be described, and mitigation for the

Abraham Prado
City of Hollister
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disturbance be developed as part of the EIR. This will reduce the need for the CDFW to require extensive additional environmental review for a LSAA in the future. If inadequate, or no environmental review, has occurred, for the Project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSAA until CEQA analysis for the project is complete. This may lead to considerable Project delays.

CDFW is available to meet with you ahead of draft EIR preparation to discuss potential impacts and possible mitigation measures for some or all of the resources that may be analyzed in the draft EIR. If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead or by electronic mail at Kelley.Nelson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

041A77B10D78486...

for Julie A. Vance
Regional Manager

ec: Leilani Takano
United States Fish and Wildlife Service
leilani_takano@fws.gov

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San Benito High School District

1220 Monterey Street
HOLLISTER, CALIFORNIA 95023-4708
PHONE (831) 637-5831 ext. 132 · FAX (831) 636-1187
www.sbhsd.k12.ca.us

DR. SHAWN TENNENBAUM
SUPERINTENDENT



May 10, 2021

Abraham Prado
Interim Development Services Director
City of Hollister
Development Services Department
339 Fifth Street
Hollister, CA 95023



RE: Notice of Preparation (NOP) of the Draft Environmental Impact Report (EIR) for the Hollister General Plan Update 2040, Climate Action Plan and Sphere of Influence (SOI) Amendments and Annexations



Dear Mr. Prado:



On behalf of the San Benito High School District (District), we are responding to the City of Hollister's recent issuance of a Notice of Preparation (NOP) of a Draft EIR for the Hollister General Plan Update 2040 and Climate Action Plan. As the primary provider of public secondary education within the City of Hollister (City) and the County of San Benito (County), we continue to be very involved in the City's General Plan update and of its consideration of the environmental consequences of its future plans and policy objectives.



As you know from prior correspondence regarding discretionary land use decisions being made by the City on residential projects in particular, the District is confronting a school facility crisis of unprecedented magnitude. Unless we find effective ways to partner with the City and developers to ensure that school capacity keeps pace with residential development, families will soon begin to look for residential communities outside of the region because we will not have sufficient space at our school to educate their children. The cumulative impact on our schools of unmitigated growth is *considerable, significant, and adverse*. The impact on our community's future health and well-being, our ability to offer the kinds of programs and services that our youth need to become college- and career-ready citizens, cannot be underestimated. Our inability over the longer term to continue delivering rich education experiences and vocational training may ultimately compromise many of the City's General Plan goals for the economic health and well-being of this community.



The Mission of San Benito High School is to educate all students to their highest potential so they will have the greatest range of personal options upon graduation.

In addition, increasing density has compounded already existing, serious student safety concerns related to traffic volume and flow in and around San Benito High School, particularly given that Nash Road bisects the school campus. And these safety concerns will be compounded further as the County of San Benito begins the build out of a Regional Park south of the high school.

These are just some of the District's concerns as the City contemplates its vision for Hollister over the next 20+ years, and all of these factors should be considered in the City's EIR. The EIR must squarely acknowledge and address these problems for decision makers and the public, and, in light of the significant impact of planned growth or increasing residential density on our District, the EIR must propose mitigation measures to lessen or avoid those impacts.

A. Some Important Facts

The District looks forward to consulting with the City as needed during EIR development to ensure that its analysis of the impact of the General Plan Update reflects current facts. Some key facts to be considered include:

1. *School Capacity and Development*
 - Per the District's current estimates, peak student generation is estimated to be 0.35 high school students per residential dwelling unit.¹
 - Currently, San Benito High School has capacity for approximately 3,437 students. Enrollment currently stands at approximately 3,283, leaving capacity for approximately 154 students. Current projections show enrollment growth of 237 students over the next two years.
 - Existing capacity is anticipated to be absorbed by students living in existing homes; even so, recent City and County development approvals continue to rely on the (false) assumption that capacity will be available at the time of project completion and continue to be available for future projects. Development approvals fail to consider the cumulative impact of residential growth on school facility capacity.
 - The District anticipates an additional 1,900-3,130 additional students over the next 20 years from residential development, based on the City's 2020 Land Use and Market Demand Study

¹/The District has provided copies of the School Facility Needs Analysis and Justification Study (June, 2020) and the District Facility Master Plan (June, 2020) to the City, which document these figures. If you need additional copies or information, please let us know.

and information provided by the County.. That kind of growth may require not just a second high school, but a third high school.

- The District currently owns land located on Best Road, south of the City, which is under consideration for development of a new high school. However, cost estimates put the price tag of a small new high school at \$165 million. Development impact fees are estimated to cover approximately 11% of this cost. The District has no other significant source of funding to support the construction of a new school.
- Serious equity concerns are raised if the City assumes that the existing community should fund a new high school needed to serve new development, especially when their communities lack infrastructure improvements afforded to new development. Developers, with the encouragement of local land use agencies, commonly contribute additional funds for school construction in California or agree to place developments into community facility districts for school construction to ensure that future residents shoulder the cost of new schools. In addition, even if local voters are willing to support future bond measures, the District's has an upper limit on its bonding capacity and has reached that limit at this time.
- The cumulative impact on the District over time from development plans of both the City and the County is *staggering*. Our mutual constituents should not be led to believe that schools are not at risk from new development or that the payment of school impact fees will fully fund the additional schools needed.

2. *School Safety and Traffic*

- The City is well aware of the pedestrian and school safety issues posed by Nash Road bisecting the high school campus. While a portion of the road is closed to vehicle traffic for most weekdays, recent attempts to seek the City's agreement to permanently vacate Nash Road between West and Monterey Streets have been unsuccessful, leaving student and family safety compromised during evening and weekend programs and activities. This fact is at odds with the City's General Plan objective to ensure pedestrian safety and safe routes to schools protective of youth.
- A roundabout at the intersection of San Benito Street Extension and River Parkway, and speed humps, additional signage and a crosswalk on River Parkway are necessary to

allow safe passage of students, staff, and pedestrians to enter the future Regional Park safely. Also, a lighted crosswalk is needed at the intersection of Powell Street and Nash Road to provide safe crossings for students and neighbors to access San Benito High School as well as to walk to the future Regional Park.

- While the District has begun making plans to develop a second high school to serve students in the City and County, the land is located within the unincorporated area of the County. If and when a school is built at this location, many students residing within the City will be traveling to the Best Road site daily, putting significant additional, pressure on Highway 25. These transportation impacts, and other potential impacts created by placement of a high school at this location, will have to be considered in the City's EIR.

B. CEQA Mitigation Measures/General Plan Goals and Objectives

While we not yet know the full scope of the City's General Plan update, we look forward to reviewing the update as the environmental planning gets underway. The District was pleased to provide recommendations in March, 2021 to the Hollister General Plan Advisory Committee regarding potential strategies that could be included within the updated General Plan in support of public secondary education, as well as included in the City's EIR as mitigation measures to address and reduce the environmental impacts of the City's growth and other plans.

We reiterate our request that the City establish an overall General Plan goal that is supportive of the District but is more focused and specific than the City's current General Plan. A goal statement that the District would support could be very straightforward, such as:

"The City seeks to ensure that Hollister youth have access to a quality school system with safe, adequate facilities and funding available. Mitigating development impacts on the school system through the provision of school sites, imposition of statutory development fees, and incentivizing negotiated development impact fees, as well as providing information to the School District, are the primary methods to sustain quality educational services."

Mitigation measures for the impact of the General Plan on school facilities, capacity and funding to be considered include, at a minimum, the following:

- Provide information to San Benito High School District when considering General Plan amendments, specific plans, zone changes, or other legislative land use policy decisions and ensure that information about school capacity contained in development and environmental analysis incorporates current information on school

capacity and the cumulative impacts of individual projects on school capacity.

- Promote and encourage development phasing and coordination of development with the County of San Benito so that school districts may plan, finance, and construct school facilities to serve new development.
- Review proposed legislative land use decisions in the context of the adequacy of present and future school facilities and require all developers to confirm, prior to receiving any project entitlements from the City, that they have met with the San Benito High School District to discuss the impact of the project on school capacity and considered voluntary forms of mitigation, including placing the project into a community facilities district.
- Grant additional density, more flexible setbacks and building heights, and/or reduced parking requirements or other development incentives for projects that voluntarily provide additional financial support for school facility funding.
- Require preparation of a Specific Plan that includes adequate voluntary developer funding as a pre-condition for development in new development areas, to ensure that the City and other public agencies, including school districts, may collect needed funds even if it exceeds what is already exacted. In addition, the City should require additional developer funding as a condition of annexations of projects into the City limits.
- Support lobbying efforts to expand State funding of the public school system.
- Support school construction bond measures or other financing options for the construction of a second high school in Hollister.

Mitigation Measures to address safety concerns regarding traffic in and around San Benito High School should include the following:

- Work with the District to permanently close Nash Road between West and Monterey Streets to ensure student safety on the campus at all times;
- Consider installing a roundabout at the intersection of San Benito Street Extension and River Parkway and speed humps, additional signage and a crosswalk on River Parkway to allow safe passage of students, staff, and pedestrians to enter the future Regional park safely; further install a lighted crosswalk at the intersection of Powell Street and Nash Road to provide safe crossings for students and neighbors to access the high school as well as to walk to the future Regional Park.

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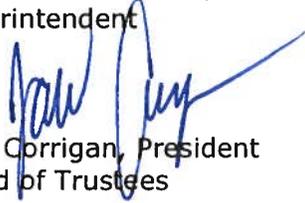
Thank you for the opportunity to comment on the NOP for the City's EIR on its General Plan update. This letter should not be construed as a complete statement of the impact of the proposed General Plan update on San Benito High School District but rather an overview of our concerns and interests at this time.

We look forward to consulting further with the City regarding the problems we face and the active inclusion of our needs as the City moves forward to implement its General Plan vision for the next 20+ years.

Very Truly Yours,



Shawn Tennenbaum, Ed.D.
Superintendent



John Corrigan, President
Board of Trustees