



Draft Environmental Impact Report
SCH No. 2023070350

Nisqualli Road Trailer Lot Expansion Project
City of Victorville, California

Lead Agency

City of Victorville

14343 Civic Drive

Victorville, California 92392

Lead Agency Discretionary Permit

Site Plan (PLAN23-00011)

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Lead Agency

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Victorville, CA 92392

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Site Plan (Plan 23-00011)

March 2024



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S.0 EXECUTIVE SUMMARY

S.1 INTRODUCTION

As stated by California Environmental Quality Act (CEQA) Guidelines §15002, the basic purpose of CEQA is to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities involving discretionary government actions (including the approval of development projects);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

An Environmental Impact Report (EIR) is an informational document prepared in compliance with CEQA that informs government decision-makers and the public in general about potentially significant environmental impacts that could result from a project. This EIR represents the independent judgment of the City of Victorville (as the CEQA Lead Agency) and presents an objective evaluation of the physical environmental effects that could result from construction and operation of the proposed Nisqualli Road Trailer Lot Expansion Project (the “Project”).

Hereafter when the term “Project” is used in this EIR with the initial letter capitalized, the term shall mean all aspects of the Nisqualli Road Trailer Lot Expansion Project’s planning, construction, and operation; and all associated legislative, discretionary, and administrative approvals and permits required by law of public agencies. When the term “Project Applicant” is used with the initial letters capitalized, the term shall mean Link Logistics, which is the entity that submitted applications to the City of Victorville to entitle the Project site as proposed and as evaluated in this EIR.

Governmental approvals requested from the City of Victorville by the Project Applicant to implement the Project include a Site Plan (Plan 23-00011). All other related discretionary and administrative actions that are required of the City of Victorville and other public agencies and entities to construct and operate the Project described in this EIR also are considered part of the Project evaluated herein. Approvals and permits required of other agencies that are currently known to be needed in order to implement the Project are listed in Section 3.0, *Project Description*.

The City of Victorville has determined that an EIR is required for this Project. Pursuant to CEQA Guidelines § 15063(a), when a lead agency can determine that an EIR will be required for a project, an Initial Study is not required. An Initial Study was not prepared for this Project, however, the City



of Victorville has determined that implementation of the Project has the potential to result in significant environmental effects, and a Project EIR, as defined by CEQA Guidelines §15161, is required. As stated in CEQA Guidelines §15161, a Project EIR should “...focus primarily on the changes in the environment that would result from the development project,” and “...examine all phases of the project including planning, construction, and operation.”

Accordingly, and in conformance with CEQA Guidelines §15121(a), the purpose of this EIR is to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Project, (2) identify possible ways to minimize or avoid those significant effects, and (3) to describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

S.2 PROPOSED PROJECT

S.2.1 LOCATION AND SETTING

The 10.04-acre Project site is located in the City of Victorville, southwestern San Bernardino County, California, in the Desert Region. The City of Victorville is situated north of the city of Hesperia, east of the city of Adelanto, south of the city of Barstow, and west of the Town of Apple Valley. The Project site is located approximately 2.5 miles east of Interstate 15 (I-15) and approximately 3.1 miles south of State Route 18 (SR-18).

At the local scale, the Project site is located generally east of Enterprise Way, north of Nisqualli Road, south of Ottawa Street, and west of the Burlington Northern and Santa Fe (BNSF) Railroad (see Figure 3-2, Vicinity Map, and Figure 3-3, USGS Topographic Map). The 10.04-acre Project site includes one Assessor Parcel Number (APN): 3090-571-17.

Refer to EIR Section 2.0, *Environmental Setting*, for more information related to the regional and local setting of the Project site.

S.2.2 PROJECT OBJECTIVES

The underlying purpose and goal of the Nisqualli Road Trailer Lot Expansion Project is to develop a fenced and paved truck trailer and/or vehicle parking facility to supplement parking for the surrounding uses or serve as ancillary trailer or vehicle parking for the existing Church & Dwight Co., Inc. warehouse and in proximity to the State highway system to improve the City’s economic competitiveness. The Project would achieve its underlying purpose and goal through the following objectives:

- A. To improve an existing dirt lot, currently used for truck trailer storage, with an improved fenced and paved parking facility to help meet the needs for ancillary parking of the existing Church & Dwight Co. Inc warehouse;



- B. To further alleviate truck traffic along Nisqualli Road and Enterprise Way and parking along Enterprise Way;
- C. To improve the water quality through the installation of an on-site detention basin.

S.2.3 PROJECT DESCRIPTION SUMMARY

The proposed Project specifies a development plan for the Project site that provides for the construction and operation of a trailer surface parking lot. The Project would provide 198 truck trailer parking stalls with dimensions of 13.5 feet by 60 feet. No structures would be located on the Project site as part of the Project. However, it should be noted that an 8-foot by 15-foot guard shack may be located at the southwestern corner of the proposed parking lot in the future. The proposed Project would provide one driveway gated with a 7-foot-tall tubular steel gate connecting to Enterprise Way. This driveway would primarily serve as an exit. Access to the Project site would be provided through existing driveways associated with the existing Church & Dwight Co. Inc, warehouse. Specifically, limestone trucks would continue to enter the Church & Dwight site via the existing driveway along Enterprise Way and other truck/trailer traffic would continue to enter the Church & Dwight site via the existing driveway along Nisqualli Road to access the proposed trailer parking facility. The existing sidewalk along Enterprise Way would be retained.

S.3 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

CEQA Guidelines § 15123(b)(2) requires that areas of controversy known to the Lead Agency (City of Victorville) be identified in the Executive Summary. The City has not identified any areas of controversy associated with the Project after considering all comments received in response to the Notice of Preparation (NOP).

Regarding issues to be resolved, the EIR addresses the environmental issues associated with the Project that are known by the City, that are identified in the comment letters that the City of Victorville received for this EIR's NOP which was circulated to the for a 30-day public review period from July 21, 2023, to August 21, 2023 (refer to *Technical Appendix A*). Environmental topics raised in written comments to the NOP are summarized in Section 1.0, *Introduction*, Table 1-1, *Summary of the NOP and Scoping Meeting Comments*, to this EIR and include but are not limited to the topics of Cultural Resources and Tribal Cultural Resources.

S.3.1 PUBLIC SCOPING MEETING

An EIR Scoping Meeting was held on August 9, 2023. The Scoping Meeting was held during a regularly scheduled Planning Commission hearing at City Hall Council Chambers, 14343 Civic Drive, Victorville, California. Viewing of the meeting was available via an internet-based video service. Refer to Table 1-1, *Summary of NOP and Scoping Meeting Comments*, for comments received during the NOP public comment period.



S.4 ALTERNATIVES TO THE PROPOSED PROJECT

In compliance with CEQA Guidelines § 15126.6, an EIR must describe a range of reasonable alternatives to the Project or to the location of the Project. Each alternative must be able to feasibly attain most of the Project's objectives and avoid or substantially lessen the Project's significant effects on the environment. A detailed description of each alternative evaluated in this EIR, as well as an analysis of the potential environmental impacts associated with each alternative, is provided in EIR Section 6.0, *Alternatives*. Also described in Section 6.0 is a list of alternatives that were considered but rejected from further analysis. The alternative considered by this EIR is listed below.

S.4.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative considers no development on the Project site beyond what occurs on the site under existing conditions (as described in EIR Section 3.0). As such, the approximately 10.04-acre Project site would continue to remain vacant and undeveloped. Under this Alternative, no improvements would be made to the Project site and none of the Project's parking, utility, and other infrastructure improvements would occur. This Alternative was selected by the city to compare the environmental effects of the Project with an alternative that would leave the project site undeveloped in its existing condition.

S.5 SUMMARY OF IMPACT, MITIGATION, AND LEVELS OF IMPACT

Table S-1, *Summary of Impact, Mitigation, and Levels of Impact*, presents a summary of the environmental impacts resulting from the Project. The potential direct, indirect impacts, and cumulative impacts for all environmental topical areas are addressed in Section 4.1 through 4.11 of this EIR. Growth inducing impacts and significant irreversible environmental changes are addressed in Section 5.0, *Other CEQA Considerations*.

S.6 MITIGATION MONITORING

State law requires the preparation of a mitigation monitoring and reporting program (MMRP) to ensure that measures that would avoid or lessen significant environmental effects of the project are adopted as conditions of approval for the project. The mitigation measures identified in this EIR have been described in sufficient detail to provide the necessary information to identify the party or parties responsible for carrying out the mitigation, when the mitigation will be implemented, and why the mitigation has been required. An MMRP would be adopted by the City at the time of Project approval and is included as *Technical Appendix M* to this EIR.



Table S-1 Summary of Impact, Mitigation, and Levels of Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
4.1 AIR QUALITY			
Threshold a: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.2 BIOLOGICAL RESOURCES			
Threshold a: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact	MM 4.2-1 <u>Impacts to Burrowing Owl:</u> Prior to issuance of grading permits or any other permits allowing for the removal of vegetation on site, the City shall condition a qualified biologist to conduct two pre-construction presence/absence surveys for burrowing owls, one no less than 14 days prior to site disturbance, and one within 24 hours of site disturbance activities. If burrowing owls are detected on site, the owls will be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of CDFW. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required. If burrowing owls are detected within	Less than Significant Impact with Mitigation Incorporated



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>or adjacent to the proposed disturbance area, then the owls shall be passively relocated from the site to adjacent areas of suitable habitat. A qualified biologist shall prepare a Burrowing Owl Relocation and Protection Plan that shall document the relocation procedures. The Plan shall be submitted to CDFW for review and approval prior to relocating burrowing owls. Passive relocation shall be performed outside of the breeding season (October 1 to January 31), unless a qualified biologist 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. Prior to performing the relocation, the biologist shall ensure that the adjacent relocation area contains suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. If the relocation site does not contain enough natural burrows, then artificial burrows shall be created. Until burrowing owls can be excluded from the impact area, the occupied burrows shall be avoided with adequate buffers as recommended by the biologist. During the breeding season, the avoidance buffer may be as high as 500 meters depending on the type of disturbance occurring adjacent to the occupied habitat.</p>	
Threshold b: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive	Less than Significant Impact	No mitigation is required.	Less than Significant Impact



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
<p>natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</p>			
<p>Threshold c: Would the Project have 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?</p>	<p>No Impact</p>	<p>No mitigation is required.</p>	<p>No Impact</p>
<p>Threshold d: 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?</p>	<p>Potentially Significant Impact</p>	<p>MM 4.2-2 <u>Impacts to Nesting Birds:</u> Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site, the City of Victorville Department of Engineering shall ensure that the following note is included on the grading plans. Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors.</p> <p><i>“Vegetation clearing shall be conducted outside of the bird nesting season (February 1 through September 15) to the extent feasible. If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified,</i></p>	<p>Less than Significant Impact with Mitigation Incorporated</p>



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p><i>the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City of Victorville for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.</i></p>	
<p>Threshold e: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>	<p>No Impact</p>	<p>No mitigation is required.</p>	<p>No Impact</p>
<p>Threshold f: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan,</p>	<p>No Impact</p>	<p>No mitigation is required.</p>	<p>No Impact</p>



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			
4.3 CULTURAL RESOURCES			
Threshold a: Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5?	No Impact	No mitigation is required.	No Impact
Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	Potentially Significant Impact	<p>MM 4.3-1 In the event previously undiscovered archaeological resources are inadvertently discovered during ground disturbing activities, all construction work in the immediate vicinity of the discovery shall stop, and a qualified archaeologist shall determine if further mitigation measures are warranted.</p> <p>MM 4.3-2 In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within Mitigation Measure MM 4.11-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature</p>	Less than Significant Impact with Mitigation Incorporated



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>of the find, so as to provide Tribal input with regards to significance and treatment.</p> <p>MM 4.3-3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within MM 4.11-1. The archaeologist shall monitor the remainder of the Project and implement the Plan accordingly. The Monitoring and Treatment Plan shall include methodology for the handling and curation of artifacts and be submitted to the City of Victorville for review and approval. The archaeologist shall monitor the remainder of the Project site.</p>	
Threshold c: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.4 ENERGY			
Threshold a: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
4.5 GEOLOGY AND SOILS			
Threshold a: 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? Refer to Division of Mines and Geology Special Publication 42; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: 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?	No Impact	No mitigation is required.	No Impact
Threshold d: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	No Impact	No mitigation is required.	No Impact
Threshold e: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact	No mitigation is required.	No Impact
Threshold f: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant Impact	MM 4.5-1 Prior to the approval of the Project's grading permits, a Paleontological Resource Impact Mitigation Project (PRIMP) shall be	Less than Significant Impact with Mitigation Incorporated



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>implemented, which describes monitoring and fossil collection procedures.</p> <ul style="list-style-type: none">a. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Full-time monitoring for paleontological resources from the surface will be conducted in areas where grading, excavation, or drilling activities occur in alluvium of the ancestral Mojave River to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources.b. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to	



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		<p>have low potential to contain fossil resources.</p> <ul style="list-style-type: none">c. Preparation of recovered specimens to a point of identification and permanent preservation will be conducted, including screen-washing sediments to recover small vertebrates and invertebrates if indicated by the results of test sampling. Preparation of any individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.d. All fossils must be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. The San Bernardino County Museum in Redlands, California, is the preferred institution by the County of San Bernardino. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, are the responsibility of the developer.e. Preparation of a final monitoring and mitigation report of findings and significance will be completed, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report,	



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		when submitted to and accepted by the appropriate lead agency (e.g., the City of Victorville), will signify satisfactory completion of the project program to mitigate impacts to any nonrenewable paleontological resources.	
4.6 GREENHOUSE GAS EMISSIONS			
Threshold a: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.7 HAZARDS AND HAZARDOUS MATERIALS			
Threshold a: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Potentially Significant Impact	MM 4.7-1 The Project Contractor shall adhere to the protocols and performance standards stipulated in the SMP (<i>Technical Appendix I2</i>). Contractors working at the site follow all applicable Cal/OSHA regulations for construction safety. A Completion Report shall be prepared at the conclusion of grading activities. The report shall document field monitoring activities and visual observations made during grading/excavations, as well as soil sampling locations and results. The report shall include a description of the location of impacted soil encountered, actions taken to characterize and mitigate impacts, confirmation soil sampling results, and disposition of any excavated soil. In addition, the report shall include a description of encountered subsurface structures and steps to remove and close such structures. The report shall be reviewed and	Less than Significant Impact with Mitigation Incorporated



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		approved by the City of Victorville Planning Department, prior to issuance of building permits.	
Threshold b: 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?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact	No mitigation is required.	No Impact
Threshold d: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact	No mitigation is required.	No Impact
Threshold e: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact	No mitigation is required.	No Impact
Threshold f: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold g: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact	No mitigation is required.	No Impact
4.8 HYDROLOGY AND WATER QUALITY			
Threshold a: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold b: 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?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: 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: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impeded or redirect flood flows?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact	No mitigation is required.	No Impact
Threshold e: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.9 NOISE			
Threshold a: Would the Project generate substantial temporary or permanent increase in 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?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project generate excessive groundborne vibration or groundborne noise levels?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold c: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	No Impact	No mitigation is required.	No Impact
4.10 TRANSPORTATION			
Threshold a: Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: 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)?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project result in inadequate emergency access?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.11 TRIBAL CULTURAL RESOURCES			
Threshold a: 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: 1) Listed or eligible for listing in the California Register of Historical	Potentially Significant Impact	Mitigation Measures MM 4.3-1 shall apply. MM 4.11-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in Mitigation Measure MM 4.3-2, of any pre-contact and/or historic-era cultural resources discovered during Project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and	Less than Significant Impact with Mitigation Incorporated



Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
<p>Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>2) 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?</p>		<p>treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the Project, should YSMN elect to place a monitor on-site.</p> <p>MM 4.11-2 Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the Project.</p>	



1.0 INTRODUCTION

This Environmental Impact Report (EIR) is an informational document that represents the independent judgment of the City of Victorville (“City”), acting as the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and evaluates the physical environmental effects that could result from constructing and operating the proposed Nisqualli Road Trailer Lot Expansion Project (hereafter, “Project”). To implement the Project, the Project Applicant has requested that the City approve Site Plan PLAN23-00011

When the term “Project” is used in this EIR with the initial letter capitalized, the term shall mean all aspects of the planning, construction, and operation of the Nisqualli Road Trailer Lot Expansion Project, including all discretionary and administrative approvals and permits required for its implementation. When the term “Project Applicant” is used with the initial letters capitalized, the term shall mean Link Logistics, which is the entity that submitted applications for the Project as proposed and as evaluated in this EIR.

1.1 TYPE OF EIR

As the first step in the CEQA-compliance process, on July 21, 2023, the City of Victorville filed a Notice of Preparation (NOP) with the California Office of Planning and Research (State Clearinghouse) and the San Bernardino County Clerk to indicate that an EIR would be prepared to evaluate the Project’s potential to impact the environment. An Initial Study was not prepared for the proposed Project pursuant to CEQA Guidelines Section 15063 because the City determined that an EIR clearly was required for the Project. Accordingly, this document serves as a Project EIR that evaluates the environmental topics identified as requiring evaluation by the Project’s NOP.

Pursuant to CEQA Guidelines Section 15161, this Project EIR shall “...focus primarily on the changes in the environment that would result from the development project,” and “...examine all phases of the project including planning, construction, and operation.” Also, pursuant to CEQA Guidelines Section 15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Project; (2) identify possible ways to minimize or avoid those significant effects; and (3) describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

1.2 LIST OF PROJECT APPROVALS

The Project involves a discretionary application for a Site Plan (PLAN 23-00011). Additional discretionary and administrative actions that would be necessary to implement the Project are listed in Table 3-1, *Matrix of Project Approvals/Permits*, at the end of this Section. Refer to EIR Subsection 3.0, *Project Description*, for a more comprehensive description of the Project’s discretionary applications. Provided below is a brief description of the Project’s applications that are under consideration by the City.



Site Plan (PLAN 23-00011) proposes a development plan for the Project site that provides for construction and operation of a fenced and paved truck trailer and/or vehicle parking facility consisting of 198 truck trailer parking stalls. The proposed truck trailer parking facility is intended to supplement parking for the existing surrounding uses or serve as ancillary truck trailer parking for the Church & Dwight Co., Inc warehouse located immediately south of the Project site. Detailed components of the proposed Site Plan are described in Section 3.0, *Project Description*.

1.3 STATEMENT OF LEGAL AUTHORITY

This EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 *et seq.*).

Pursuant to Public Resources Code Section 21067 and CEQA Guidelines Article 4 and Section 15367, the City is the Lead Agency under whose authority this EIR has been prepared. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action to approve the Project, the City has the obligation to: (1) ensure that this EIR has been completed in accordance with CEQA and the CEQA Guidelines; (2) review and consider the information contained in this EIR as part of its decision making process; (3) make a statement that this EIR reflects the City’s independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are not feasible and citing the specific benefits of the Project that outweigh its unavoidable adverse effects (CEQA Guidelines Section 15090 through 15093).

Pursuant to CEQA Guidelines Sections 15040 through 15043, and upon completion of the CEQA review process, the City will have the legal authority under CEQA – and in conjunction with discretionary powers granted to the City by other laws –to do any of the following:

- Approve the Project;
- Require feasible changes in any or all activities involved in the Project to substantially lessen or avoid significant effects on the environment;
- Deny approval of the Project to avoid one or more significant effects on the environment that would occur if the Project was approved¹; or
- Approve the Project even though the Project would cause a significant effect on the environment if the City makes a fully informed and publicly disclosed decision that: 1) there

¹ The State Constitution grants the City of Victorville broad discretionary powers to consider the City’s “general welfare” (i.e., preservation of the public peace, safety, morals, and/or health) when making decisions to approve or disapprove a project, in addition to the environmental considerations under Sections 15040 through 15043 of the CEQA Guidelines,



is no feasible way to lessen the effect or avoid the significant effect; and 2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

This EIR fulfills the CEQA environmental review requirements for proposed Site Plan (PLAN 23-00011) and all other governmental discretionary and administrative actions related to the Project.

1.4 RESPONSIBLE AND TRUSTEE AGENCIES

The California Public Resources Code (Section 21104) requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines Sections 15082 and 15086(a)). As defined by CEQA Guidelines Section 15381, “the term ‘Responsible Agency’ includes all public agencies other than the Lead Agency that have discretionary approval power over the project.” A “Trustee Agency” is defined in CEQA Guidelines Section 15386 as “a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California.” The Project would require approval from the following Trustee and Responsible Agencies:

- United States Army Corps of Engineers (Corps) is a Responsible Agency pertaining to the issuance of a Section 404 permit pursuant to the CWA.
- Mojave Desert Air Quality Management District (Mojave Desert AQMD) is identified as a Responsible Agency pertaining to the issuance of construction-related permits.

Lahontan Regional Water Quality Control Board (RWQCB) is identified as a Trustee Agency for the Project that is responsible for issuance of a National Pollutant Discharge Elimination System (NPDES) Permit to ensure that during and after Project construction, on-site water flows do not result in siltation, other erosional actions, or degradation of surface or subsurface water quality. The Lahontan RWQCB also is responsible for issuance of a Water Quality Certification pursuant to Section 401 of the federal Clean Water Act (CWA).

There are no other known Trustee Agencies or Responsible Agencies identified for the Project. Regardless, this EIR can be used by a Trustee Agency or Responsible Agency, whether identified in this EIR or not, as part of their decision-making processes in relation to the Project.

1.5 SCOPE OF THE EIR

1.5.1 EIR SCOPE

The City filed a Notice of Preparation (NOP) with the State Clearinghouse of the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project’s potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to Responsible Agencies, Trustee Agencies, and other interested parties on July 21, 2023, for a 30-day public review period. The NOP was distributed for public review to solicit responses that would help the City identify the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR.



In addition, a publicly noticed EIR Scoping Meeting was held on August 9, 2023. The scoping meeting was held during a regularly scheduled Planning Commission Hearing, at City Hall Council Chambers, 14343 Civic Drive, Victorville, California. Viewing of the meeting was also available via internet-based video service. The EIR Scoping Meeting provided public agencies, interested parties, and members of the general public an additional opportunity to learn about the Project, the CEQA review process, and how to submit comments on the scope and range of potential environmental concerns be addressed in this EIR.

The NOP, public review distribution list, and written comments received by the City during the NOP public review period are provided in *Technical Appendix A* to this EIR. Substantive issues raised in response to the NOP and during the Scoping Meeting are summarized below in Table 1-1, Summary of NOP and Scoping Meeting Comments. The purpose of Table 1-1 is to present a summary of the environmental topics that were identified by public agencies, interested parties, and members of the general public to be of primary interest. Table 1-1 does not list every comment received by the City during the NOP review period. Regardless of whether or not an environmental or CEQA-related comment is listed in Table 1-1, all relevant comments received in response to the NOP and the EIR Scoping Meeting are addressed in this EIR.

Table 1-1 Summary of NOP and Scoping Meeting Comments

COMMENTS	DATE	COMMENT	LOCATION IN EIR WHERE COMMENT IS ADDRESSED
State and Local Agencies			
Native American Heritage Commission (NAHC)	07/20/2023	- Provided information regarding Native American Consultation pursuant to Assembly Bill 52 and Senate Bill 18	- Subsection 4.3, <i>Cultural Resources</i> and Subsection 4.11, <i>Tribal Cultural Resources</i>
Scoping Meeting			
Planning Commission	08/09/2023	- Requested clarification on the number of truck trailer parking stalls to be provided. - Requested confirmation that the EIR will identify and analyze traffic impacts	- Section 3.0, <i>Project Description</i> - Subsection 4.10, <i>Transportation</i>

In light of the comments received by the City in response to the NOP and the EIR Scoping Meeting, this EIR provides a detailed analysis of the Project’s potential to cause adverse effects under the following topic areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology & Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality



- Noise
- Transportation
- Tribal Cultural Resources

The analysis related to the above topics is provided in EIR Section 4.0, *Environmental Analysis*.

The City concluded that the Project would clearly result in no or less-than-significant impacts to several environmental topic areas, including: Aesthetics; Agriculture and Forestry Resources; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Recreation; Utilities and Service Systems; and Wildfire. Potential effects to these topic areas are summarized in EIR Section 5.0, *Other CEQA Considerations*.

1.5.2 EIR FORMAT AND CONTENT

This EIR contains all of the information required to be included in an EIR as specified by CEQA (California Public Resources Code, Section 21000 *et. seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 5). CEQA requires that an EIR contain, at a minimum, certain specified content. Table 1-2, *Location of CEQA Required Topics* provides a quick reference guide for locating the CEQA-required sections within this document. In summary, the content and format of this EIR are as follows:

Table 1-2 Location of CEQA Required Topics

CEQA REQUIRED TOPIC	CEQA GUIDELINES REFERENCE	LOCATION IN THIS EIR
Table of Contents	§ 15122	Table of Contents
Summary	§ 15123	Section S.0
Project Description	§ 15124	Section 3.0
Environmental Setting	§ 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	§ 15126	Section 4.0
Significant Environmental Effects Which Cannot be Avoided if the Project is Implemented	§ 15126.2(c)	Section 4.0 & Subsection 5.1
Significant Irreversible Environmental Changes Which Would be Caused by the Project Should it be Implemented	§ 15126.2(d)	Subsection 5.2
Growth-Inducing Impact of the Project	§ 15126.2(e)	Subsection 5.3
Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	§ 15126.4	Section 4.0 & Table S-1
Consideration and Discussion of Alternatives to the Project	§ 15126.6	Section 6.0
Effects Not Found to be Significant	§ 15128	Subsection 5.4
Organizations and Persons Consulted	§ 15129	Section 7.0 & Technical Appendices



CEQA REQUIRED TOPIC	CEQA GUIDELINES REFERENCE	LOCATION IN THIS EIR
Discussion of Cumulative Impacts	§ 15130	Section 4.0
Energy Conservation	§ 15126.2(b) & Appendix F	Subsection 4.5

- **Section S.0, Executive Summary** provides an overview of the EIR and CEQA process and provides a brief Project Description, which includes summaries of the Project’s objectives, the location and regional setting of the Project site, and potential alternatives to the Project as required by CEQA. The Executive Summary also provides a summary of the Project’s impacts, mitigation measures, and conclusions, in a table that forms the basis of the Project’s Mitigation, Monitoring, and Reporting Program (MMRP).
- **Section 1.0, Introduction** provides introductory information about the CEQA process and the responsibilities of the City in its role as Lead Agency, a brief Project Description, the purpose of the EIR, and an overview of the EIR’s format.
- **Section 2.0, Environmental Setting** describes the environmental setting, including descriptions of the Project site’s physical conditions and surrounding context used as the baseline for analysis in the EIR.
- **Section 3.0, Project Description**, serves as the EIR’s Project Description for purposes of CEQA and contains a level of specificity commensurate with the level of detail proposed by the Project, including the summary requirements pursuant to CEQA Guidelines Section 15123. This Section provides a detailed description of the Project, including its location, purpose, main objectives, design features, construction characteristics, and operational characteristics expected over the Project’s lifetime. In addition, the discretionary actions required of the City and other government agencies to authorize implementation of the Project are discussed.
- **Section 4.0, Environmental Analysis**, provides an analysis of potential direct, indirect, and cumulative impacts that may occur with implementation of the Project. A determination concerning the significance of each impact is addressed and mitigation measures are presented when warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred to as “effects” or “impacts” interchangeably. CEQA Guidelines Section 15358 describe the terms “effects” and “impacts” as being synonymous.

In each Subsection of Section 4.0, the existing conditions pertaining to the subject area being analyzed are discussed accompanied by a specific analysis of physical impacts that may be caused by implementing the Project. Impacts are evaluated on a direct, indirect, and cumulative basis. Direct impacts are those that would occur directly as a result of the Project. Indirect impacts represent secondary effects that would result from Project implementation. Cumulative effects are defined in CEQA Guidelines Section 15355 as “...two or more



individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”

The analyses in Section 4.0 are based in part upon technical reports that are included in this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the Project and are cited in Section 7.0, *References*.

Where the analysis demonstrates that a physical adverse environmental effect may or would occur without undue speculation, feasible mitigation measures are recommended to reduce or avoid the significant effect. Mitigation measures must be fully enforceable, have an essential nexus to a legitimate governmental interest, and be “roughly proportional” to the impacts of the Project. The discussion then indicates whether the identified mitigation measures would reduce impacts to below a level of significance. In most cases, implementation of the mitigation measures would reduce the adverse environmental impacts to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a Statement of Overriding Considerations would need to be adopted by the City of Victorville pursuant to CEQA Guidelines Section 15093.

- **Section 5.0, Other CEQA Considerations**, includes specific topics that are required by CEQA. These include a summary of the Project’s significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, as well as potential growth-inducing impacts of the Project. Section 5.0 also includes a discussion of the potential environmental effects that were found not to be significant during preparation of this EIR.
- **Section 6.0, Project Alternatives** describes and evaluates alternatives to the Project that could reduce or avoid the Project’s adverse environmental effects. CEQA does not require an EIR to consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives, including a “No Project” alternative, that will foster informed decision making and public participation.
- **Section 7.0, References**, cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted in preparing this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

1.6 INCORPORATION BY REFERENCE

CEQA Guidelines Section 15147 states that the “information contained in an EIR shall include summarized...information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public,” and that the “[p]lacement of highly technical and specialized analysis and data in the body of an EIR shall be avoided through the inclusion of supporting



information and analyses as appendices to the main body of the EIR.” CEQA Guidelines Section 15150 allows for the incorporation “by reference all or portions of another document... [and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand.” The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of an EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR. Refer to EIR Section 7.0, *References*, for a list of documents incorporated into this EIR by reference.

This EIR also relies on a number of Project-specific technical studies that are bound separately as *Technical Appendices*. The individual technical studies, reports, and supporting documentation that comprise the *Technical Appendices* are as follows:

- A: Notice of Preparation (NOP) and NOP Comment Letters
- B1: Air Quality Impact Analysis
- B2: Mobile Source Health Risk Assessment
- C: Biological Resources Technical Report
- D: Phase I Cultural Resources Assessment
- E: Energy Impact Analysis
- F: Geotechnical Engineering Report
- G: Paleontological Assessment
- H: Greenhouse Gas Analysis
- I1: Phase I Environmental Site Assessment
- I2: Soil Management Plan
- J1: Preliminary Hydrology Study
- J2: Water Quality Management Plan
- K: Noise Impact Analysis
- L1: Vehicle Miles Traveled (VMT) Analysis
- L2: Traffic Analysis
- M: Mitigation Monitoring and Reporting Program

The Technical Appendices are available for review at the City of Victorville Planning Department, 14343 Civic Drive, California, 92392, during the City’s regular business hours or can be accessed on the City’s website at the following address:



<https://www.victorvilleca.gov/government/city-departments/development/planning/environmental-review-notices>

Other reference sources that are incorporated into this EIR by reference are listed in Section 7.0, *References*, of this EIR. In most cases, documents or websites not included in the EIR's *Technical Appendices* are cited by a link to the online location where the document/website can be viewed. References relied upon by this EIR will be available for public review at the City of Victorville Planning Department, 14343 Civic Drive, California, 92392, during the City's regular business hours, or can be requested in electronic form by contacting the City Planning Department.



2.0 ENVIRONMENTAL SETTING

2.1 REGIONAL SETTING AND LOCATION

The Project site is in the City of Victorville (City), which is located in the Desert Region of southwestern San Bernardino County, California. The City is situated north of the city of Hesperia, east of the city of Adelanto, south of the city of Barstow, and west of the Town of Apple Valley. The Project site is located approximately 2.5 miles east of Interstate 15 (I-15) and approximately 3.1 miles south of State Route 18 (SR-18). The site's location and regional context are shown on Figure 2-1, *Regional Map*.

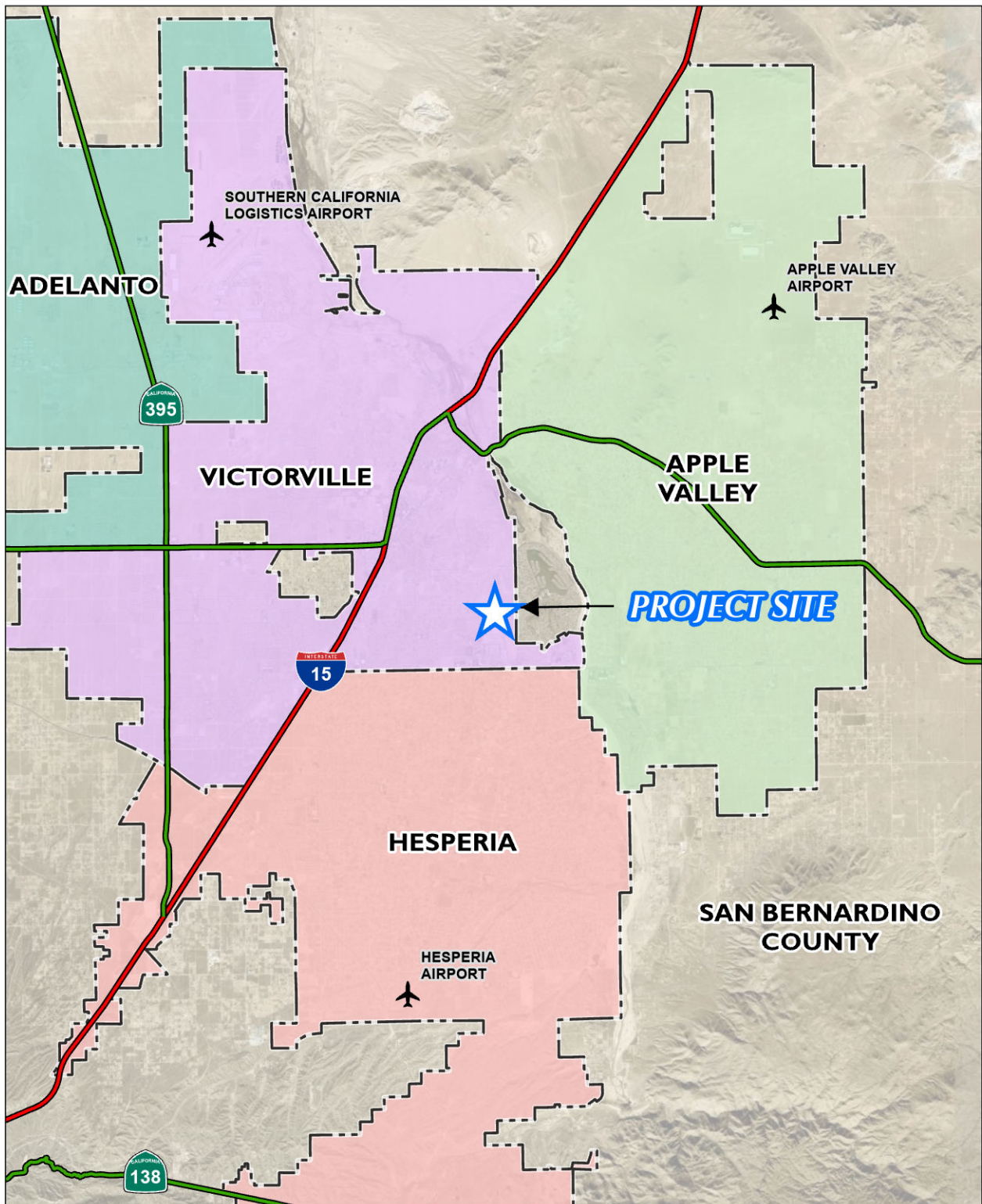
2.2 LOCAL SETTING AND LOCATION

At the local scale, the Project site consists of Assessor Parcel Number (APN) 3090-571-17 and is located generally east of Enterprise Way, north of Nisqualli Road, south of Ottawa Street, and west of the Burlington North Santa Fe (BNSF) Railway, as depicted on Figure 2-2, *Vicinity Map*, and Figure 2-3, *USGS Topographic Map*.

Under existing conditions, the Project site is undeveloped, disturbed, and currently used as a dirt lot truck trailer storage yard for 112 trailers. It should be noted that the Project site is located immediately north of an existing industrial warehouse building associated with the address 17468 Nisqualli Road, currently leased to Church & Dwight Co. Inc, (consumer goods company) (herein “Church & Dwight”).

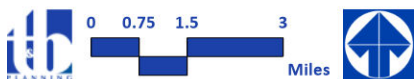
The census tract containing the Project site (Census Tract 6071010026) is ranked by the State as being in the 18th percentile for pollution burden, which, based on the Census Tract's demographic characteristics resulting the Office of Environmental Health Hazard Assessment (OEHHA) ranking the area in the 59th percentile of communities that are disproportionately burdened by multiple sources of pollution. (OEHHA, 2022) OEHHA's California Communities Environmental Health Screening Tool: CalEnviroScreen 4.0, is a screening methodology that the State uses to identify California communities that are disproportionately burdened by multiple sources of pollution. The CalEnviroScreen 4.0 indicators for the Project site's Census Tract are shown in Table 2-1, *CalEnviroScreen Indicators for Census Tract 6071010026*.

Exposure indicators are based on measurements of different types of pollution that people may encounter. Environmental effects indicators are based on the locations of toxic chemicals in or near communities. Sensitive population indicators measure the number of people in a community who may be more severely affected by pollution because of their age or health. Socioeconomic factor indicators are conditions that may increase people's stress or make healthy living difficult and cause them to be more sensitive to pollution's effects. As indicated in Table 2-1, for the Project site's Census Tract, the highest environmental exposures (over 80%) are from ozone (O₃). Asthma, cardiovascular disease, and unemployment factors within the Project's census tract exceed 80%. (OEHHA, 2022)

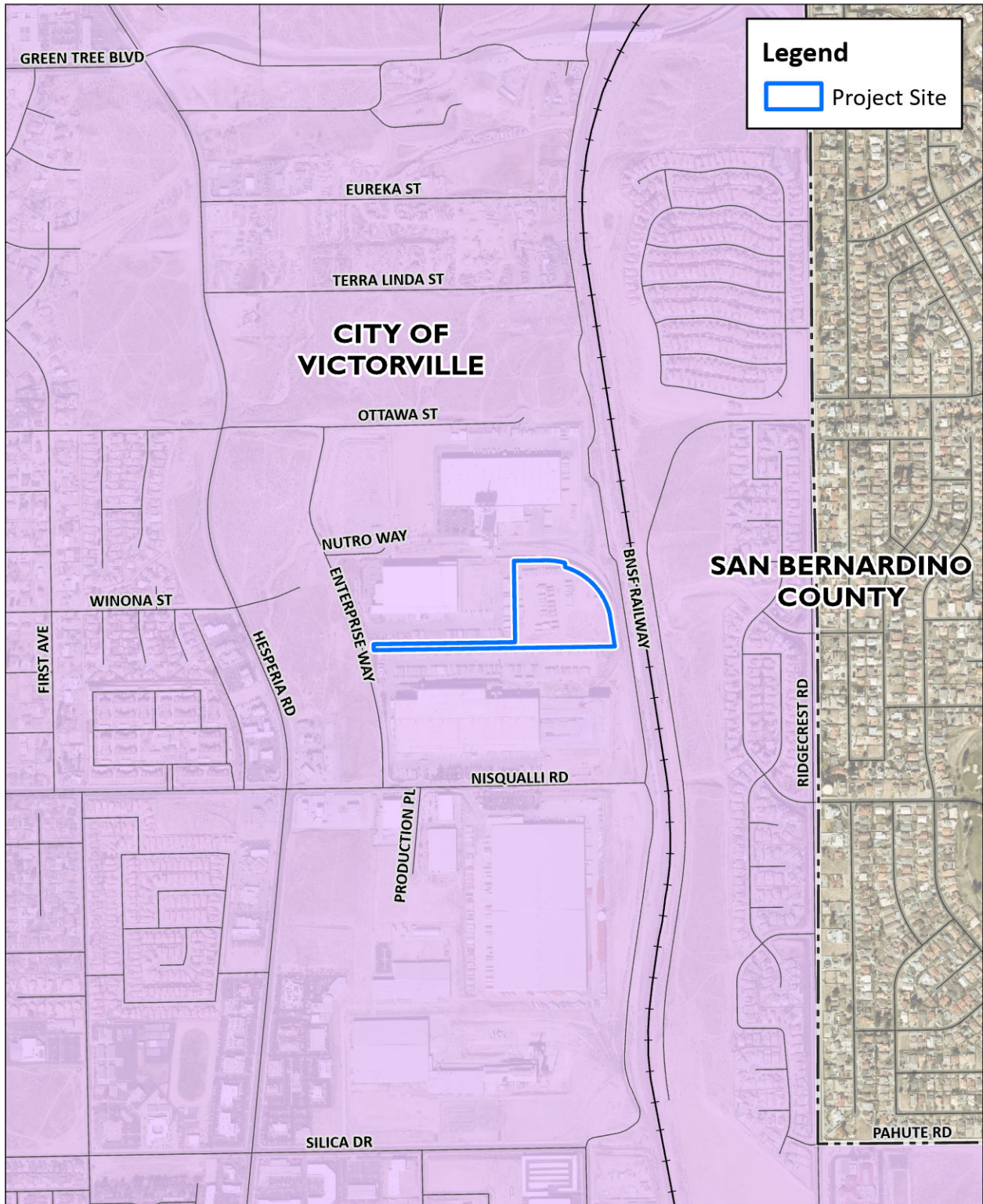


Sources: Esri, SB County (2024)

Figure 2-1

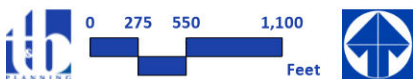


Regional Map

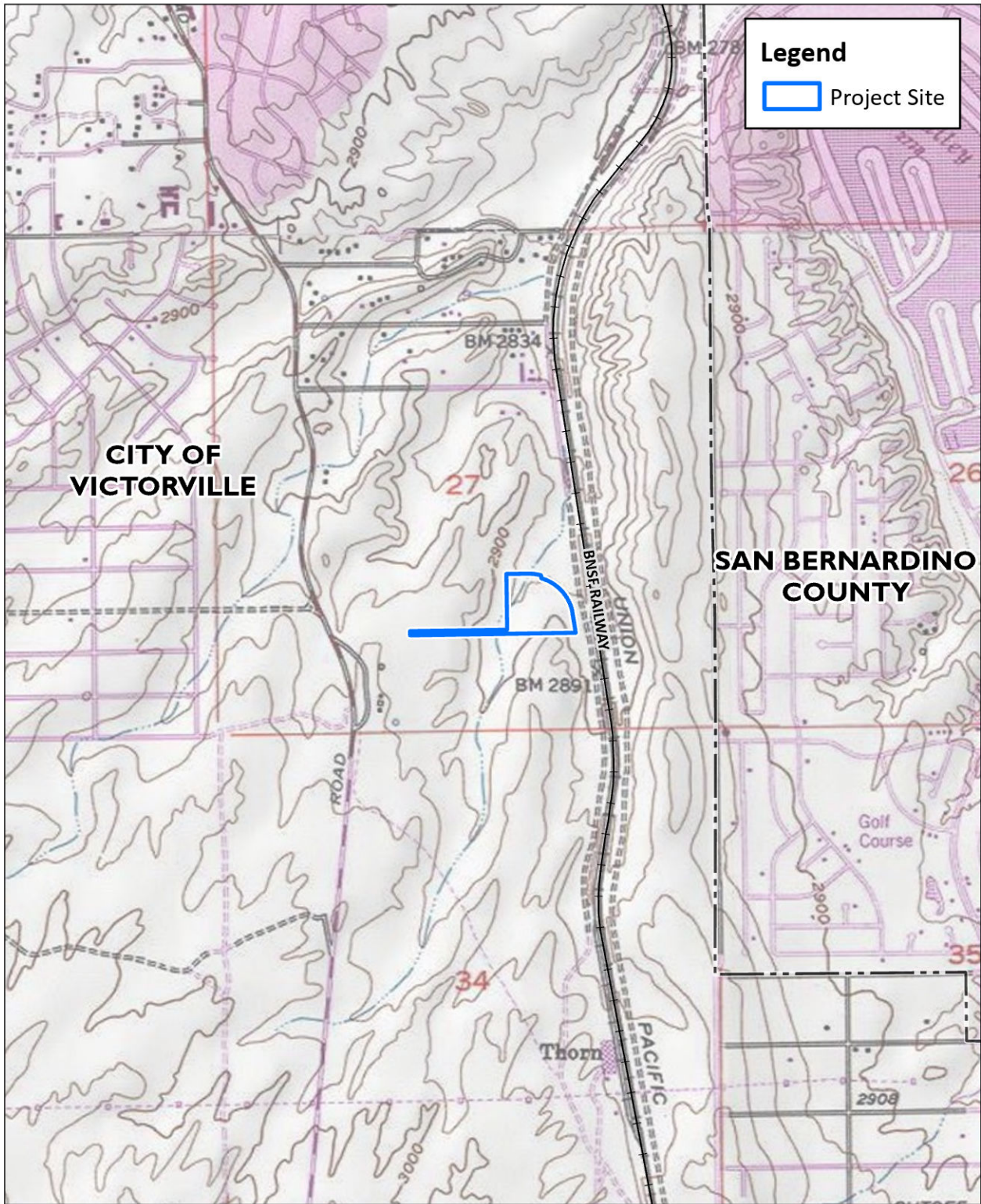


Sources(s): Esri, SB County (2024)

Figure 2-2

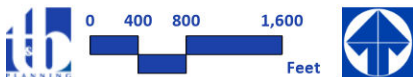


Vicinity Map



Source(s): Esri, SB County (2023), USGS (2013)

Figure 2-3



USGS Topographic Map



Table 2-1 CalEnviroScreen Indicators for Census Tract 6071010026

Indicator	% Burden	Indicator	% Burden
Exposures		Sensitive Populations	
Ozone	89	Asthma	94
Particulate Matter 2.5	10	Low Birth Weight	72
Diesel Particulate Matter	30	Cardiovascular Disease	99
Toxic Releases	12	Socioeconomic Factors	
Traffic	55	Education	68
Pesticides	0	Linguistic Isolation	53
Drinking Water	30	Poverty	66
Lead from Housing	22	Unemployment	96
Environmental Effects		Housing Burden	65
Cleanup Sites	0		
Groundwater Threats	47		
Hazardous Waste	95		
Impaired Water	0		
Solid Waste	0		

Source: (OEHHA, 2022)

The Project site is not located in a SB 535 Disadvantaged Community identified by the California Environmental Protection Agency (CalEPA) (CalEPA, 2022).

2.3 SURROUNDING LAND USES

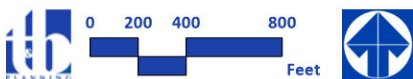
Existing land uses in the immediate vicinity of the Project site are illustrated on Figure 2-4, *Surrounding Land Uses and Development*.

- **North:** Land to the immediate north of the Project site is designated and zoned for “Heavy Industrial” (M-2) land uses and is developed with a pet food manufacturing facility operated by Mars Petcare US, Inc (formerly The Nutro Company). Additionally, a portion of the BNSF Railway is immediately north of the Project site. Further north, beyond the manufacturing facility, is Ottawa Street and undeveloped and vacant land.
- **East:** BNSF Railroad is located immediately east of the Project site. Further east, beyond the BNSF Railway, is undeveloped land between single family residential development.
- **South:** The Church & Dwight warehouse is located immediately south of the Project site. South of the Church & Dwight warehouse is Nisqualli Road and Goodyear Tire & Rubber warehouse. Lands to the immediate south of the Project site are designated and zoned for “Heavy Industrial” (M-2).



Sources: Esri, Nearmap (July 2023), SB County (2024)

Figure 2-4



Surrounding Land Uses and Development



- West: Land to the immediate west of the Project site is designated and zoned for “Heavy Industrial” (M-2). A warehouse occupied by Americold Logistics is located immediately west of the Project site. Further west, beyond the Americold Logistics warehouse, is Enterprise Way and undeveloped and vacant land, on the opposite side of Enterprise Way.

2.4 PLANNING CONTEXT

2.4.1 CITY OF VICTORVILLE GENERAL PLAN

The City of Victorville’s prevailing planning document is its General Plan, dated October 21, 2008, (Victorville, 2008). As depicted on Figure 2-5, *Existing General Plan Land Use Map*, the City’s General Plan designates the Project site for “Heavy Industrial (HI)” land uses. The “HI” land use designation is intended to provide for industrial and manufacturing uses that are more specialized in nature and require special consideration in terms of the use of the property as well as impacts on adjacent properties. The maximum building height within this land use district is 50 feet and there is no maximum lot coverage. (Victorville, 2008)

2.4.2 ZONING

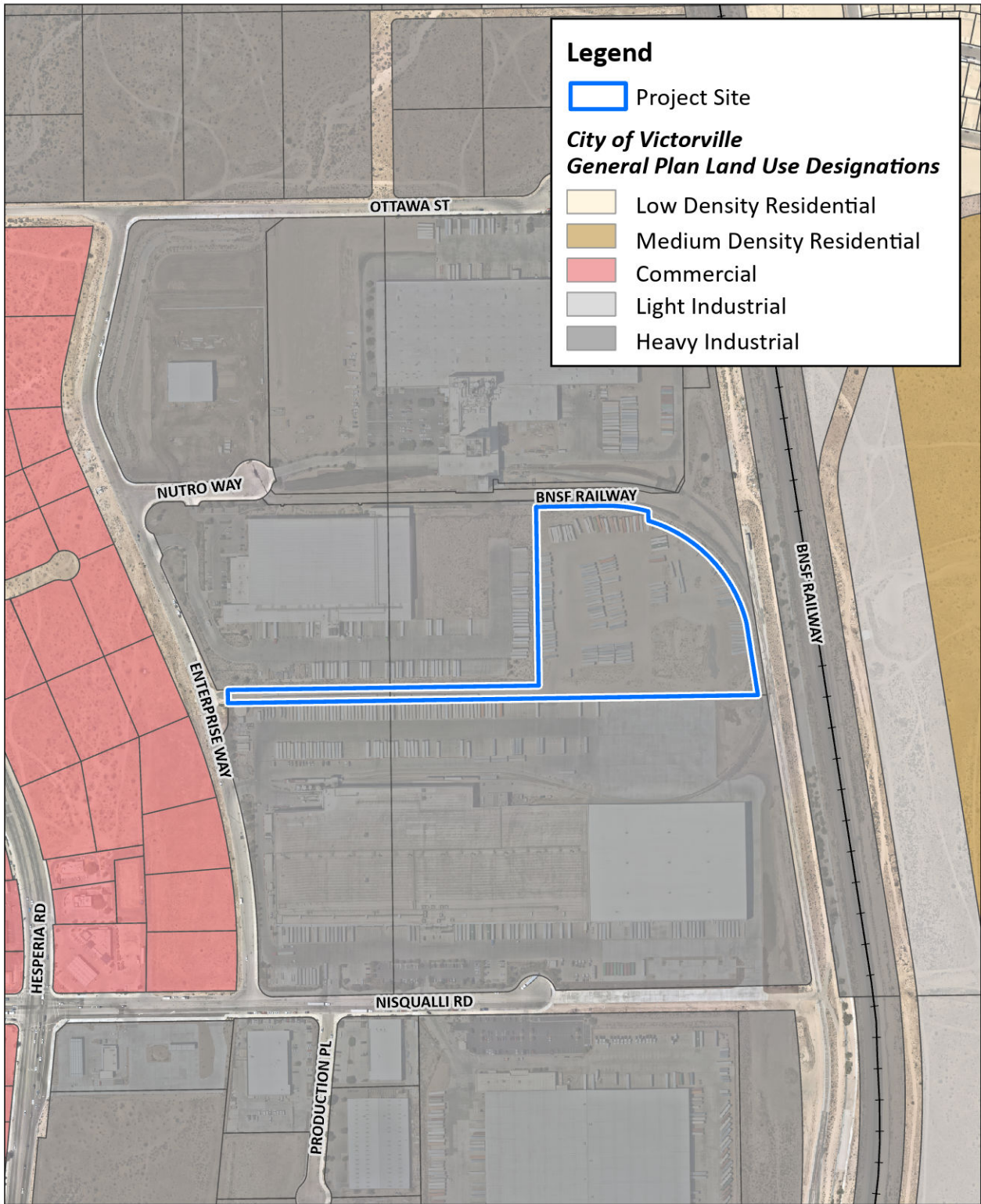
As shown on Figure 2-6, *Existing Zoning Map*, the City’s Zoning Map applies the “Heavy Industrial (M-2) District” to the entire Project site. According to the Victorville Municipal Code, the primary purpose of the “M-2” zoning district is to provide space in suitable locations for certain less restricted types of manufacturing and industrial uses, and this zoning district allow for uses from the industrial park district and light industrial zone district so long as the Planning Commission finds that those uses will not adversely affect the ability to develop other less restricted types of manufacturing and commercial uses identified in the M-2 zone district (Victorville, 2022, § 16-3.11.010(b)(3)).

2.5 EXISTING PHYSICAL SITE CONDITIONS

CEQA Guidelines Section 15125(a)(1), recommends that the physical environmental condition that existed at the time an EIR’s NOP is released for public review normally be used as the comparative baseline for the EIR analysis. The NOP for this EIR was released for public review on July 21, 2023, and the following pages include a description of the Project site’s physical environmental condition (“existing conditions”) as of that approximate date. Figure 2-1 depicts the existing conditions of the Project site and its surroundings. More information regarding the Project’s site’s environmental setting is provided in the specific subsections of EIR Section 4.0, *Environmental Analysis*.

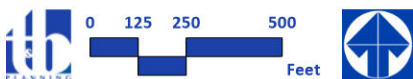
2.5.1 LAND USE

Under existing conditions and as shown on Figure 2-7, *Existing Site Conditions*, the Project site is undeveloped, disturbed, and currently used as a dirt lot truck trailer storage yard. For the baseline conditions, this EIR assumes the existing truck trailer storage yard operations are active on the existing dirt lot with 12 truck trailers.

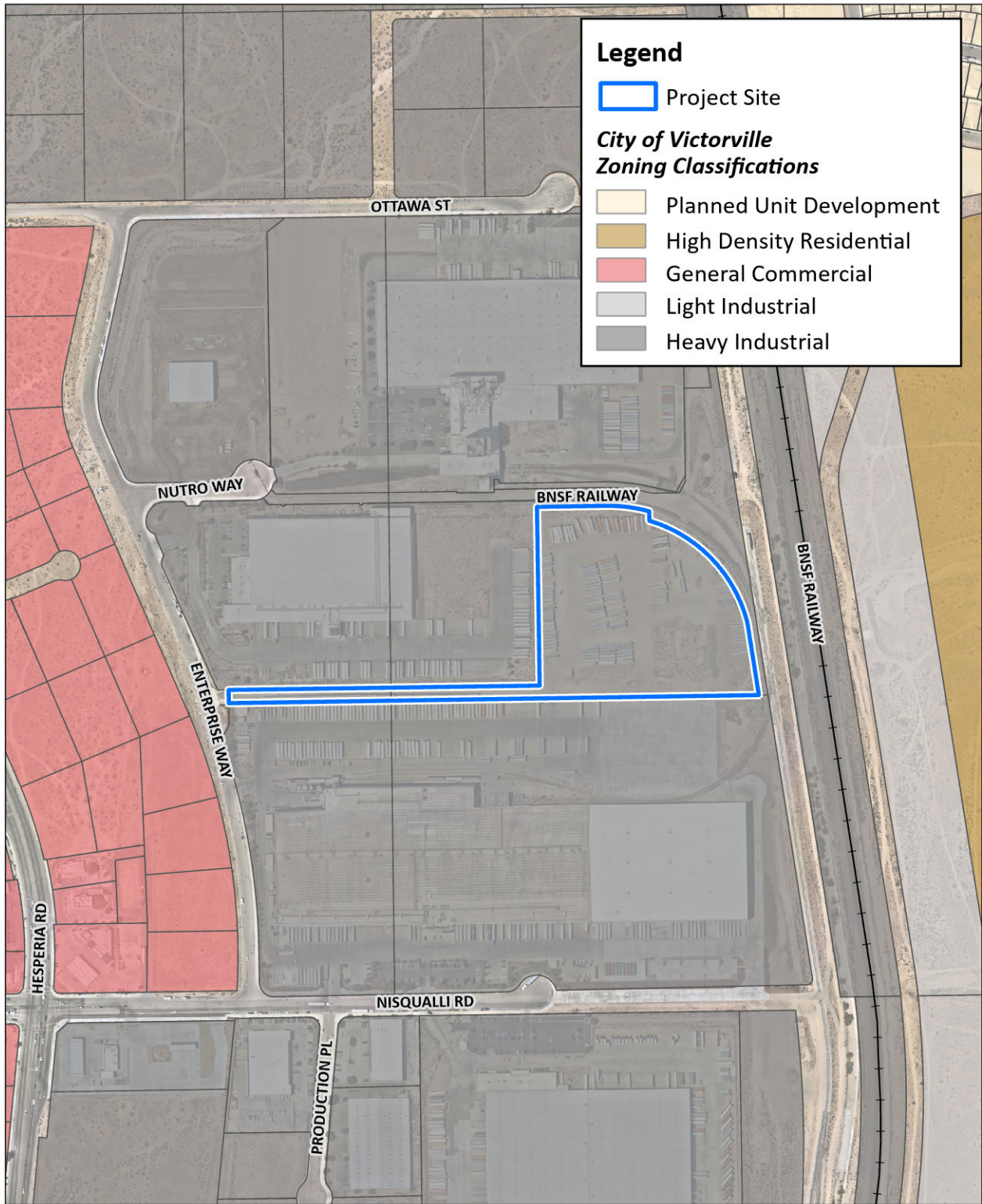


Sources(s): City of Victorville (2022), Esri, Nearmap (July 2023), SB County (2024)

Figure 2-5

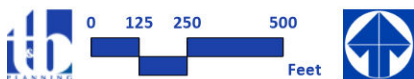


Existing General Plan Land Use Map



Sources(s): City of Victorville (2022), Esri, Nearmap (July 2023), SB County (2024)

Figure 2-6

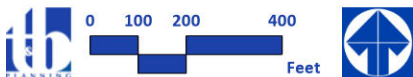


Existing Zoning Map



Sources(s): City of Victorville (2022), Esri, Nearmap (July 2023), SB County (2024)

Figure 2-7



Existing Site Conditions



Pursuant to CEQA Guidelines Section 15125(d), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans. The Project Applicant proposes to develop the Project site with a truck trailer parking lot. The Project Applicant's proposal is consistent with the Project site's existing General Plan land use and zoning designations of "HI" and "M-2," respectively, and would not necessitate changing the land use and zoning designations of the Project site.

2.5.2 AESTHETICS

The Project site gently slopes downward from south to north with a change in ground surface elevation from Elevation 2,902 feet to 2,894 feet across the site. Figure 3-3, *USGS Topographic Map*, in EIR Section 3.0, *Project Description*, depicts the Project site's existing topographic conditions. With respect to aesthetics, under existing conditions, the Project site an undeveloped, dirt lot operating as a truck trailer storage yard that is highly disturbed with little to no vegetation.

2.5.3 AIR QUALITY AND CLIMATE

The Project site is located in the portion of San Bernardino County, California, that is part of the Mojave Desert Air Basin (MDAB) and is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQM). The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. Many of the lower mountain ranges within the vast terrain rise from 1,000 to 4,000 feet above the valley floor. Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions and the blocking nature of the Sierra Nevada Mountains to the north; air masses pushed onshore in Southern California by differential heating are channeled through the MDAB. The MDAB is separated from the Southern California coastal and Central California valley regions by mountains (highest elevation is approximately 10,000 feet), whose passes form the main channels for these air masses. The Mojave Desert is bordered on the southwest by the San Bernardino Mountains, separated from the San Gabriel Mountains by the Cajon Pass (4,200 feet). A lesser pass lies between the San Bernardino Mountains and the Little San Bernardino Mountains in the Morongo Valley. The Palo Verde Valley portion of the Mojave Desert lies in the low desert, at the eastern end of a series of valleys (notably the Coachella Valley), whose primary channel is the San Gorgonio Pass (2,300 feet) between the San Bernardino and San Jacinto Mountains.

During the summer, the MDAB is generally influenced by a Pacific subtropical high cell that sits off the coast, inhibiting cloud formation and encouraging daytime solar heating. The MDAB is rarely influenced by cold air masses moving south from Canada and Alaska, as these frontal systems are weak and diffuse by the time they reach the desert. Most desert moisture arrives from infrequent warm, moist, and unstable air masses from the south. The MDAB averages between three and seven inches of precipitation per year (from 16 to 30 days with at least 0.01 inch of precipitation). The MDAB is classified as a dry-hot desert climate, with portions classified as dry-very hot desert, to indicate that at least three months have maximum average temperatures over 100.4° F.



Snow is common above 5,000 feet in elevation, resulting in moderate snowpack and limited spring runoff. Below 5,000 feet, any precipitation normally occurs as rainfall. Pacific storm fronts normally move into the area from the west, driven by prevailing winds from the west and southwest. During late summer, moist high-pressure systems from the Pacific collide with rising heated air from desert areas, resulting in brief, high intensity thunderstorms that can cause high winds and localized flash flooding.

Currently, the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are exceeded in most parts of the MDAB. Under the NAAQS, the Project region within the MDAB is in nonattainment for ozone (“O₃”; 8-hour standard) and particulate matter smaller than 10 microns (PM₁₀). For the CAAQS, the Project region within the MDAB is in nonattainment for O₃ (1-hour and 8-hour) and PM₁₀. In response, the MDAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the State and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy. (Urban Crossroads, 2023a)

Refer to EIR Subsections 4.1, *Air Quality*, and 4.6, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Project area.

2.5.4 BIOLOGY

The Project site is in a semi-rural/industrial area of Victorville, California and is partially used to store shipping containers and intermodal cars for warehouses located to the north, west, and south of the Project site. The Project site has been used for this purpose since 2005. The southernmost portion of the site serves as an access road from Enterprise Way. The site is flat with little microtopographic complexity and an average slope of 3.2-percent and no major geographic features (e.g., rock berms, hills, or slopes). The elevation of the site is approximately 2,904 feet above mean sea level. There are no blue line stream features present within the Project site boundary. Vegetation on site consists primarily of desert species such as rubber rabbitbrush (*Ericameria nauseosa*) and ruderal species. Four soil types are mapped for the site and include Bryman Loamy Fine Sand, 5 to 9 percent slopes; Bryman Loamy Fine Sand, 9 to 15 percent slopes; Cajon Sand 2 to 9 percent slopes; and Haplargid-Calciorthids Complex, 15 to 50 percent slopes. The Project site contains three vegetation types/land uses including rubber rabbitbrush (*Ericameria nauseosa*) scrub, disturbed rubber rabbitbrush scrub, and disturbed land. (GLA, 2023)

Refer to EIR Subsection 4.2, *Biological Resources*, for a more detailed discussion of the existing biological resources setting.

2.5.5 CULTURAL RESOURCES & TRIBAL CULTURAL RESOURCES

The Project site is located north of the San Gabriel Mountain range and the San Bernardino National Forest and south of the Ord Mountain range in the Mojave River drainage basin in the southern portion of the Mojave Desert. The Project’s area of potential effect (APE) straddles the traditional territory of



multiple Native American tribes including the Serrano and Vanyume. Based on the results of an archaeological records search for the Project site and surrounding area within a one-mile radius, six (6) cultural resources (prehistoric isolates) were recorded, none of which are located within the Project site boundaries. (BFSA, 2023a)

Refer to EIR Subsection 4.3, *Cultural Resources*, and 4.11, *Tribal Cultural Resources*, for a more detailed discussion of the existing cultural and tribal cultural resources setting.

2.5.6 GEOLOGY

The site is bound to the north, west, and east by three different industrial/distribution buildings with associated surface trailer parking, and west of local rail spurs adjacent to a drainage channel and rail tracks. The site is predominately vacant with pockets of brush. Stockpiles of soil on the order of 5 feet high are in the southeast corner of the site that are likely associated with the previous cogeneration facility that (based on historical images) appears to have been deconstructed in 2015.

Undocumented fills were encountered approximately 2 to 5 feet below existing grade in the field investigation conducted by Geotechnical Professional Inc. (“GPI”). The fill materials encountered consisted of medium dense, dry to slightly moist silty sands and sands with varying amount of gravel. The deeper fill soils were predominately associated with the existing unpaved entrance drive along the southern property line at the site. Limited areas may have deeper undocumented fill soils in the vicinity of the previous cogeneration plant (near boring B-6) in the southeastern corner of the site. The natural soils consist predominately of silty sand with varying amounts of gravel and possible cobbles to a depth of approximately 13 to 15 feet where we encountered layered clayey sands, silty sands, and gravelly sands. In general, the native soils were dense to very dense and very stiff to hard. The natural soils have moderate to high strength and low compressibility characteristics. (GPI, 2023)

Groundwater was not encountered in explorations drilled to a maximum depth of 26 feet below ground surface. Published data by the California Department of Water Resources indicates groundwater is deeper than 100 feet below the ground surface. (GPI, 2023)

Geologically, the Project site primarily overlies middle to early Pleistocene very old alluvial-fan deposits. These deposits range from approximately 1.95 million years to 65 thousand years old. Pleistocene (greater than 11,700 years old) alluvial and alluvial fan deposits in the Inland Empire and Mojave Desert, however, often yield important Ice Age terrestrial vertebrate fossils, such as extinct mammoths, mastodons, giant ground sloths, extinct species of horse, bison, and camel, saber-toothed cats, and others. Therefore, these Pleistocene sediments are accorded a high paleontological resource sensitivity. (BSFA, 2023b)

Refer to EIR Subsection 4.5, *Geology and Soils*, for a more detailed discussion of the existing geological setting.



2.5.7 HYDROLOGY

Under existing conditions, the Project site is undeveloped and does not receive offsite run-on. The existing flows traverse the Project site in a generally south to north direction in three drainage areas with an average gentle slope of 2 percent. The existing drainage areas discharge to an existing 24-inch storm drainage line located near the northeast corner of the Project site; the existing facility drains to an existing basin north of the railway east of the Project site. The outlet pipe from the basin drains east and connect to an existing trapezoidal channel denoted as j-01 in the City of Victorville's Master Plan of Drainage. Under existing conditions, during 100-year (Q100) storm events, the peak flow rate for the Project site is 15.5 cubic feet per second (cfs) and during 10-year (Q10) storm events, the peak flow rates for the Project site is 7.4 cfs. (DEA, 2023a)

Refer to EIR Subsection 4.8, *Hydrology and Water Quality*, for a more detailed discussion of the existing hydrologic setting.

2.5.8 NOISE

The background ambient noise levels experienced on the Project site include the existing tractor trailer parking activity. Ambient noise levels around the Project site are dominated by trains along the BNSF railroad and nearby traffic noise from surface streets, including Hesperia Road, Enterprise Way, Nisqualli Road, and Ottawa Street.

Refer to EIR Subsection 4.10, *Noise*, for a more detailed discussion of the existing noise setting.

2.5.9 RARE AND UNIQUE RESOURCES

As required by CEQA Guidelines Section 15125(c), the environmental setting should place special emphasis on resources that are rare or unique to that region and would be affected by the Project. Based on the existing conditions of the Project site and surrounding area described above and discussed in more detail in Section 4.0, *Environmental Analysis*, of this EIR, the Project site does not contain any resources that are rare or unique to the region.



3.0 PROJECT DESCRIPTION

This Section provides all of the information required of an EIR Project Description pursuant to CEQA Guidelines Section 15124, including a description of the Project’s precise location and boundaries; a statement of the Project’s objectives; a description of the Project’s technical, economic, and environmental characteristics; and a description of the intended uses of this EIR (including a list of the government agencies that are expected to use this EIR in their decision-making processes); a list of the permits and approvals that are required to implement the Project; and a list of related environmental review and consultation requirements.

3.1 PROJECT LOCATION AND SETTING

As shown on Figure 2-1, *Regional Map*, the irregularly shaped, approximately 10.04 gross acre (8.3-net acre) Project site is within the southeast portion of the City of Victorville, San Bernardino County (Desert Region), California. The City of Victorville (City) is situated north of the city of Hesperia, east of the city of Adelanto, south of the city of Barstow, and west of the Town of Apple Valley. The Project site is located approximately 2.5 miles east of Interstate 15 (I-15) and approximately 3.1 miles south of State Route 18 (SR-18).

At the local scale, the Project site consists of Assessor Parcel Number (APN) 3090-571-17 and is located generally east of Enterprise Way and north of Nisqualli Road (See Figure 2-2, *Vicinity Map*, and Figure 2-3, *USGS Topographic Map*). It should be noted that the Project site is located immediately north of an existing industrial warehouse building associated with the address 17468 Nisqualli Road, currently leased to Church & Dwight Co. Inc, (consumer goods company) (herein “Church & Dwight”). Refer to EIR Subsection 2.3, *Surrounding Land Uses*, for a description of existing land uses that are in the vicinity of the Project site.

Under existing conditions, the Project site is undeveloped, disturbed, and currently used as a dirt lot truck trailer storage yard.

3.2 STATEMENT OF OBJECTIVES

The underlying purpose and goal of the Nisqualli Road Trailer Lot Expansion Project is to develop an underutilized property with a fenced and paved truck trailer and/or vehicle parking facility to supplement parking for the surrounding uses and serve as ancillary trailer or vehicle parking for the existing Church & Dwight warehouse and in proximity to the State highway system to improve the City’s economic competitiveness. The Project would achieve its underlying purpose and goal through the following objectives:

- A. To improve an existing dirt lot, currently used for truck trailer storage, with an improved fenced and paved parking facility to help meet the needs for ancillary parking of the existing Church & Dwight Co. Inc warehouse;



- B. To further alleviate truck traffic along Nisqualli Road and Enterprise Way and parking along Enterprise Way;
- C. To improve the water quality through the installation of an on-site detention basin.

3.3 PROJECT'S COMPONENT PARTS AND DISCRETIONARY APPROVALS

The Project involves a discretionary application for a Site Plan (PLAN23-00011). This principal discretionary action is required by the City of Victorville to implement the Project is described in detail on the following pages. Additional discretionary and administrative actions that would be necessary to implement the Project are listed in Table 3-3, *Matrix of Project Approvals/Permits*, at the end of this Section.

3.3.1 SITE PLAN (PLAN23-00011)

The proposed Site Plan (PLAN23-00011) specifies a development plan for the Project site that provides for construction and operation of a fenced and paved truck trailer and/or vehicle parking facility consisting of 198 truck trailer parking stalls (net increase of 86 spaces over existing). The proposed truck trailer parking facility is intended to serve as ancillary truck trailer parking for the existing Church & Dwight warehouse located immediately south of the Project site. The detailed components of the proposed Site Plan are described below.

A. Site Layout and Access

The proposed Site Plan is provided on Figure 3-1, *Site Plan*, and as shown the Project would provide 198 truck trailer parking stalls with dimensions of 13.5 feet by 60 feet. No structures would be located on the Project site as part of the Project. However, it should be noted that an 8-foot by 15-foot guard shack may be located at the southwestern corner of the proposed parking lot. The proposed Project would provide one driveway gated with a 7-foot-tall tubular steel gate connecting to Enterprise Way. This driveway would primarily serve as an exit. Access to the Project site would be provided through existing driveways associated with the existing Church & Dwight warehouse. Specifically, limestone trucks would continue to enter the Church & Dwight site via the existing driveway along Enterprise Way and other truck/trailer traffic would continue to enter the Church & Dwight site via the existing driveway along Nisqualli Road to access the proposed trailer parking facility. The existing sidewalk along Enterprise Way would be retained.

B. Walls and Fences

As shown on Figure 3-1, the proposed Project would include 7-foot-tall tubular steel fencing along the north and south sides of the proposed driveway, the western boundary just south of the proposed detention basin, the south side of the proposed detention basin, and along the eastern boundary terminating at the property line. As previously stated, a 7-foot-tall tubular steel gate is proposed at the driveway connecting to Enterprise Way.



C. Landscape Plan

As shown on Figure 3-2, *Landscape Plan*, proposed landscaping would be ornamental in nature and would feature a variety of ground cover around the proposed detention basin located in the northern portion of the Project site. Crushed decorative rock is proposed along the western, eastern, and southern boundaries.

D. Infrastructure Improvements

1. Water and Sewer

Water and sewer service to the City of Victorville is provided by the Victorville Water District (VWD), which supplies 36,700 customer connections within its 85 square mile service area. There is an existing water main located in Enterprise Way abutting the westernmost edge of the Project site and an existing water line within the northeastern portion of the Project site near its property line. The Project would include the installation of a domestic water line along the proposed driveway that would connect to the existing water main in Enterprise Way. Additionally, the Project would include the installation of a fire water service line surrounding the central truck trailer parking stalls that would connect to the existing water line near the northeast property line.

There is an existing sewer main located within the eastern portion of the Project site near its property line. The Project would include the installation of a sewer line on-site that would connect to the existing sewer line near the eastern property line. The sewer service stub is to serve the future guard shack.

2. Stormwater Drainage

The Project site consists of one drainage area subdivided into three (3) subareas (A1 through A3). Drainage subarea A1 encompasses 0.50-acre of the western portion of the proposed driveway; stormwater in this area generally flows easterly towards drainage subarea A2. Drainage subarea A2 encompasses 0.50-acre of the eastern portion of the proposed driveway; stormwater in this area generally flows northeasterly towards drainage subarea A3. Drainage subarea A3 encompasses the remaining 9.03 acres within the eastern portion of the Project site; stormwater in this area generally flows northerly toward an existing grated inlet with a 24-inch storm drain line that drains to the existing basin located north of the BFSA railway. The existing off-site basin drains east and connects to the existing trapezoidal channel denoted as j-01 of the City of Victorville's Master Plan of Drainage.

Under Project conditions, the Project site's drainage area would be subdivided into four (4) subareas (A1 through A4). Drainage subarea A1 would encompass 0.54-acre of the western portion of the proposed driveway, drainage subarea A2 would encompass 0.54-acre of the eastern portion of the proposed driveway, drainage subarea A3 would encompass 8.13 acres of the eastern portion of the Project site, and drainage subarea A4 would encompass 0.85-acre of the northern portion of the Project site. The proposed drainage pattern under Project conditions would follow the existing drainage pattern, where flows generally sheet flow north. The Project's on-site storm drain system would include one (1) detention/infiltration basin (drainage subarea A4) within the northern portion of the Project site



to mitigate peak flows during 10-year and 100-year storm events and function for the purpose of water quality treatment during 2-year storm events. The proposed basin would include an outlet structure with an orifice at an elevation of 1.5 feet to convey stormwater to the existing 24-inch storm drain line located north of the Project site. As with existing conditions, under Project conditions, flows would ultimately drain to the existing off-site trapezoidal channel east of the Project site.

3. *Dry Utilities*

The Project site is undeveloped and does not have any structures on-site requiring electrical or communication services. The Project does not propose the use of natural gas. Electric service would be provided by Southern California Edison (SCE) and communication service, if needed, would be provided by Verizon. The Project includes the installation of an electric and communication line near the southwest corner of the proposed parking lot that would connect to an existing power line located along the southern property line at the northeast corner of the existing truck trailer parking lot for the existing warehouse facility. There's a conduit from the existing building expansion up to the southerly property line for the trailer lot, for future use.

3.4 SCOPE OF ENVIRONMENTAL ANALYSIS

3.4.1 PROJECT CONSTRUCTION CHARACTERISTICS

A. *Proposed Physical Disturbances*

The Project's conceptual grading plan is depicted on Figure 3-3, *Grading Plan*. Grading activities associated with the Project would result in disturbances to the entire 10.03 acres. Grading activities would require approximately 33,338 cubic yards (cy) of cut and 31,100 cy of fill, requiring the export of approximately 2,238 cy of cut.

B. *Construction Schedule and Equipment Fleet*

The Project Applicant anticipates that the Project's construction process would span a length of approximately 5 months. The estimated Project construction schedule organized by construction stage is summarized in Table 3-1, *Estimated Construction Schedule*. For purposes of analysis in this EIR, construction is assumed to commence in January 2024 and conclude June 2024. The construction schedule utilized in the analysis represents a "worst-case" analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per the CEQA Guidelines. The construction equipment fleet that would be used to construct the Project, is summarized in Table 3-2, *Estimated Construction Equipment Fleet*.



Table 3-1 Estimated Construction Schedule

Phase Name	Start Date	End Date	Days
Site Preparation	1/1/2024	1/22/2024	16
Grading	1/23/2024	3/26/2024	46
Paving	3/27/2024	5/8/2024	31
Architectural Coating	5/9/2024	6/21/2024	32

Source: (Urban Crossroads, 2023a, Table 3-3)

Table 3-2 Estimated Construction Equipment Fleet

Phase Name	Equipment ¹	Number	Hours Per Day
Site Preparation	Crawler Tractors	1	8
	Rubber Tired Dozers	1	8
Grading	Crawler Tractors	1	8
	Graders	1	8
	Rubber Tired Dozers	1	8
Paving	Cement and Mortar Mixers	4	8
	Pavers	1	8
	Rollers	1	8
	Tractors/Loaders/Backhoes	1	8
Architectural Coating	Air Compressors	1	8

¹In order to account for fugitive dust emissions, Crawler Tractors were used in lieu of Tractors/Loaders/Backhoes

Source: (Urban Crossroads, 2023a, Table 3-4)

3.4.2 OPERATIONAL CHARACTERISTICS

A. Proposed Site Activities

The Project is proposed as an asphalt paved and fenced truck trailer parking lot facility that would serve the existing Church & Dwight industrial warehouse building. As previously stated, an 8-foot by 15-foot guard shack may be located at the southwest corner of the parking lot. Due to the nature of the Project, the Project is not expected to result in employment opportunities on-site, with the exception of minimal employees to operate the potential guard shack. For the purposes of this EIR, the Project is assumed to be operational 24 hours per day, seven days per week, with the parking areas illuminated at night. Lighting would be subject to compliance with Victorville Municipal Code Section 16-3.11.060(e), which imposes requirements on light design and glare reduction.



B. Traffic

During operation of the Project, 184 net newtwo-way trips per day (11 AM peak hour and 14 PM peak hour trips) vehicles hauling goods would travel to and from the Project site, since the Project site is currently being used for tractor trailer parking activities by Church & Dwight. (Urban Crossroads, 2023f). Pursuant to State law, on-road diesel-fueled trucks are required to comply with various air quality and greenhouse gas emission standards, including but not limited to the type of fuel used, engine model year stipulations, aerodynamic features, and idling time restrictions. Compliance with State law is mandatory and inspections of on-road diesel trucks subject to applicable State laws are conducted by the California Air Resources Board (CARB).

3.5 SUMMARY OF REQUESTED ACTIONS

The City has primary approval responsibility for the proposed Project and serves as the Lead Agency for this EIR pursuant to CEQA Guidelines Sections 15050 and 15051. The role of the Lead Agency was previously detailed in EIR Section 1.0, *Introduction*. As part of the approval process for the proposed Project, the City’s Planning Commission will hold a public hearing to consider the Project’s Site Plan (PLAN23-00011). The Planning Commission will consider certification of this EIR, and will approve, approve with changes, or disapprove proposed PLAN23-00011. If an appeal is filed with the City Clerk within ten (10) days of the of the Planning Commission’s decision, a public hearing would be held before the City Council, which may affirm, reverse, or modify the decision of the Planning Commission.

3.6 RELATED ENVIRONMENTAL REVIEW AND CONSULTATION

Should the City approve the Project and certify the Final EIR, additional discretionary and/or ministerial actions would be necessary to implement the proposed Project. Table 3-3, *Matrix of Project Approvals/Permits*, list the agencies that are expected to use this EIR for permitting approvals and provides a summary of the subsequent actions associated with the Project. This EIR covers all federal, State, and local government and quasi-governmental approvals which may be needed to construct and implement the Project, whether or not they are explicitly listed in Table 3-3 or elsewhere in this EIR (CEQA Guidelines § 15124(d)).



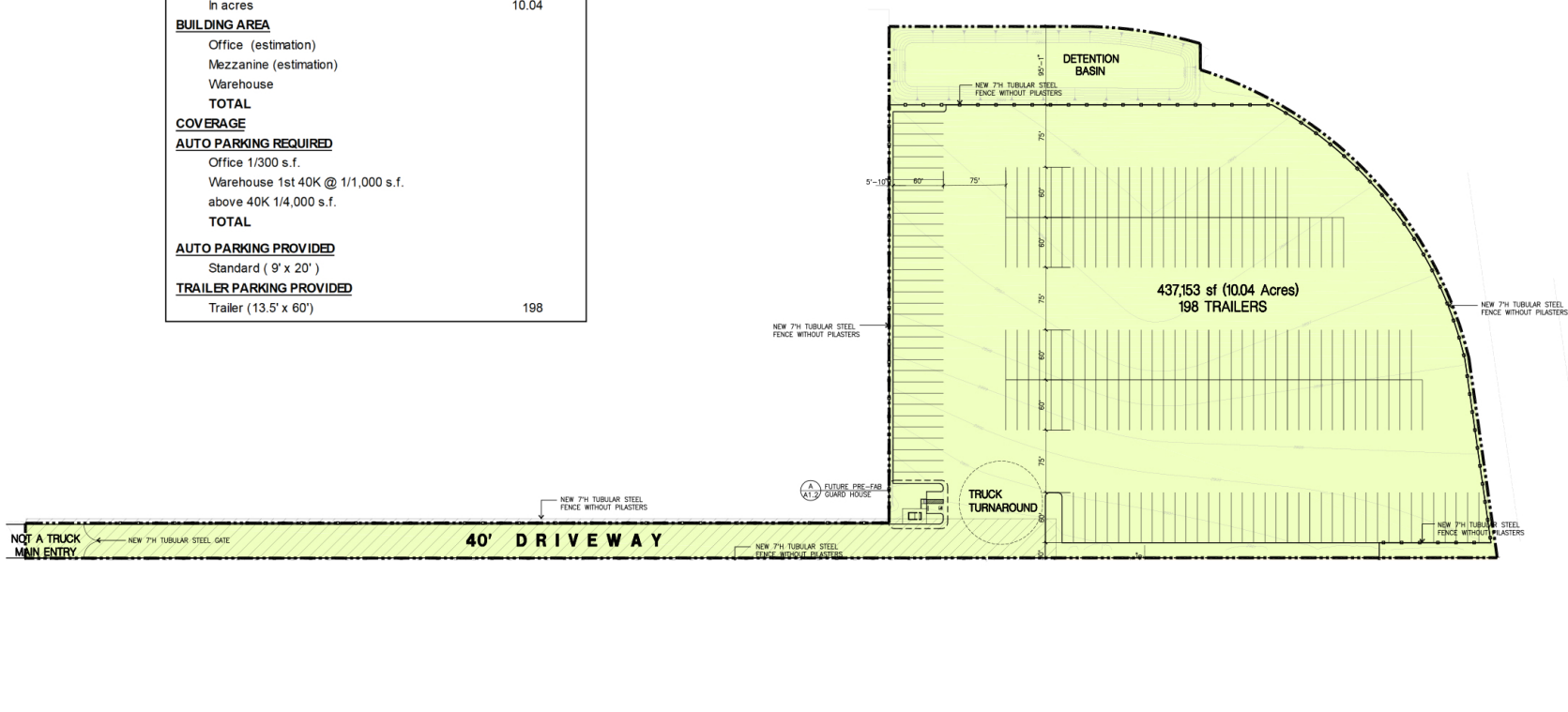
Table 3-3 Matrix of Project Approvals/Permits

Public Agency	Approvals and Decisions
Proposed Project – City of Victorville Discretionary Approvals	
City of Victorville Planning Commission	<ul style="list-style-type: none"> • Approve Site Plan (Plan PLAN23-000111). • Certify EIR along with appropriate CEQA Findings.
Subsequent City of Victorville Ministerial Approvals	
City of Victorville Departments and Divisions	<ul style="list-style-type: none"> • Approve precise site plan(s) and landscaping/irrigation plan (s), as may be appropriate. • Issue Grading Permits. • Issue Building Permits. • Issue Encroachment Permits. • Approve Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP).
Other Agencies – Subsequent Approvals and Permits	
Lahontan Regional Water Quality Control Board (RWQCB)	<ul style="list-style-type: none"> • Issuance of a Construction Activity General Construction Permit. • Compliance with National Pollutant Discharge Elimination System (NPDES) Permit. Waste Discharge Requirements. • Issuance of a Water Quality Certification pursuant to Section 401 of the federal Clean Water Act (CWA).
San Bernardino County Flood Control District (SBCFCD)	<ul style="list-style-type: none"> • Approval of the Project’s proposed drainage improvements.
Mojave Desert Air Quality Management District (Mojave Desert AQMD)	<ul style="list-style-type: none"> • Issuance of construction-related permits.
Victorville Water District (VWD)	<ul style="list-style-type: none"> • Approval of proposed water and sewer improvements and connections.
Southern California Edison (SCE)	<ul style="list-style-type: none"> • Approvals required for the installation of new SCE facilities/connections to service the Project.



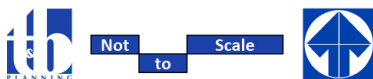
Tabulation

	TRAILER EXPANSION AREA
SITE AREA	
In s.f.	437,159
In acres	10.04
BUILDING AREA	
Office (estimation)	
Mezzanine (estimation)	
Warehouse	
TOTAL	
COVERAGE	
AUTO PARKING REQUIRED	
Office 1/300 s.f.	
Warehouse 1st 40K @ 1/1,000 s.f.	
above 40K 1/4,000 s.f.	
TOTAL	
AUTO PARKING PROVIDED	
Standard (9' x 20')	
TRAILER PARKING PROVIDED	
Trailer (13.5' x 60')	198

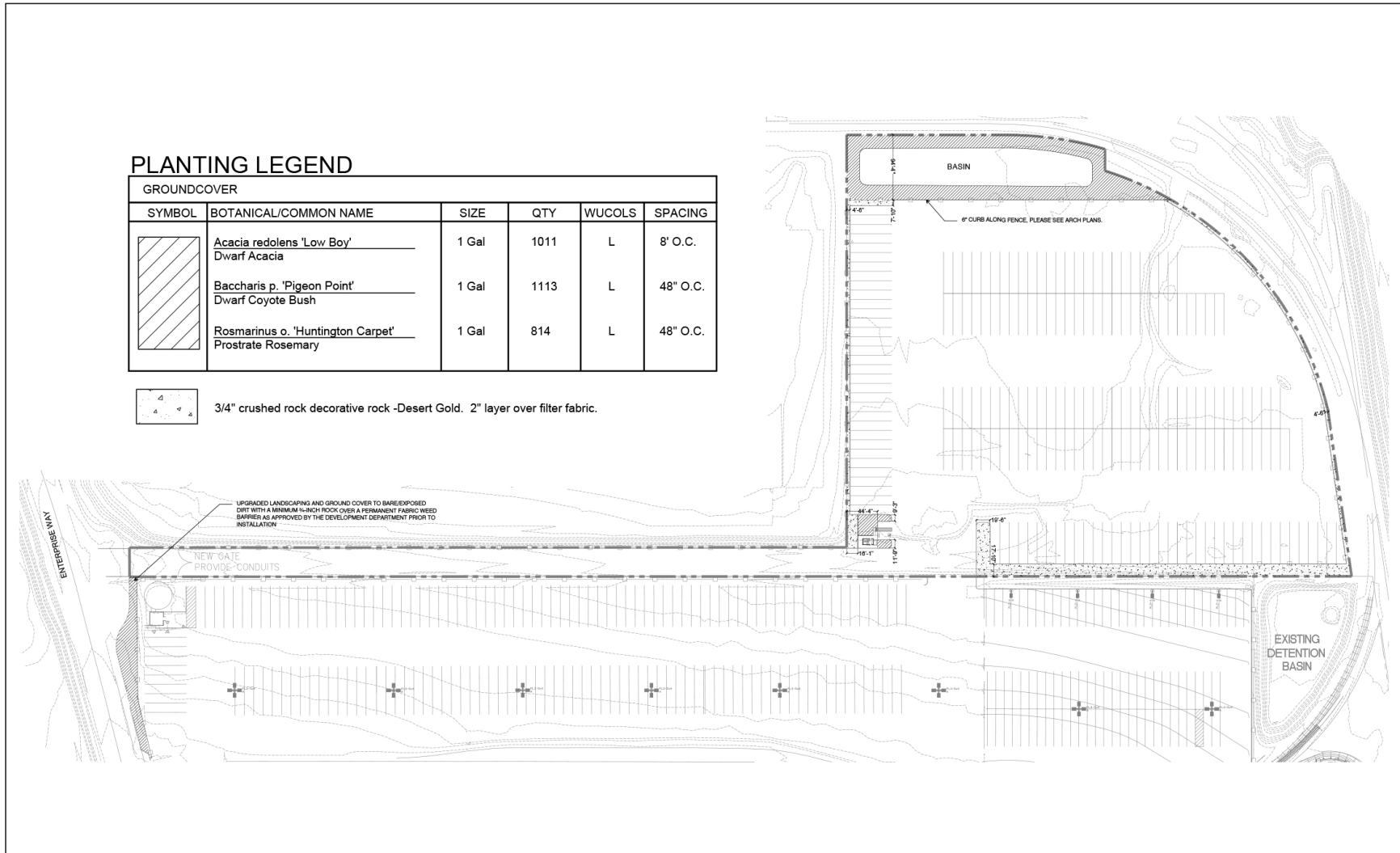


Source(s): HPA (September 2023)

Figure 3-1

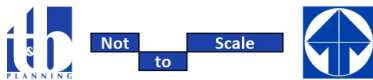


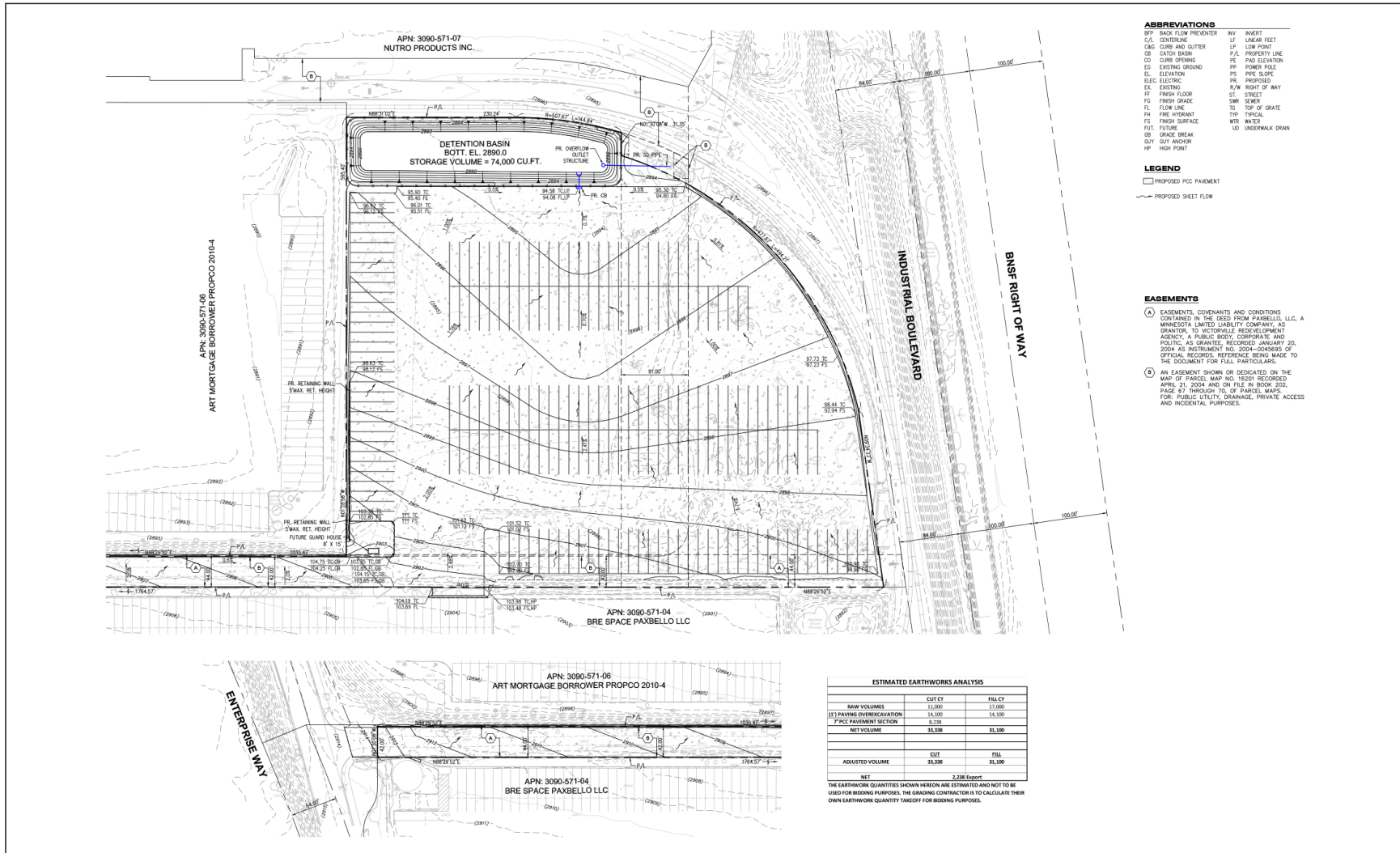
Site Plan



Source(s): Hunter Landscape (08-28-2023)

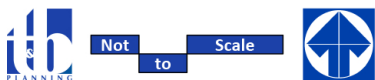
Figure 3-2





Source(s): David Evans and Associates Inc. (05-10-2023)

Figure 3-3



USGS Topographical Map

Lead Agency: City of Victorville

SCH No. 2023070350



4.0 ENVIRONMENTAL ANALYSIS

4.0.1 SUMMARY OF EIR SCOPE

In accordance with CEQA Guidelines Sections 15126-15126.4, this EIR Section includes analyses of potential direct, indirect, and cumulatively-considerable impacts that could result from the planning, construction, and/or operation of the proposed Project.

In compliance with the procedural requirements of CEQA, the City of Victorville (City) filed a Notice of Preparation (NOP) with the State Clearinghouse of the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project's potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to Responsible Agencies, Trustee Agencies, and other interested parties on July 21, 2023, for a 30-day public review period. The NOP was distributed for public review to solicit responses that would help the City identify the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR. In addition, a publicly noticed EIR Scoping Meeting was held on August 9, 2023. The EIR Scoping Meeting provided public agencies, interested parties, and members of the general public an additional opportunity to learn about the Project, the CEQA review process, and how to submit comments on the scope and range of potential environmental concerns be addressed in this EIR.

Taking all known information and public comments into consideration, 11 primary environmental subject areas are evaluated in this Section 4.0, as listed below. Each Subsection of Section 4.0 evaluates several specific subject matters related to the general topic of the Subsection. The title of each subsection is not limiting; therefore, refer to each subsection for a full account of the subject matters addressed therein. Environmental issues and their corresponding Subsections are:

4.1	Air Quality	4.7	Hazards and Hazardous Materials
4.2	Biological Resources	4.8	Hydrology and Water Quality
4.3	Cultural Resources	4.9	Noise
4.4	Energy	4.10	Transportation
4.5	Geology and Soils	4.11	Tribal Cultural Resources
4.6	Greenhouse Gas Emissions		

After consideration of all comments received by the City on the scope of this EIR and documented in the City's records, the City determined that the Project clearly had no potential to result in significant impacts under nine primary environmental subject areas: Aesthetics; Agriculture and Forestry Resources; Land Use and Planning, Mineral Resources; Population and Housing; Public Services; Recreation; Utilities and Service Systems, and Wildfire. These nine subjects are addressed in Section 5.0, Other CEQA Considerations.



4.0.2 ORGANIZATION OF ENVIRONMENTAL ANALYSIS

Subsections 4.1 through 4.11 of this EIR evaluate the 11 environmental subjects warranting detailed analysis as determined by the City in consideration of preliminary research findings, public comments, and technical study. The format of discussion is standardized as much as possible in each section for ease of review. The environmental setting is discussed first, followed by a discussion of the potential environmental impacts that would result from implementation of the Project (which is based on specified thresholds of significance used as criteria to determine whether potential environmental effects are significant).

The thresholds of significance used in this EIR are based on the thresholds of significance identified in Appendix G to the CEQA Guidelines, as most recently updated. The thresholds are intended to assist the reader of this EIR in understanding how and why this EIR reaches a conclusion that an impact would or would not occur, and whether the impact would be significant or less than significant.

Serving as the CEQA Lead Agency for this EIR, the City is responsible for determining whether an adverse environmental effect identified in this EIR should be classified as significant or less than significant. The standards of significance used in this EIR are based on the independent judgment of the City, taking into consideration the City of Victorville General Plan; the City of Victorville Municipal Code and adopted City policies; the judgment of the technical experts that prepared this EIR's technical appendices; performance standards adopted, implemented, and monitored by regulatory agencies; and significance standards recommended by regulatory agencies.

As required by CEQA Guidelines Section 15126.2(a), Project-related effects on the environment are characterized in this EIR as direct, indirect, cumulatively-considerable, short-term, long-term, on-site, and/or off-site impacts. A summarized "impact statement" is provided in each Subsection following the analysis. Each Subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations) that the Project and its implementing actions are required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. For any impact identified as significant and unavoidable, the City would be required to adopt a statement of overriding considerations pursuant to CEQA Guidelines Section 15093 in order to approve the Project despite its significant impact(s) to the environment. The statement of overriding considerations would list the specific economic, legal, social, technological, and other benefits of the Project, supported by substantial evidence in the Project's administrative record, that outweigh the unavoidable impacts.

4.0.3 TERMINOLOGY USED IN THIS EIR

The level of significance is identified for each impact in this EIR. Although the criteria for determining significance are different for each topic area, the environmental analysis applies a uniform classification of the impacts based on definitions consistent with CEQA and the CEQA Guidelines:



- **No Impact.** The Project would not adversely affect the environment.
- **Less than Significant.** The Project would not cause any substantial, adverse change in the environment.
- **Significant Impact.** A substantial or potentially substantial adverse change in the physical environment would occur and would exceed the threshold(s) of significance presented in this EIR, requiring the consideration of mitigation measures.

Each Subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations, etc.) that the Project is required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. The following terms are used to describe the level of significance following the application of recommended mitigation measures:

- **Less than Significant with Mitigation Incorporated.** A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR; however, the impact can be avoided or reduced to a less than significant level through the application of feasible mitigation measure(s).
- **Significant and Unavoidable.** A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR. Feasible and enforceable mitigation measure(s) that have a proportional nexus to the Project's impact are either not available or would not be fully effective in avoiding or reducing the impact to below a level of significance.

4.0.4 SCOPE OF CUMULATIVE EFFECTS ANALYSIS

CEQA requires that an EIR contain an assessment of the cumulative impacts that may be associated with a proposed project. As noted in CEQA Guidelines Section 15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." "A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects creating related impacts" (CEQA Guidelines Section 15130(a)(1)). As defined in CEQA Guidelines Section 15355:

'Cumulative Impacts' refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) *The individual effects may be changes resulting from a single project or a number of separate projects.*



- (b) *The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

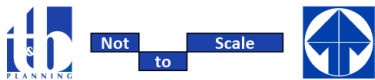
CEQA Guidelines Section 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include: “1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency [‘the list of projects approach’], or 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact [‘the summary of projections approach’].”

Both a summary of projections and list of projects approach were considered in this EIR. The City determined the combined approach to be appropriate because long-range planning documents contain a sufficient amount of information to enable an analysis of cumulative effects for all subject areas, as applicable. The list of projects include the nine (9) other known past, present, and reasonably foreseeable projects described in Table 4.0-1, *Cumulative Development Land Summary* and depicted on Figure 4.0-1, *Cumulative Development Location Map*, in addition to the summary of projections.



Source(s): Urban Crossroads (09-07-2023)

Figure 4.0-1



Cumulative Development Location Map



Table 4.0-1 Cumulative Development Land Summary

#	Project Name	Address/Location	Land Use	Quantity Units ¹
V1	Ottawa Business Center	North of Ottawa St. & East of Hesperia	High-Cube Cold Storage Warehouse High-Cube Fulfillment Center Warehouse	200.000 TSF 796.520 TSF
V2	Single-Family Residential (ADMN22-00073)	East of Arrowhead Drive at Pablo Court	Single-Family Residential	15 DU
V3	Single-Family Residential (PLAN21-00039)	West of Tamarisk Road & between Pahute Avenue & Huerta Street	Single-Family Residential	38 DU
V4	Bear Valley Marketplace	Northeast Corner of Third Avenue & Bear Valley Road	Gas Station Fast Food with Drive Thru Shopping Center Medical Offices Multi-Family Residential General Office Building Mini-Warehouse	16 VFP 11.000 TSF 62.090 TSF 10.080 TSF 376 DU 10.000 TSF 139.090 TSF
V5	Warehouse & Distribution Center (PLAN22-00004)	Southeast Corner of Ottawa Street & Enterprise Way	Warehousing	18.000 TSF
V6	Single-Family Residential (PLAN17-00027)	West of Cypress Avenue & between Ottawa Street & Nisqualli Road	Single-Family Residential	66 DU
V7	Senior Citizen Single-Family Residential (PLAN22-00016)	Northeast Corner of Nisqualli Road and Ninth Avenue	Senior Adult Housing – Single-Family	110 DU
V8	Ground-Up Gas Station with C-Store & Car Wash	Southeast Corner of Hesperia Road & Nisqualli Road	Gas Station w/Convenience Market Truck Stop	16 VFP 8 VFP
V9	Dog Treat Manufacturing Warehouse	Southeast Corner of Hesperia Road & Nisqualli Road	Dog Treat Manufacturing Warehouse	218.972 TSF

¹DU= Dwelling Units; TSF= Thousand Square Feet, VFP= Vehicle Fueling Positions
Source: (Urban Crossroads, 2023g)

The cumulative study area for evaluation is identified and defined in each Subsection of Chapter 4.0. The cumulative study area varies depending on the subject area. Please refer to the cumulative impact analysis provided in each Subsection in Chapter 4.0 for an issue-specific discussion of the cumulative study area.

Table 4.0-2, *SCAG Jurisdiction Level Growth Forecast – Victorville*, depicts SCAG’s projections for the City’s population, household, and employment for the year 2045. As shown, from 2016 to 2045, the City is expected to increase in population by 71,200, in households by 27,900, and in employment by 20,000.



Table 4.0-2 SCAG Jurisdiction Level Growth Forecast – Victorville

City	Population		Households		Employment	
	2016	2045	2016	2045	2016	2045
Victorville	123,300	194,500	33,900	61,800	41,200	61,200

Source: (SCAG, 2020b, Table 14)

The projections for residential and non-residential buildout potential are included in Table 4.0-3, *City of Victorville General Plan 2030 Buildout Projections*. Table 4.0-3 projects the development intensity of the General Plan Land Use Plan, including the maximum amount of dwelling units and employment square footage that could occur in the City in the year 2030, inclusive of the City’s current incorporated boundaries, the existing sphere of influence, and the proposed sphere of influence.

Table 4.0-3 City of Victorville General Plan 2030 Buildout Projections

Land Use	Acres	Square Feet	Total Dwelling Units	Single Family Units	Multi-family Units
Very Low Density Residential	8,097	-	7,695	7,695	-
Low Density Residential	26,968	-	51,532	51,532	-
Medium Density Residential	510	-	2,212	-	2,212
High Density Residential	2,255	-	15,840	-	15,840
Mixed Density Residential	78	-	183	183	-
Mixed Use	609	-	9,264	-	9,264
Commercial	6,685	1,525,287	-	-	-
Office Professional	393	35,135,280	-	-	-
Light Industrial	5,220	1,680,504	-	-	-
Heavy Industrial	1,501	31,465,805	-	-	-
Open Space	22,348	-	-	-	-
Public Institutional	1,200	4,930,332	-	-	-
Specific Plan	23,042	24,435,162	51,891	27,604	24,287
Totals	98,906	99,172,369	138,617	87,014	51,603

Source: (City of Victorville, 2008, Table LU-6)

For the issue of air quality, the cumulative study area comprises the Mojave Desert Air Basin (MDAB), while the cumulative impact analysis relies on guidance from the Mojave Desert Air Quality Management District (Mohave Desert AQMD). The Mohave Desert AQMD relies on the South Coast Air Quality Management District (SCAQMD) guidance for determining cumulative impacts. SCAQMD has recognized that there is typically insufficient information to quantitatively evaluate the cumulative contributions of multiple projects because each project applicant has no control over nearby projects. The SCAQMD published a report giving direction on how to address cumulative impacts from air pollution: *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution* (SCAQMD, 2003). In this report the AQMD states on page D-3:

“...the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental



Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is $HI > 1.0$ while the cumulative (facility-wide) is $HI > 3.0$. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.

Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.”

The cumulative analysis provided in EIR Subsection 4.1 for air quality impacts assumes that individual projects that do not generate emissions that exceed the Mohave Desert AQMD’s recommended daily thresholds for project-specific impacts also would not cause a cumulatively-considerable increase in emissions for those pollutants for which the MDAB is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related emissions that exceed Mohave Desert AQMD thresholds for Project-specific impacts would be considered cumulatively considerable.



4.1 AIR QUALITY

This Subsection is based primarily on two technical studies that were prepared by Urban Crossroads, Inc. to evaluate the potential for Project-related construction and operational activities to result in adverse effects on local and regional air quality. The first report, an air quality impact analysis, is titled, “Nisqualli Road Trailer Lot Expansion Air Quality Impact Analysis” (herein, “AQIA”), and is dated November 28, 2023, and is included as *Technical Appendix B1* to this EIR (Urban Crossroads, 2023a). The second report, a mobile source health risk assessment, is titled “Nisqualli Road Trailer Lot Expansion Mobile Source Health Risk Assessment” (herein, “HRA”), is dated November 28, 2023, and is appended to this EIR as *Technical Appendix B2* to this EIR (Urban Crossroads, 2023b). Refer to Section 7.0, *References*, for a complete list of reference sources used in this Subsection.

4.1.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 20, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertain to air quality.

4.1.2 ENVIRONMENTAL SETTING

A. Mojave Desert Air Basin (MDAB)

The Project site is in the Mojave Desert Air Basin (MDAB), within the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The MDAB encompasses desert portions of Kern, Los Angeles, Riverside and San Bernardino counties. The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. Many of the lower mountains which dot the vast terrain rise from 1,000 to 4,000 feet above the valley floor. Prevailing winds in the MDAB are out of the west and southwest. The MDAB is separated from the southern California coastal and central California valley regions by mountains (highest elevation approximately 10,000 feet), whose passes form the main channels for these air masses. (MDAQMD, 2020)

B. Regional Climate

Air quality in the Project area is not only affected by various emissions sources (mobile, industry, etc.) but is also affected by atmospheric conditions such as wind speed, wind direction, temperature, and rainfall. (Urban Crossroads, 2023a)

Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions and the blocking nature of the Sierra Nevada mountains to the north; air masses pushed onshore in southern California by differential heating are channeled through the MDAB. The Mojave Desert is bordered on the southwest by the San Bernardino Mountains, separated from the San Gabriel Mountains by the Cajon Pass (4,200 feet). A lesser pass lies between the San Bernardino Mountains and the Little San Bernardino Mountains in the Morongo Valley. The Palo Verde Valley portion of the Mojave Desert lies in the low desert, at the eastern end



of a series of valleys (notably the Coachella Valley), whose primary channel is the San Gorgonio Pass (2,300 feet) between the San Bernardino and San Jacinto Mountains. (Urban Crossroads, 2023a)

Snow is common above 5,000 feet in elevation, resulting in moderate snowpack and limited spring runoff. Below 5,000 feet, any precipitation normally occurs as rainfall. Pacific storm fronts normally move into the area from the west, driven by prevailing winds from the west and southwest. During late summer, moist high-pressure systems from the Pacific collide with rising heated air from desert areas, resulting in brief, high-intensity thunderstorms that can cause high winds and localized flash flooding. (Urban Crossroads, 2023a)

C. Air Quality Pollutants and Associated Human Health Effects

The federal government and State of California have established maximum permissible concentrations for common air pollutants that may pose a risk to human health or would otherwise degrade air quality and adversely affect the environment. These regulated air pollutants are referred to as “criteria pollutants.” An overview of the common criteria air pollutants in the SCAB, their sources, and associated effects to human health are summarized on the following pages (also refer to Section 2.3 of *Technical Appendix B1*).

- **Carbon Monoxide (CO)** is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest during the winter morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone (O₃), motor vehicles operating at slow speeds are the primary source of CO in the MDAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections. CO is generated by any source that burns fuel such as automobiles, trucks, heavy construction equipment, farming equipment and residential heating. Individuals with a deficient blood supply to the heart are the most susceptible to the adverse effects of CO exposure. The effects observed include earlier onset of chest pain with exercise, and electrocardiograph changes indicative of decreased oxygen supply to the heart. Inhaled CO has no direct toxic effect on the lungs but exerts its effect on tissues by interfering with oxygen transport and competing with oxygen to combine with hemoglobin present in the blood to form carboxyhemoglobin (COHb). Hence, conditions with an increased demand for oxygen supply can be adversely affected by exposure to CO. Individuals most at risk include fetuses, patients with diseases involving heart and blood vessels, and patients with chronic hypoxemia (oxygen deficiency) as seen at high altitudes.
- **Sulfur Dioxide (SO₂)** is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO₂ oxidizes in the atmosphere, it forms sulfates (SO₄). Collectively, these pollutants are referred to as sulfur oxides (SO_x). SO₂ is generated by coal or oil burning power plants and industries, refineries, and diesel engines. A few minutes of exposure to low levels of SO₂ can result in airway constriction in some asthmatics, all of whom are sensitive to its effects. In asthmatics, increase



in resistance to air flow, as well as reduction in breathing capacity leading to severe breathing difficulties, are observed after acute exposure to SO₂. In contrast, healthy individuals do not exhibit similar acute responses even after exposure to higher concentrations of SO₂. Animal studies suggest that despite SO₂ being a respiratory irritant, it does not cause substantial lung injury at ambient concentrations. However, very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient SO₂ levels. In these studies, efforts to separate the effects of SO₂ from those of fine particles have not been successful. It is not clear whether the two pollutants act synergistically, or one pollutant alone is the predominant factor.

- **Nitrogen Oxides (NO_x)** consist of nitric oxide (NO), nitrogen dioxide (NO₂) and nitrous oxide (N₂O) and are formed when nitrogen (N₂) combines with oxygen (O₂). Their lifespan in the atmosphere ranges from one to seven days for nitric oxide and nitrogen dioxide, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes and are major contributors to smog formation and acid deposition. NO₂ is a criteria air pollutant and may result in numerous adverse health effects; it absorbs blue light, resulting in a brownish-red cast to the atmosphere and reduced visibility. Of the seven types of nitrogen oxide compounds, NO₂ is the most abundant in the atmosphere. As ambient concentrations of NO₂ are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO₂ than those indicated by regional monitoring station. NO_x is generated by any source that burns fuel such as automobiles, trucks, heavy construction equipment, farming equipment and residential heating. Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is associated with long-term exposure to NO₂ at levels found in homes with gas stoves, which are higher than ambient levels found in Southern California. Increase in resistance to air flow and airway contraction is observed after short-term exposure to NO₂ in healthy subjects. Larger decreases in lung functions are observed in individuals with asthma or chronic obstructive pulmonary disease (e.g., chronic bronchitis, emphysema) than in healthy individuals, indicating a greater susceptibility of these sub-groups. In animals, exposure to levels of NO₂ considerably higher than ambient concentrations result in increased susceptibility to infections, possibly due to the observed changes in cells involved in maintaining immune functions. The severity of lung tissue damage associated with high levels of O₃ exposure increases when animals are exposed to a combination of O₃ and NO₂.
- **Ozone (O₃)** is a highly reactive and unstable gas that is formed when VOCs and NO_x, both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. O₃ concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant. Ozone is Formed when reactive organic gases (ROG) and nitrogen oxides react in the presence of sunlight. ROG sources include any source that burns fuels, (e.g., gasoline, natural gas, wood, oil) solvents, petroleum processing and storage and pesticides. Individuals exercising outdoors, children, and people with preexisting lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible sub-



groups for O₃ effects. Short-term exposure (lasting for a few hours) to O₃ at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Elevated O₃ levels are associated with increased school absences. In recent years, a correlation between elevated ambient O₃ levels and increases in daily hospital admission rates, as well as mortality, has also been reported. An increased risk for asthma has been found in children who participate in multiple outdoor sports and live in communities with high O₃ levels. O₃ exposure under exercising conditions is known to increase the severity of the responses described above. Animal studies suggest that exposure to a combination of pollutants that includes O₃ may be more toxic than exposure to O₃ alone. Although lung volume and resistance changes observed after a single exposure diminish with repeated exposures, biochemical and cellular changes appear to persist, which can lead to subsequent lung structural changes.

- **Particulate Matter less than 10 microns (PM₁₀) and Particulate Matter less than 2.5 microns (PM_{2.5})** are major pollutants consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols that are 10 microns or smaller or 2.5 microns or smaller, respectively. Particulate matter pollution is a major cause of reduce visibility (haze) which is caused by the scattering of light and consequently the significant reduction air clarity. The size of the particles (10 microns or smaller, about 0.0004 inches or less) allows them to easily enter the lungs where they may be deposited, resulting in adverse health effects. Additionally, it should be noted that PM₁₀ is considered a criteria air pollutant. Sources of PM₁₀ include road dust, windblown dust and construction. PM₁₀ is also formed from other pollutants (acid rain, NO_x, SO_x, organics). Incomplete combustion of any fuel also can generate PM₁₀.

PM_{2.5} (Particulate Matter less than 2.5 microns): A similar air pollutant to PM₁₀ consisting of tiny solid or liquid particles which are 2.5 microns or smaller (which is often referred to as fine particles). These particles are formed in the atmosphere from primary gaseous emissions that include sulfates formed from SO₂ release from power plants and industrial facilities and nitrates that are formed from NO_x release from power plants, automobiles and other types of combustion sources. The chemical composition of fine particles highly depends on location, time of year, and weather conditions. PM_{2.5} is a criteria air pollutant. PM_{2.5} comes from fuel combustion in motor vehicles, equipment and industrial sources, residential and agricultural burning. PM_{2.5} also is formed from reaction of other pollutants (acid rain, NO_x, SO_x, and organics).

A consistent correlation between elevated ambient fine particulate matter (PM₁₀ and PM_{2.5}) levels and an increase in mortality rates, respiratory infections, number and severity of asthma attacks and the number of hospital admissions has been observed in different parts of the United States and various areas around the world. In recent years, some studies have reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in lifespan, and an increased mortality from lung cancer. Daily fluctuations in PM_{2.5} concentration levels have also been related to hospital admissions for



acute respiratory conditions in children, to school and kindergarten absences, to a decrease in respiratory lung volumes in normal children, and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular diseases, and children appear to be more susceptible to the effects of high levels of PM₁₀ and PM_{2.5}.

- **Volatile Organic Compounds (VOCs) and Reactive Organic Gases (ROGs)** are a family of hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. Both VOCs and ROGs are precursors to ozone and contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Individual VOCs and ROGs have different levels of reactivity; that is, they do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes. VOCs often have an odor, including such common VOCs as gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs and ROGs are criteria pollutants since they are a precursor to O₃, which is a criteria pollutant. Odors generated by VOCs and ROGs can irritate the eye, nose, and throat, and can cause difficulty breathing and nausea, and can damage the central nervous system as well as other organs. Some VOCs can cause cancer. Not all VOCs have all these health effects, though many have several. The terms VOC and ROG are used interchangeably.
- **Lead (Pb)** is a heavy metal that is highly persistent in the environment and is considered a criteria pollutant. In the past, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. The major sources of lead emissions are ore and metals processing, particularly lead smelters, and piston-engine aircraft operating on leaded aviation gasoline. Other stationary sources include waste incinerators, utilities, and lead-acid battery manufacturers. Sources of lead include metal smelters, resource recovery, leaded gasoline, deterioration of lead paint. Fetuses, infants, and children are more sensitive than others to the adverse effects of Pb exposure. Exposure to low levels of Pb can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient. In adults, increased Pb levels are associated with increased blood pressure. Pb poisoning can cause anemia, lethargy, seizures, and death; although it appears that there are no direct effects of Pb on the respiratory system. Pb can be stored in the bone from early age environmental exposure, and elevated blood Pb levels can occur due to breakdown of bone tissue during pregnancy, hyperthyroidism (increased secretion of hormones from the thyroid gland) and osteoporosis (breakdown of bony tissue). Fetuses and breast-fed babies can be exposed to higher levels of Pb because of previous environmental Pb exposure of their mothers.
- **Odor** means the perception experienced by a person when one or more chemical substances in the air come into contact with the human olfactory nerves. Odors can come from many sources including animals, human activities, industry, nature, and vehicles. Offensive odors can potentially affect human health in several ways. First, odorant compounds can irritate the eye,



nose, and throat, which can reduce respiratory volume. Second, studies have shown that the VOCs that cause odors can stimulate sensory nerves to cause neurochemical changes that might influence health, for instance, by compromising the immune system. Finally, unpleasant odors can trigger memories or attitudes linked to unpleasant odors, causing cognitive and emotional effects such as stress.

D. Existing Air Quality

Existing air quality is measured at established MDAQMD air quality monitoring stations. Monitored air quality is evaluated in the context of ambient air quality standards. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect public health and welfare. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are shown in Table 4.1-1, *Ambient Air Quality Standards*.

Table 4.1-1 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards ¹		National Standards ²		
		Concentration ³	Method ⁴	Primary ^{5a}	Secondary ^{5b}	Method ⁷
Ozone (O ₃) ⁶	1 Hour	0.09 ppm (180 µg/m ³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m ³)		0.070 ppm (137 µg/m ³)		
Respirable Particulate Matter (PM ₁₀) ⁶	24 Hour	50 µg/m ³	Gravimetric or Beta Attenuation	150 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m ³		—		
Fine Particulate Matter (PM _{2.5}) ⁶	24 Hour	—	—	35 µg/m ³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m ³	Gravimetric or Beta Attenuation	12.0 µg/m ³		
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m ³)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m ³)		9 ppm (10 mg/m ³)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m ³)		—	—	
Nitrogen Dioxide (NO ₂) ⁶	1 Hour	0.18 ppm (339 µg/m ³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m ³)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)		0.053 ppm (100 µg/m ³)	Same as Primary Standard	
Sulfur Dioxide (SO ₂) ⁶	1 Hour	0.25 ppm (655 µg/m ³)	Ultraviolet Fluorescence	75 ppb (196 µg/m ³)	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m ³)	
	24 Hour	0.04 ppm (105 µg/m ³)		0.14 ppm (for certain areas) ¹¹	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas) ¹¹	—	
Lead ^{12,13}	30 Day Average	1.5 µg/m ³	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m ³ (for certain areas) ¹²	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m ³		
Visibility Reducing Particles ⁶	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m ³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	Ultraviolet Fluorescence			
Vinyl Chloride ⁶	24 Hour	0.01 ppm (26 µg/m ³)	Gas Chromatography			



1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM₁₀, PM_{2.5}, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$ is equal to or less than one. For PM_{2.5}, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. EPA for further clarification and current national policies.
3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
4. Any equivalent measurement method which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
7. Reference method as described by the U.S. EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the U.S. EPA.
8. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
9. On December 14, 2012, the national annual PM_{2.5} primary standard was lowered from 15 $\mu\text{g}/\text{m}^3$ to 12.0 $\mu\text{g}/\text{m}^3$. The existing national 24-hour PM_{2.5} standards (primary and secondary) were retained at 35 $\mu\text{g}/\text{m}^3$, as was the annual secondary standard of 15 $\mu\text{g}/\text{m}^3$. The existing 24-hour PM₁₀ standards (primary and secondary) of 150 $\mu\text{g}/\text{m}^3$ also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
10. To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
11. On June 2, 2010, a new 1-hour SO₂ standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO₂ national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
12. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
13. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 $\mu\text{g}/\text{m}^3$ as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
14. In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

For more information please call ARB-PIO at (916) 322-2990

California Air Resources Board (5/4/16)

Source: (Urban Crossroads, 2023a, Table 2-2)



The determination of whether a region’s air quality is healthful or unhealthful is determined by comparing contaminant levels in ambient air samples to the state and federal standards presented in Table 4.1-1. The air quality in a region is considered to be in attainment by the State if the measured ambient air pollutant levels for O₃, CO (except 8-hour Lake Tahoe), SO₂, NO₂, PM₁₀, PM_{2.5}, and visible reducing particles are not to be exceeded at any time in any consecutive three-year period; all other values are not to be equaled or exceeded. The air quality in a region is considered to be in attainment by federal standards if the measured ambient air pollutant levels for O₃, PM₁₀, PM_{2.5}, and those based on annual averages or arithmetic mean are not exceeded more than once per year. The O₃ standard is attained when the fourth highest eight-hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM₁₀, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. For PM_{2.5}, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.

E. Regional Air Quality

Air pollution contributes to a wide variety of adverse health effects. The EPA has established NAAQS for six of the most common air pollutants: CO, Pb, O₃, particulate matter (PM₁₀ and P_{2.5}), NO₂, and SO₂ which are known as criteria pollutants. The MDAQMD monitors levels of various criteria pollutants at 6 permanent monitoring stations throughout the air district. On December 28, 2021, California Air Resources Board (CARB) posted the 2021 amendments to the state and national area designations. Table 4.1-2, *Attainment Status of Criteria Pollutants in the MDAB* shows the attainment designations for the MDAB. Appendix 2.1 of *Technical Appendix B1* provides a geographic representation of the State and federal attainment status for applicable criteria pollutants within the MDAB.

Table 4.1-2 Attainment Status of Criteria Pollutants in the MDAB

Criteria Pollutant	State Designation	Federal Designation
O ₃ – 1-hour standard	Nonattainment	--
O ₃ – 8-hour standard	Nonattainment	Nonattainment
PM ₁₀	Nonattainment	Nonattainment
PM _{2.5}	Attainment	Unclassifiable/Attainment
CO	Attainment	Unclassifiable/Attainment
NO ₂	Attainment	Unclassifiable/Attainment
SO ₂	Unclassifiable/Attainment	Unclassifiable/Attainment
Pb	Attainment	Unclassifiable/Attainment

“—” = The national 1-hour O₃ standard was revoked effective June 15, 2005.

Source: (Urban Crossroads, 2023a, Table 2-3)



F. Local Air Quality

Relative to the Project site, the nearest long-term air quality monitoring site for O₃, CO, NO₂, PM₁₀, and PM_{2.5} was obtained from the MDAQMD Victorville-Park Avenue monitoring station, located approximately 2.72 miles northwest of the Project site.

The most recent three (3) years of data available is shown on Table 4.1-3, *Project Area Air Quality Monitoring Summary 2019-2021* and identifies the number of days ambient air quality standards were exceeded for the study area, which is considered to be representative of the local air quality at the Project site. Data for O₃, CO, NO₂, PM₁₀, and PM_{2.5} was obtained using the CARB iADAM: Air Quality and Data Statistics and the Air Quality and Meteorological Information System (AQMIS). Data for SO₂ has been omitted as attainment is regularly met and few monitoring stations measure SO₂ concentrations. It should be noted that the table below is provided for informational purposes.

Table 4.1-3 Project Area Air Quality Monitoring Summary 2020-2022

Pollutant	Standard	Year		
		2020	2021	2022
O₃				
Maximum Federal 1-Hour Concentration (ppm)		0.112	0.112	0.100
Maximum Federal 8-Hour Concentration (ppm)		0.094	0.098	0.090
Number of Days Exceeding Federal 1-Hour Standard	> 0.09 ppm	0	0	0
Number of Days Exceeding State 1-Hour Standard		4	8	3
Number of Days Exceeding Federal 8-Hour Standard	> 0.070 ppm	35	34	44
Number of Days Exceeding State 8-Hour Standard	> 0.075 ppm	17	18	23
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	1.638	1.458	--
NO₂				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.059	0.057	0.054
Maximum State 1-Hour Concentration	> 0.180 ppm	0.059	0.056	0.053
Annual Federal Standard Design Value		13	13	13
Annual State Standard Design Value		12	12	12
Number of Days Exceeding Federal 1-Hour Standard	> 0.100 ppm	0	0	0
Number of Days Exceeding State 1-Hour Standard	> 0.18 ppm	0	0	0
PM₁₀				
Maximum Federal 24-Hour Concentration (µg/m ³)	> 150 µg/m ³	261.4	591.6	372.1
Annual Federal Arithmetic Mean (µg/m ³)		34.0	33.9	33.6
Number of Days Exceeding Federal 24-Hour Standard	> 150 µg/m ³	2	1	2
PM_{2.5}				
Maximum Federal 24-Hour Concentration (µg/m ³)	> 35 µg/m ³	48.4	87.1	24.6



Pollutant	Standard	Year		
		2020	2021	2022
Maximum State 24-Hour Concentration ($\mu\text{g}/\text{m}^3$)		48.7	87.1	24.6
Annual Federal Arithmetic Mean ($\mu\text{g}/\text{m}^3$)	$>12 \mu\text{g}/\text{m}^3$	9.7	10.2	8.9
Annual State Arithmetic Mean ($\mu\text{g}/\text{m}^3$)	$>12 \mu\text{g}/\text{m}^3$	10.4	10.3	9.0
Number of Samples Exceeding Federal 24-Hour Standard	$> 35 \mu\text{g}/\text{m}^3$	4	1	0

ppm = Parts Per Million

$\mu\text{g}/\text{m}^3$ = microgram per cubic meter

-- = data not available

Source: (Urban Crossroads, 2023a, Table 2-4)

G. Existing Project Emissions

As previously discussed, the Project site is currently used as a dirt truck and trailer storage lot. Table 4.1-4, *Existing Use Emissions*, summarizes the estimated operation-source emissions associated with the existing use. Existing emissions were modeled assuming 112 truck trailer spaces.

Table 4.1-4 Existing Use Emissions

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
Mobile Source	0.76	10.50	8.28	0.12	4.14	1.22
Area Source	0.06	0.00	0.00	0.00	0.00	0.00
Total Maximum Daily Emissions	0.82	10.50	8.28	0.12	4.14	1.22
Winter						
Mobile Source	0.70	11.10	7.26	0.12	4.14	1.22
Area Source	0.06	0.00	0.00	0.00	0.00	0.00
Total Maximum Daily Emissions	0.76	11.10	7.26	0.12	4.14	1.22

Source: (Urban Crossroads, 2023a, Table 3-8)

4.1.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, State, and local environmental laws and related regulations governing air quality emissions.

A. Federal Regulations

1. Federal Clean Air Act

The Clean Air Act (CAA; 42 U.S.C. § 7401 et seq.) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect



public health and public welfare and to regulate emissions of hazardous air pollutants, which include ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO_x), sulfur dioxide (SO₂), particulate matter (PM₁₀), PM_{2.5}, and lead (Pb). (EPA, 2022a)

One of the goals of the CAA was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The CAA was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines. (EPA, 2022a)

The sections of the federal CAA most directly applicable to the development of the Project site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions address the urban air pollution problems of O₃ (smog), CO, and PM₁₀. Specifically, it clarifies how areas are designated and re-designated "attainment." It also allows EPA to define the boundaries of "nonattainment" areas: geographical areas whose air quality does not meet Federal air quality standards designed to protect public health. (EPA, 2022b) Mobile source emissions are regulated in accordance with the CAA Title II provisions. These standards are intended to reduce tailpipe emissions of hydrocarbons, CO, and NO_x on a phased-in basis that began in model year 1994. Automobile manufacturers also are required to reduce vehicle emissions resulting from the evaporation of gasoline during refueling. These provisions further require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas. (EPA, 2022c)

Section 112 of the Clean Air Act addresses emissions of hazardous air pollutants. Prior to 1990, CAA established a risk-based program under which only a few standards were developed. The 1990 Clean Air Act Amendments revised Section 112 to first require issuance of technology-based standards for major sources and certain area sources. "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source. (EPA, 2022a)

For major sources, Section 112 requires that EPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk. (EPA, 2022a)

2. National Emissions Standards for Hazardous Air Pollutants (NESHAPS) Program

National Emission Standards for Hazardous Air Pollutants (NESHAP) are stationary source standards for hazardous air pollutants. Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects,



or adverse environmental effects. The EPA develops national enforcement initiatives that focus on significant environmental risks and noncompliance patterns. For Fiscal Years 2014 to 2016, the Cutting Hazardous Air Pollutants National Initiatives Strategy focuses on categories of sources that emit HAPs. (EPA, 2022d)

Sources subject to NESHAPs are required to perform an initial performance test to demonstrate compliance. To demonstrate continuous compliance, sources are generally required to monitor control device operating parameters which are established during the initial performance test. Sources may also be required to install and operate continuous emission monitors to demonstrate compliance. Consistent with EPA's Clean Air Act Stationary Source Compliance Monitoring Strategy, NESHAP sources that meet the Clean Air Act definition of "major source" generally receive a full compliance evaluation by the state or regional office at least once every two years. (EPA, 2022d)

B. State Regulations

1. California Clean Air Act (CCAA)

The California Clean Air Act (CCAA) establishes numerous requirements for district plans to attain state ambient air quality standards for criteria air contaminants. The CCAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the State's ambient air quality standards, the California Ambient Air Quality Standards (CAAQS), by the earliest practical date. The California Air Resources Board (CARB) established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. Generally, the CAAQS are more stringent than the NAAQS. For districts with serious air pollution, its attainment plan should include the following: no net increase in emissions from new and modified stationary sources; and best available retrofit technology for existing sources. (SCAQMD, n.d.)

2. Air Toxic Hot Spots Act

The Air Toxic "Hot Spots" Information and Assessment Act of 1987, commonly known as AB 2588, (Health & Safety Code §§ 44300, et seq.) requires facilities emitting specified quantities of pollutants to conduct risk assessments describing the health impacts to neighboring communities created by their emissions of numerous specified hazardous compounds. If the district determines the health impact to be significant, neighbors must be notified. In addition, state law requires the facility to develop and implement a plan to reduce the health impacts to below significance, generally within five years. Additional control requirements for hazardous emissions from specific industries are established by the state and enforced by districts. (SCAQMD, n.d.)

3. Air Quality Management Planning

The California Air Resources Board (CARB) and local air districts throughout the State are responsible for developing clean air plans to demonstrate how and when California will attain air quality standards established under both the CAA and CCAA. For the areas within California that have not attained air quality standards, CARB works with local air districts to develop and implement State and local



attainment plans. In general, attainment plans contain a discussion of ambient air quality data and trends; a baseline emissions inventory; future year projections of emissions, which account for growth projections and already adopted control measures; a comprehensive control strategy of additional measures needed to reach attainment; an attainment demonstration, which generally involves complex modeling; and contingency measures. Plans may also include interim milestones for progress toward attainment. Air quality planning activities undertaken by CARB also include the development of policies, guidance, and regulations related to State and federal ambient air quality standards; coordination with local agencies on transportation plans and strategies; and providing assistance to local districts and transportation agencies. (CARB, 2023)

4. California Air Resources Board Rules

The CARB enforces rules related to air pollutant emissions in the State of California. Rules with applicability to the Project include, but are not limited to, those listed below.

- CARB Rule 2485 (13 CCR 2485): Airborne Toxic Control Measure to Limit Diesel-Fuel Commercial Vehicle Idling, which limits nonessential idling to five minutes or less for commercial trucks.
- CARB Rule 2449 (13 CCR 2449): In-Use Off-Road Diesel Idling Restricts, which limits nonessential idling to five minutes or less for diesel-powered off-road equipment.

5. Truck & Bus Regulation

Under the Truck and Bus Regulation, adopted by CARB in 2008, all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean engines are not required to be replaced until later. Pursuant to the Truck and Bus Regulation, all pre-1994 heavy trucks (trucks with a gross vehicle weight rating greater than 26,000 pounds) were removed from service on California roads by 2015. Between 2015 and 2020, pre-2000 heavy trucks were equipped with PM filters and upgraded or replaced with an engine that meets 2010 emissions standards. The upgrades/replacements occurred on a rolling basis based on model year. By 2023, all heavy trucks operating on California roads must have engines that meet 2010 emissions standards. Lighter trucks (those with a gross vehicle weight rating of 14,001 to 26,000 pounds) adhered to a similar schedule and were all replaced by 2020. (CARB, n.d.)

6. Advanced Clean Truck Regulation

In June 2020, CARB adopted a new Rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission. Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales. CARB reports that as of 2020, most commercially-available



models of zero-emission vans, trucks and buses operate less than 100 miles per day. Commercial availability of electric-powered long-haul trucks is very limited. However, as technology advances over the next 20 years, zero-emission trucks will become suitable for more applications, and several truck manufacturers have announced plans to introduce market ready zero-emission trucks in the future. (CARB, 2021)

7. *Senate Bill 535 – Disadvantaged Communities*

Senate Bill 535 (“SB 535”; De León, Chapter 830, 2012) recognizes the potential vulnerability of low-income and disadvantaged communities to poor air quality. Disadvantaged communities in California are specifically targeted for investment of proceeds from the State’s cap-and-trade program. These investments are aimed at improving public health, quality of life, and economic opportunity in California’s most burdened communities while at the same time reducing pollution that causes climate change. Authorized by the California Global Warming Solutions Act of 2006 (AB 32), the State’s cap-and-trade program is one of several strategies that California uses to reduce greenhouse gas emissions that cause climate change. The funds must be used for programs that further reduce emissions of greenhouse gases. SB 535 requires that 25 percent of the proceeds from the Greenhouse Gas Reduction Fund go to projects that provide a benefit to disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). (OEHHA, 2022)

8. *Senate Bill 1000 – Environmental Justice in Local Land Use Planning*

In an effort to address the inequitable distribution of pollution and associated health effects in low-income communities and communities of color, the Legislature passed and Governor Brown signed Senate Bill 1000 (SB 1000) in 2016, requiring local governments to identify environmental justice communities (called “disadvantaged communities”) in their jurisdictions and address environmental justice in their general plans. This new law has several purposes, including to facilitate transparency and public engagement in local governments’ planning and decision-making processes, reduce harmful pollutants and the associated health risks in environmental justice communities, and promote equitable access to health-inducing benefits, such as healthy food options, housing, public facilities, and recreation. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community’s exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities. (OAG, n.d.)



9. *Assembly Bill 617*

Assembly Bill 617 (AB 617) was enacted into law in 2017 and relates to criteria air pollutants and toxic air contaminants from sources other than vehicles. In response to AB 617, the California Air Resources Board (CARB) established the Community Air Protection Program (CAPP or Program). The Program's focus is to reduce exposure in communities most impacted by air pollution. Communities around the State are working together to develop and implement new strategies to measure air pollution and reduce health impacts. This first-of-its-kind statewide effort includes community air monitoring and community emissions reduction programs. In addition, the Legislature appropriated funding to support early actions to address localized air pollution through targeted incentive funding to deploy cleaner technologies in these communities, as well as grants to support community participation in the AB 617 process. AB 617 also includes new requirements for accelerated retrofit of pollution controls on industrial sources, increased penalty fees, and greater transparency and availability of air quality and emissions data, which will help advance air pollution control efforts throughout the State. This new effort provides an opportunity to continue to enhance air quality planning efforts and better integrate community, regional, and State level programs to provide clean air. (CARB, n.d.)

C. *Regional*

1. *Mojave Desert Air Quality Management District Rules*

The Mojave Desert Air Quality Management District (MDAQMD) enforces rules related to air pollutant emissions in the MDAB. Rules regarding applicability to the Project include, but are not limited to, those listed below.

- MDAQMD Rule 201: Permit to Construct
- MDAQMD Rule 401: Visible Emissions
- MDAQMD Rule 402: Nuisance
- MDAQMD Rule 403: Fugitive Dust
- MDAQMD Rule 1113: Architectural Coating

D. *Local Policies*

1. *City General Plan Policies*

The City of Victorville General Plan identifies policies that relate to air quality within the City. The Project's consistency with the City's General Plan is analyzed in EIR Section 5.0, *Other CEQA Considerations*.

4.1.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section III of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to air quality if the Project or any Project-related component would:

- a. *Conflict with or obstruct implementation of the applicable air quality plan;*



- b. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard;*
- c. *Expose sensitive receptors to substantial pollutant concentrations;*
- d. *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.*

The MDAQMD has developed regional significance thresholds for regulated pollutants, as summarized in Table 4.1-5, *Maximum Daily Regional Emissions Thresholds*. The MDAQMD’s *CEQA and Federal Conformity* Guidelines indicate that any projects in the MDAB with daily regional emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact.

Table 4.1-5 Maximum Daily Regional Emissions Thresholds

Pollutant	Daily Threshold Construction & Operation (lbs/day)
CO	548 lbs/day
NO _x	137 lbs/day
VOC	137 lbs/day
SO _x	137 lbs/day
PM ₁₀	82 lbs/day
PM _{2.5}	65 lbs/day

Note: lbs/day – pounds per day
Source: (Urban Crossroads, 2023a, Table 3-1)

The MDAQMD has established an incidence rate of ten (10) persons per million as the maximum acceptable incremental cancer risk due to DPM exposure from a project such as the proposed Project. This threshold serves to determine whether or not a given project has a potentially significant development-specific and cumulatively considerable impact. The MDAQMD has also established non-carcinogenic risk parameters for use in HRAs. Non-carcinogenic risks are quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index less of than one (1.0) means that adverse health effects are not expected. In this HRA, non-carcinogenic exposures of less than 1.0 are considered less-than-significant. Both the cancer risk and non-carcinogenic risk thresholds are applied to the nearest sensitive receptors below.



4.1.5 METHODOLOGY

A. California Emissions Estimator Model (CalEEMod)

In May 2022, the California Air Pollution Control Officers Association (CAPCOA) in conjunction with other California air districts, including SCAQMD, released the latest version of CalEEMod version 2022.1. The purpose of this model is to calculate construction-source and operational-source criteria pollutant (VOCs, NO_x, SO_x, CO, PM₁₀, and PM_{2.5}) and GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG reductions achieved from mitigation measures. Accordingly, the latest version of CalEEMod has been used for this Project to determine construction and operational air quality emissions. Output from the model runs for both construction and operational activity are provided in Appendices 3.1 through 3.3 of the AQIA (*Technical Appendix B2*).

B. Construction Emissions

Construction activities associated with the Project will result in emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. Construction related emissions are expected from the following construction activities: site preparation, grading, paving, and architectural coating.

Dust is typically a major concern during grading activities. Because such emissions are not amenable to collection and discharge through a controlled source, they are called “fugitive emissions”. Fugitive dust emissions rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). CalEEMod was utilized to calculate fugitive dust emissions resulting from this phase of activity. The Project will require approximately 2,238 cubic yards of soil export.

Paving emissions are primarily associated with exhaust emissions from on-site equipment and vehicular trips to the site by construction workers and vendor trips. Architectural coating emissions include worker trips as well, but the primary pollutant emission of concern during this phase is ROG/VOC. CalEEMod default emission rates include the effects of MDAQMD Rule 1113 to limit ROG/VOC emissions. Construction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips (construction materials delivered to the Project site) were estimated based on information from CalEEMod defaults.

For the purposes of evaluating the Project’s construction-related air quality impacts, construction is expected to commence in January 2024 and would last through June 2024. The construction schedule utilized in the analysis was previously depicted in EIR Table 3-1 in Section 3.0 and represents a “worst-case” analysis scenario because emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent; thus, if Project construction takes place at a later date, the level of emissions would be less than what is disclosed herein. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet. The duration of construction activity was based on information provided by the Project Applicant, CalEEMod defaults, and the 2024 opening year.



Site specific construction fleet may vary due to specific project needs at the time of construction. The duration of construction activity was based on CalEEMod model defaults adjusted to account for a 2024 Opening Year. The associated construction equipment was generally based on CalEEMod defaults with modifications to assign 8-hour working days and account for ground disturbance during site preparation and grading. A detailed summary of construction equipment assumptions by phase is provided in EIR Table 3-2 in Section 3.0, *Project Description*. Please refer to specific detailed modeling inputs/outputs contained in Appendix 3.1 of the Project's AQIA (*Technical Appendix B1*).

Refer to Section 3.4 of *Technical Appendix B1* for more detail on the methodology utilized to calculate the Project's estimated construction-related regional pollutant emissions.

C. Operational Emissions

Operational activities associated with the proposed Project will result in emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. Operational emissions would be expected from Area Source Emissions, Energy Source Emissions, and Mobile Source Emissions. Area Source Emissions include architectural coatings, consumer products, and landscape maintenance equipment. Energy Source Emissions include combustion emissions associated with natural gas and electricity. Mobile Source Emissions derive primarily from the 426 vehicle trips generated by the Project, including employee trips to and from the site and truck trips associated with the proposed uses. Trip characteristics available from the Project's Traffic Analysis (*Technical Appendix L2*) were utilized in the mobile source emissions analysis.

For additional information regarding the calculation of Project operational emissions, please refer to Section 3.5 of the Project's Air Quality Impact Analysis (*Technical Appendix B1*).

D. Health Risk Assessment (HRA)

The MDAQMD identifies that if a proposed Project is expected to generate/attract heavy-duty diesel trucks, which emit diesel particulate matter (DPM), preparation of a mobile-source HRA is recommended. The Project's HRA, which is included as *Technical Appendix B2*, has been prepared in accordance with the relevant documentation available including *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* and is composed of all relevant and appropriate procedures by the United States Environmental Protection Agency (EPA), Cal EPA, and MDAQMD. The Project's HRA is based on applicable guidelines to produce conservative estimates of human health risk posed by exposure to DPM. The conservative nature of this analysis is due primarily to the following factors:

- The ARB-adopted diesel exhaust Unit Risk Factor (URF) of 300 in one million per $\mu\text{g}/\text{m}^3$ is based upon the upper 95 percentile of estimated risk for each of the epidemiological studies utilized to develop the URF. Using the 95th percentile URF represents a very conservative (health-protective) risk posed by DPM because it represents breathing rates that are high for the human body (95% higher than the average population).



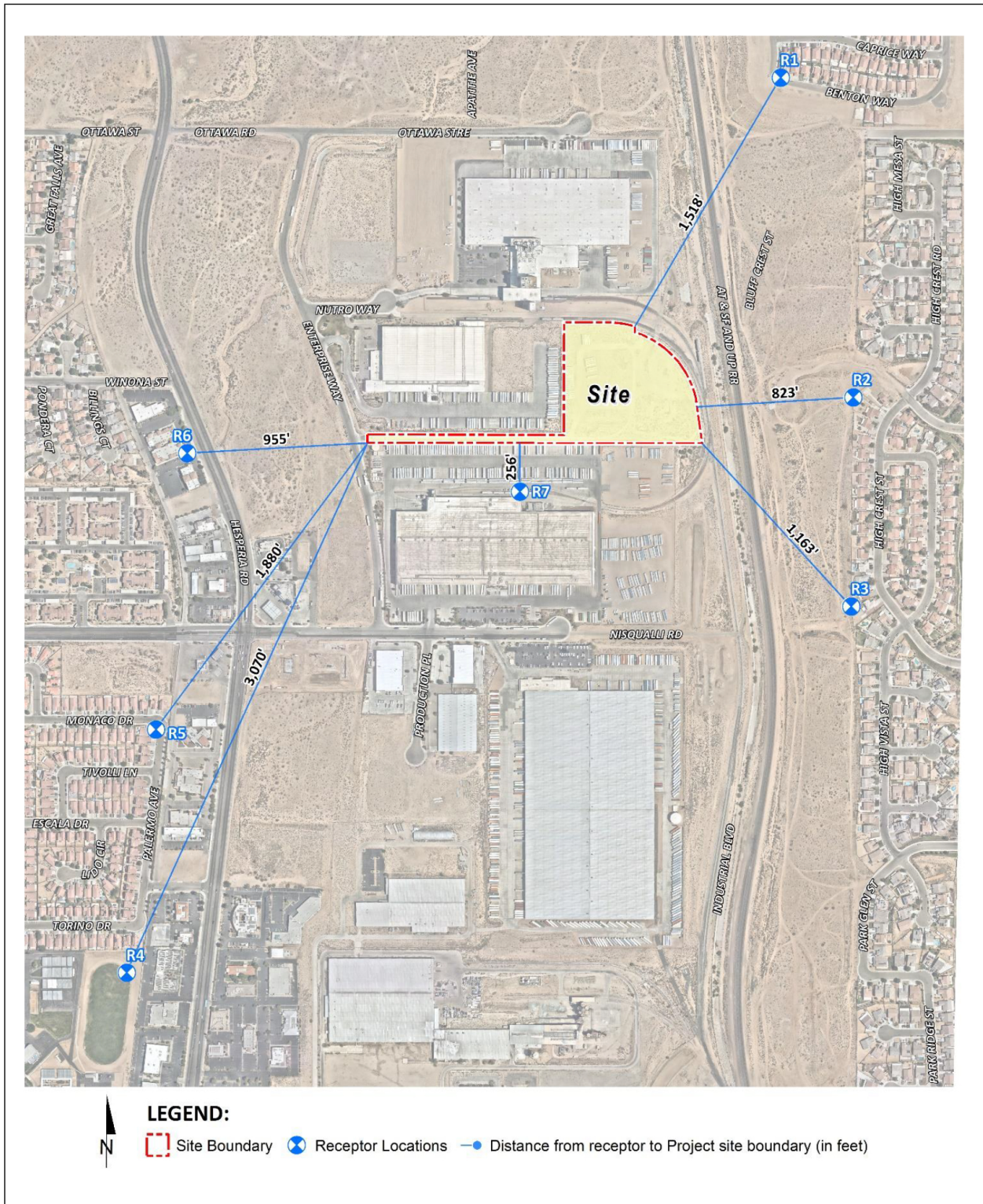
- The emissions derived assume that every truck accessing the Project site will idle for 15 minutes under the unmitigated scenario, and this is an overestimation of actual idling times and thus conservative. The CARB's anti-idling requirements impose a 5-minute maximum idling time and therefore the analysis conservatively overestimates DPM emissions from idling by a factor of three.

Vehicle DPM emissions were calculated using emission factors for particulate matter less than 10µm in diameter (PM₁₀) generated with the 2021 version of the EMISSION FACTOR model (EMFAC) developed by the CARB. EMFAC 2021 is a mathematical model that CARB developed to calculate emission rates from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by the ARB to project changes in future emissions from on-road mobile sources. The most recent version of this model, EMFAC 2021, incorporates regional motor vehicle data, information and estimates regarding the distribution of vehicle miles traveled (VMT) by speed, and number of starts per day. Refer to Section 2 of the Project's Health Risk Assessment (*Technical Appendix B2*) for a detailed description of HRA methodologies and for the model inputs and equations used in the estimation of the Project-related particulate matter emissions.

E. Sensitive Receptors

Receptors in the Project study area are described below and shown in Figure 4.1-1, *Sensitive Receptor Locations*. All distances are measured from the Project site's boundary to the outdoor living areas (e.g., backyards) or at the building façade, whichever is closer to the Project site. The selection of receptor locations is based on Federal Highway Administration (FHWA) guidelines and is consistent with additional guidance provided by Caltrans and the Federal Transit Administration (FTA). Distance is measured in a straight line from the project boundary to each receptor location.

- R1: Location R1 represents the existing residence at 17540 Benton Way, approximately 1,518 feet northeast of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, R1 is placed at the building façade facing the Project site.
- R2: Location R2 represents the existing residence at 13094 High Crest Street, approximately 823 feet east of the Project site. R2 is placed at the private outdoor living area (backyard) facing the Project site.
- R3: Location R3 represents the existing residence at 12950 High Crest Street, approximately 1,163 feet southeast of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, R3 is placed at the building façade facing the Project site.
- R4: Location R4 represents Lomitas Elementary School at 12571 1st Avenue, approximately 3,070 feet southwest of the Project site.
- R5: Location R5 represents the existing residence at 12822 Palermo Avenue, approximately 1,880 feet west of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, R5 is placed at the building façade facing the Project site.



Source(s): Urban Crossroads (06-07-2023)

Figure 4.1-1



Not to Scale



Sensitive Receptor Locations



- R6: Location R6 represents Foundation Laboratory at 13010 Hesperia Road, approximately 955 feet west of the Project site.
- R7: Location R7 represents Church & Dwight Warehouse at 17486 Nisqualli Rd, approximately 256 feet south of the Project site.

4.1.6 IMPACT ANALYSIS

Threshold a: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

The Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the Mojave Desert set forth a comprehensive set of programs that will lead the MDAB into compliance with federal and State air quality standards. The control measures and related emission reduction estimates within the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. Accordingly, conformance with these attainment plans for development projects is determined by demonstrating compliance with the indicators discussed below.

1. Consistency Criterion No. 1

Local Land Use Plans and/or Population Projections

The City of Victorville General Plan designates the Project site for Heavy Industrial (HI) uses. The HI land use category refers to industrial and manufacturing uses that are more specialized in nature and require special consideration in terms of use of the property as well as impacts on adjacent properties. The Project Applicant proposes land uses that are consistent with development anticipated under the site's existing General Plan designation. The Project would therefore conform to local land use plans.

2. Consistency Criterion No. 2

All MDAQMD Rules and Regulations

The Project would be required to comply with all applicable MDAQMD Rules and Regulations, including, but not limited to Rules 401 (Visible Emissions), 402 (Nuisance), 403 (Fugitive Dust) and 1113 (Architectural Coating) for a future guard shack.

3. Consistency Criterion No. 3

Demonstrating that the Project will not increase the frequency or severity of a violation in the federal or State ambient air quality standards.

As discussed in detail under the analysis of Threshold b, below, Project construction and operational-source emissions would not exceed applicable MDAQMD regional thresholds. As such, the Project



would not have the potential to increase the frequency or severity of a violation in the federal or state ambient air quality for on-going Project operations.

4. AQMP Consistency Conclusion

The Project would not result in or cause NAAQS or CAAQS violations. The Project's proposed land use designation for the subject site is consistent with the land use designation discussed in the General Plan. Furthermore, the Project would not exceed the applicable regional thresholds and would therefore be considered to have a less than significant impact. The Project is therefore considered to be consistent with the AQMP, and impacts would be less than significant.

Threshold b: *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

As previously indicated in Table 4.1-2, the MDAB is currently designated as nonattainment under federal standards for ozone (8-hour standard) and PM₁₀ and is classified as nonattainment under State standards for ozone (1-hour and 8-hour standards) and PM₁₀. Provided below is an analysis of the Project's potential to exceed the MDAQMD regional thresholds of significance (refer to Table 4.1-4) during both construction and long-term operation.

A. Construction Emissions

Construction activities associated with the Project will result in emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. Construction related emissions are expected from the following construction activities: site preparation, grading, paving, and architectural coating for the proposed guard shack.

CalEEMod calculates maximum daily emissions for summer and winter periods. As such, the estimated maximum daily construction emissions without mitigation for both summer and winter periods are summarized on Table 4.1-6, *Project Construction Emissions Summary*. Detailed construction model outputs are presented in Appendix 3.1 of *Technical Appendix B1*. Under the assumed scenarios, emissions resulting from the Project construction would not exceed criteria pollutant thresholds established by the MDAQMD. As such, the Project will have a less than significant impact during on-going construction activity and no mitigation is required.



Table 4.1-6 Project Construction Emissions Summary

Year	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
2024	3.98	9.29	14.35	0.02	0.66	0.45
Winter						
2024	1.86	15.53	14.54	0.02	2.90	1.61
Maximum Daily Emissions	3.98	15.53	14.54	0.02	2.90	1.61
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2023a, Table 3-5)

B. Operational Emissions

Operational activities associated with the proposed Project will result in emissions of VOCs, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}. Operational emissions would be expected from Area Source Emissions, Energy Source Emissions, and Mobile Source Emissions. Existing operational-source emissions were summarized in previous Table 4.1-4.

The estimated operational-source emissions are summarized on Table 4.1-7, *Project Operation Emissions Summary*. Detailed operation model outputs for the Project are presented in Appendices 3.1 of *Technical Appendix B1*. As shown in Table 4.1-7, the Project’s daily regional emissions from on-going operations would not exceed the thresholds of significance for emissions of any criteria pollutant. Therefore, impacts associated with the Project’s operational emissions would be less than significant.



Table 4.1-7 Project Operation Emissions Summary

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
Mobile Source	1.35	18.65	14.63	0.21	7.32	2.15
Area Source	0.07	0.00	0.00	0.00	0.00	0.00
Project Maximum Daily Emissions	1.42	18.65	14.63	0.21	7.32	2.15
<i>Existing</i>	<i>0.82</i>	<i>10.50</i>	<i>8.28</i>	<i>0.12</i>	<i>4.14</i>	<i>1.22</i>
Total Maximum Daily Emissions	0.60	8.15	6.35	0.09	3.18	0.93
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	NO	NO	NO	NO	NO	NO
Winter						
Mobile Source	1.24	19.70	12.84	0.21	7.32	2.15
Area Source	0.07	0.00	0.00	0.00	0.00	0.00
Project Maximum Daily Emissions	1.31	19.70	12.84	0.21	7.32	2.15
<i>Existing</i>	<i>0.76</i>	<i>11.10</i>	<i>7.26</i>	<i>0.12</i>	<i>4.14</i>	<i>1.22</i>
Total Maximum Daily Emissions	0.55	8.60	5.58	0.09	3.18	0.93
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2023a, Table 3-8)

Threshold c: Would the Project expose sensitive receptors to substantial pollutant concentrations?

During both construction and operation, the Project has the potential to expose nearby sensitive receptors to substantial pollutant concentrations. The following provides an analysis of the Project’s potential to result in or contribute to CO “hot spots,” and an analysis of the Project’s potential to result in cancer risks and non-cancer health hazards.

A. CO Hot Spot

The Project would not result in potentially adverse CO concentrations or “hot spots.” Detailed modeling of Project-specific CO “hot spots” is not needed to reach this conclusion. An adverse CO concentration, known as a “hot spot”, would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur. At the time of the 1993 Handbook, the air basin was designated nonattainment under the California AAQS and National AAQS for CO.

It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. In response, vehicle emissions standards have become increasingly stringent in the last twenty years. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the air basin is now designated as attainment.

To establish a more accurate record of baseline CO concentrations affecting the basin, a CO “hot spot” analysis was conducted in 2003 for four busy intersections in Los Angeles at the peak morning and



afternoon time periods. This “hot spot” analysis did not predict any violation of CO standards, as shown in Table 3-9 of the Project’s AQIA (*Technical Appendix B1*). Peak CO concentrations in the MDAB were a result of unusual meteorological and topographical conditions and not a result of traffic volumes and congestion at a particular intersection. As evidence of this, for example, 8.4 ppm 8-hour CO concentration measured at the Long Beach Boulevard and Imperial Highway intersection (highest CO generating intersection within the “hot spot” analysis), only 0.7 ppm was attributable to the traffic volumes and congestion at this intersection; the remaining 7.7 ppm were due to the ambient air measurements.

The Bay Area Air Quality Management District (BAAQMD) concludes that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour (vph) —or 24,000 vph where vertical and/or horizontal air does not mix—in order to generate a significant CO impact.

The busiest intersection evaluated in the 2003 CO “hot spot” analysis was at Wilshire Boulevard and Veteran Avenue, which had AM/PM traffic volumes of 8,062 vph and 7,719 vph respectively. The 2003 AQMP estimated that the 1-hour concentration for this intersection was 4.6 ppm; this indicates that, should the daily traffic volume increase four times to 32,248 vehicles per hour, CO concentrations (4.6 ppm x 4= 18.4 ppm) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm). As shown on Exhibit 5-2 of the TA (*Technical Appendix L2*), Opening Year Cumulative (2025) With Project Traffic Volumes, the highest average daily trips on a segment of road would be 42,150 daily trips on Hesperia Road, which is lower than the highest daily traffic volumes at Wilshire Blvd. and Veteran Ave. of 100,000 vehicles per day. As such, Project-related traffic volumes are less than the traffic volumes identified in the 2003 AQMP. The proposed Project considered herein would not produce the volume of traffic required to generate a CO “hot spot” either in the context of the 2003 Los Angeles hot spot study or based on representative BAAQMD CO threshold considerations. Therefore, CO “hot spots” are not an environmental impact of concern for the proposed Project. Localized air quality impacts related to mobile-source emissions would therefore be less than significant.

B. Toxic Air Contaminants

A Project-specific HRA was prepared for the Project based on MDAQMD guidelines to produce conservative estimates of risk posed by exposure to DPM. The Project’s HRA is included as *Technical Appendix B2* to this EIR. Refer to Section 2 of the Project’s HRA for a discussion of the recommended methodology, emissions estimation, exposure quantification, carcinogenic chemical risk, and non-carcinogenic exposure used as inputs to the analysis. Provided below is a summary of the results of the HRA for the Maximally Exposed Individual Receptor (MEIR), Maximally Exposed Individual Worker (MEIW), and Maximally Exposed Individual School Child (MEISC) during both construction and long-term operation.



1. Construction Impacts

The land use with the greatest potential exposure to Project construction DPM source emissions is Location R2 (refer to Figure 4.1-1) which is located approximately 823 feet east of the Project site at an existing residence located at 13094 High Crest Street. R2 is placed at the private outdoor living area (backyard) facing the Project site. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 0.19 in one million, which is less than the MDAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. All other receptors during construction activity would experience less risk than what is identified for this location. Accordingly, impacts would be less than significant.

2. Operational Impacts

Residential Exposure Scenario:

The residential land use with the greatest potential exposure to Project DPM source emissions is Location R2 which is located approximately 823 feet east of the Project site at an existing residence located at 13094 High Crest Street. R2 is placed in the private outdoor living areas (backyard) facing the Project site. At the MEIR, the maximum incremental cancer risk attributable to Project DPM source emissions is estimated at 0.67 in one million, which is less than the MDAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled residential receptors are exposed to lesser concentrations and are located at a greater distance from the Project site and primary truck route than the MEIR analyzed herein, and TACs generally dissipates with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than the MEIR identified herein. As such, the Project will not cause a significant human health or cancer risk to nearby residences.

Worker Exposure Scenario:

The worker receptor land use with the greatest potential exposure to Project DPM source emissions is Location R7, which represents the adjacent potential worker receptor approximately 256 feet south of the Project site. At the maximally exposed individual worker (MEIW), the maximum incremental cancer risk impact is 0.08 in one million which is less than the MDAQMD's threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated to be <0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled worker receptors are located at a greater distance than the MEIW analyzed herein, and DPM dissipates with distance from the source, all other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project will not cause a significant human health or cancer risk to adjacent workers.



School Child Exposure Scenario:

The nearest school is Lomitas Elementary School, located approximately 3,070 feet southwest of the Project site. At the maximally exposed individual school child (MEISC), the maximum incremental cancer risk impact attributable to the Project is calculated to be 0.01 in one million, which is less than the significance threshold of 10 in one million. At this same location, non-cancer risks attributable to the Project were calculated to be <0.01, which would not exceed the applicable significance threshold of 1.0. All other school receptors would be exposed to lower concentrations of TACs and therefore less risk than the MEISC identified herein. As such, the Project will not cause a significant human health or cancer risk to nearby school children.

3. Conclusion – Toxic Air Contaminants

The land use with the greatest potential exposure to Project construction and operational DPM source emissions is Location R2. At the MEIR, the maximum incremental cancer risk attributable to Project construction and operational DPM source emissions is estimated at 0.79 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction and operational activity. All other receptors during construction and operational activity would experience less risk than what is identified for this location.

Threshold d: Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)

Land uses generally associated with odor complaints include agricultural uses (livestock and farming), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project does not propose or require land uses that would use substantive sources of objectionable odors.

The Project does not contain land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt during construction, architectural coating of the future guard shack, and the temporary storage of typical solid waste (refuse) associated with the proposed Project's (long-term operational) uses. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. The proposed Project would also be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors, and emissions that may lead to odors, associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

4.1.7 CUMULATIVE IMPACT ANALYSIS

The MDAQMD relies on the South Coast AQMD guidance for determining cumulative impacts. The South Coast AQMD considers all impacts that are significant and direct to also be cumulatively considerable.

Individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Conversely, individual project-related construction and operational emissions that exceed MDAQMD thresholds for project-specific impacts would be considered cumulatively considerable. As previously noted, the Project would not exceed the applicable MDAQMD regional threshold for construction and operational-source emissions. As such, the Project would not result in a cumulatively significant impact for construction or operational activity.

As discussed above under Threshold c, the Project would have no potential to result in or contribute to a CO "Hot Spot." Accordingly, impacts associated with CO "Hot Spots" would be less than significant on a cumulatively considerable basis. Construction and operation of the Project also would not emit airborne TACs at concentrations that would result in cancer or non-cancer risks exceeding the MDAQMD thresholds of 10 in one million and 1.0, respectively. Accordingly, Project impacts due to TACs would be less than significant on a cumulatively-considerable basis.

With respect to odors, and as discussed under the analysis of Threshold d., the proposed Project would be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances (including odors) during both construction and long-term operation, and would be subject to the City's solid waste regulations. Other developments within the cumulative study area similarly would be required to comply with MDAQMD Rule 402 and the solid waste regulations of the applicable jurisdictions. Therefore, Project impacts due to other emissions (such as those leading to odors) would be less-than-cumulatively considerable.

4.1.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would conform to local land use plans, comply with all applicable MDAQMD Rules and Regulations, and would not exceed the applicable regional thresholds after the implementation of mitigation. Therefore, the Project is consistent with the applicable air quality plan, and impacts would therefore be less than significant.

Threshold b: Less-than-Significant Impact. As shown in Table 4.1-6, Project construction emissions would not exceed the criteria pollutant threshold established by the MDAQMD. Therefore, construction emissions impacts would be less than significant. As shown in Table 4.1-7, the Project's daily regional emissions from on-going operations would not exceed the thresholds of significance for emissions of any criteria pollutant. Therefore, impacts associated with the Project's operational emissions would be less than significant.



Threshold c: Less-than-Significant Impact. Project emissions would not cause or contribute to a CO “Hot Spot.” Additionally, the maximum incremental cancer risk attributable to Project construction and operational DPM source emissions is estimated at 0.79 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to nearby land uses as a result of Project construction and operational activity. Because all other receptors during construction and operational activity would experience less risk than what is identified for this location, Project impacts due to TACs would be less than significant.

Threshold d: Less-than-Significant Impact. The Project does not propose land uses typically associated with emitting objectionable odors. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. Additionally, it is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City of Victorville’s solid waste regulations. The proposed Project also would be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

4.1.9 APPLICABLE REGULATIONS, DESIGN REQUIREMENTS, AND MITIGATION

Applicable Regulations and Design requirements

- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 402, which requires that a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.
- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 403, “Fugitive Dust Control” by implementing the following dust control measures during construction activities, such as earth-moving activities, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the City of Victorville shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.
 - All clearing, grading, earth-moving, or excavation activities shall be reduced when winds exceed 25 miles per hour (mph) per MDAQMD guidelines in order to limit fugitive dust



- emissions. A reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.
- The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are subject to periodic watering for short-term stabilization of disturbed surfaces. Use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance.
 - The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 mph or less.
 - The Project is required to comply with the provisions of MDAQMD Rule 402, “Nuisance” which requires that a person shall not discharge air contaminants or other materials that would cause health or safety hazards to any considerable number of persons or the public.
 - The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 113, *Architectural Coatings*, by requiring that all architectural coatings must consist of low VOCs.

Mitigation

Project impacts related to air quality would be less than significant; therefore, mitigation measures are not required.



4.2 BIOLOGICAL RESOURCES

The following analysis is based in part on information obtained from two technical reports prepared by Glenn Lukos Associates, Inc. (herein, “GLA”), entitled, “Biological Technical Report for the Nisqualli Trailer Lot Expansion Project” (herein, “BTR”), dated September 7, 2023, and appended to this EIR as *Technical Appendix C* (GLA, 2023). Refer to Section 7.0, *References*, for a complete list of these and other reference sources.

4.2.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 20, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertain to biological resources.

4.2.2 ENVIRONMENTAL SETTING

Under existing conditions, the Project site is in a semi-rural/industrial area of Victorville, California and is partially used to store shipping containers and intermodal cars for warehouses located to the north, west, and south of the Project site. The Project site has been used for this purpose since 2005. The southernmost portion of the site serves as an access road from Enterprise Way. The site is flat with little microtopographic complexity and an average slope of 3.2-percent and no major geographic features (e.g., rock berms, hills, or slopes). The elevation of the site is approximately 2,904 feet above mean sea level. There are no blue line stream features present within the Project site boundary. Vegetation on site consists primarily of desert species such as rubber rabbitbrush (*Ericameria nauseosa*) and ruderal species.

A. Vegetation Communities

The Project site contains three vegetation types, including the rubber rabbitbrush (*Ericameria nauseosa*) scrub, disturbed rubber rabbitbrush scrub, and disturbed land as identified in Table 4.2-1, *Summary of Vegetation/Land Use Types (On Site)*, and shown in Figure 4.2-1, *Vegetation Map*. None of these vegetation types are listed as special status species.

Table 4.2-1 Summary of Vegetation/Land Use Types (On Site)

VEGETATION/LAND USE TYPE	ACREAGE
Rubber Rabbitbrush Scrub	3.63
Disturbed Rubber Rabbitbrush Scrub	0.73
Disturbed	5.68
TOTALS	10.04

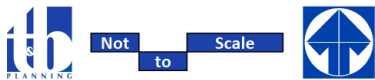
Source: (GLA, 2023, Table 4-1)

Provided below is a description of each of the vegetation communities that occur on the Project site.



Source(s): Glenn Lukos Associates (07-10-2023)

Figure 4.2-1



Vegetation Map

Lead Agency: City of Victorville

SCH No. 2023070350



1. Rubber Rabbitbrush Scrub (*Ericameria Nauseosa*)

Approximately 3.63 acres of the Project site is vegetated with the Rubber rabbitbrush (*Ericameria nauseosa*) scrub. Rubber rabbitbrush scrub has a G5 S5 rarity ranking, meaning that this vegetation type is demonstrably secure in both its global and California range. Rubber rabbitbrush scrub is not a special-status or protected habitat.

The membership rules for the rubber rabbitbrush shrub alliance include the following: (1) *Ericameria nauseosa* has greater than or equal to two percent absolute cover or greater than 25 percent relative cover in the shrub canopy; or (2) *Ericameria nauseosa* has greater than 50 percent relative cover in the shrub canopy. Within the subject area of vegetation, the relative cover of rubber rabbitbrush within the shrub canopy is approximately 60 percent.

Additional plant species present within this alliance include native desert dandelion (*Malacothrix californica*), mulefat (*Baccharis salicifolia*), popcornflower (*Plagiobothrys sp.*), and common fiddleneck (*Amsinckia intermedia*), and non-native red brome (*Bromus rubens*), big heron bill (*Erodium botrys*), wild oat (*Avena fatua*), Australian saltbush (*Atriplex semibaccata*), rosemary (*Rosmarinus officinalis*), field mustard (*Hirschfeldia incana*), scarlet pimpernel (*Lysimachia arvensis*), rattail fescue (*Vulpia myuros*), and London rocket (*Sisymbrium irio*).

2. Disturbed Rubber Rabbitbrush Scrub

An additional 0.73 acre of the site supported rubber rabbitbrush scrub when surveys were initiated in April 2023; however, this portion of the site was disturbed between sometime between GLA's visits on June 13 and July 3. Non-native vegetation occurs sporadically along the edges of this area, but otherwise the area was devoid of vegetation. This area is best classified as disturbed rubber rabbitbrush scrub to characterize the varying conditions during the timeframe of the biological surveys. As stated previously, rubber rabbitbrush scrub is not a special status or protected habitat.

3. Disturbed

The Project site contains approximately 5.68 acres of disturbed areas. These areas are generally devoid of vegetation, and consist of parking and storage areas and their associated access roads.

B. Special-Status Vegetation Communities

The California Natural Diversity Database (CNDDDB) identifies the following special-status vegetation community for the Adelanto, Victorville, Apple Valley North, Baldy Mesa, Hesperia, Apple Valley South, Cajon, Silverwood Lake, and Lake Arrowhead quadrangle maps: Southern Sycamore Alder Riparian Woodland. The Project site does not contain any special-status vegetation types, including those identified by the CNDDDB.



C. Special-Status Plants

No special-status plants were detected at the Project site, and none are expected to occur due to a lack of suitable habitat.

The City of Victorville has an ordinance prohibiting the removal of Joshua trees. The Project site does not contain Joshua trees.

D. Special-Status Animals

No special-status animals were detected at the Project site, and none are expected to occur due to a lack of suitable habitat. Table 4-3 of the Project's BTR (*Technical Appendix C*) provides a list of special-status animals evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys.

1. Burrowing Owl

A total of ten burrows were detected on site near the edges of the rubber rabbitbrush scrub; however, no burrowing owls or diagnostic sign thereof (e.g., whitewash, feathers, etc.) were detected during the four focused surveys for the Project site. Although the first survey was conducted after the first survey period (February 15 to April 15), based on a lack of detection of owls or sign over the four focused surveys, there were no burrowing owls present on site during the timeframe of February 15 to April 15, and burrowing owls are absent from the Project site.

E. Nesting Birds and Raptor Use

The Project site provides suitable foraging habitat for a number of raptor species, including special-status raptors. Southern California holds a diversity of birds of prey (raptors), and many of these species are in decline. For most of the declining species, foraging requirements include extensive open, undisturbed, or lightly disturbed areas, especially grasslands. This type of habitat has declined severely in the region, affecting many species, but especially raptors. A few species, such as Red-tailed Hawk (*Buteo jamaicensis*) and American Kestrel (*Falco sparverius*), are somewhat adaptable to low-level human disturbance and can be readily observed adjacent to neighborhoods and other types of development. These species still require appropriate foraging habitat and low levels of disturbance in vicinity of nesting sites.

Although no raptor species were detected during surveys, the Project site is expected to provide foraging habitat for raptors by supporting prey including insects, spiders, lizards, snakes, small mammals, and other birds.

The Project site contains shrubs and ground cover that provide suitable habitat for nesting migratory birds. Impacts to nesting birds are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGF). Birds anticipated to nest on the Project would be those that are common to disturbed habitats and desert scrub. These birds include mourning dove and killdeer. During surveys, killdeer were noted to have nested on site.



F. Wildlife Linkages/Corridors and Nursery Sites

Habitat linkages are areas which provide a connection between two or more other habitat areas which are often larger or superior in quality to the linkage. Such linkage sites can be quite small or constricted but may be vital to the long-term health of connected habitats. Linkage values are often addressed in terms of “gene flow” between populations, with movement taking potentially many generations.

Corridors are similar to linkages but provide specific opportunities for individual animals to disperse or migrate between areas, generally extensive but otherwise partially or wholly separated regions. Adequate cover and tolerably low levels of disturbance are common requirements for corridors. Habitat in corridors may be quite different than that in the connected areas, but if used by the wildlife species of interest, the corridor will still function as desired.

Wildlife nurseries are sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. Nurseries can be important to both special-status species as well as commonly occurring species. The Project site is completely fenced off and does not constitute a linkage or corridor to other wildland areas. The Project site does not represent an area that is valuable to wildlife movement. The Project site does not represent a nursery site due to the disturbed nature of the site and its adjacent surrounding areas (residential areas).

G. Jurisdictional Waters

GLA examined the Project site to determine the presence and limits of (1) Corps jurisdiction pursuant to Section 404 of the Clean Water Act (CWA), (2) Regional Board jurisdiction pursuant to Section 401 of the CWA and Section 13260 of the California Water Code (CWC), and (3) California Department of Fish and Wildlife (CDFW) jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the Fish and Game Code.

The Project site lacks any drainage features, including those that would support temporary or permanent flows, that would be subject to the jurisdiction of the Corps, Regional Board, or CDFW.

4.2.3 REGULATORY FRAMEWORK

A. Federal Regulations

1. Endangered Species Act (ESA)

The purpose of the federal Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department’s National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon. Under the ESA, species may be listed as either endangered or threatened. “Endangered” means a species is in danger of extinction throughout all or a significant portion of its range. “Threatened” means a species is likely



to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened.

The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Through regulations, the term “harm” is defined as “an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.” Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land. Protection from commercial trade and the effects of federal actions do apply for plants.

Section 7 of the ESA requires federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the USFWS and NMFS, as appropriate, to ensure that effects of actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species. During consultation, the “action” agency receives a “biological opinion” or concurrence letter addressing the proposed action. In the relatively few cases in which the USFWS or NMFS makes a jeopardy determination, the agency offers “reasonable and prudent alternatives” about how the proposed action could be modified to avoid jeopardy. It is extremely rare that a project ends up being withdrawn or terminated because of jeopardy to a listed species.

Section 10 of the ESA may be used by landowners including private citizens, corporations, tribes, states, and counties who want to develop property inhabited by listed species. Landowners may receive a permit to take such species incidental to otherwise legal activities, provided they have developed an approved habitat conservation plan (HCP). HCPs include an assessment of the likely impacts on the species from the proposed action, the steps that the permit holder will take to avoid, minimize, and mitigate the impacts, and the funding available to carry out the steps. HCPs may benefit not only landowners but also species by securing and managing important habitat and by addressing economic development with a focus on species conservation. (USFWS, 2017)

2. *Clean Water Act Section 401*

Clean Water Act (CWA) § 401 water quality certification provides states and authorized tribes with an effective tool to help protect water quality, by providing them an opportunity to address the aquatic resource impacts of federally issued permits and licenses. Under § 401, a federal agency cannot issue a permit or license for an activity that may result in a discharge to waters of the U.S. until the state or tribe where the discharge would originate has granted or waived § 401 certification. The central feature of CWA § 401 is the state or tribe’s ability to grant, grant with conditions, deny, or waive certification. Granting certification, with or without conditions, allows the federal permit or license to be issued consistent with any conditions of the certification. Denying certification prohibits the federal permit or license from being issued. Waiver allows the permit or license to be issued without state or tribal comment. States and tribes make their decisions to deny, certify, or condition permits or licenses based in part on the proposed project’s compliance with Environmental Protection Agency (EPA)-approved



water quality standards. In addition, states and tribes consider whether the activity leading to the discharge will comply with any applicable effluent limitations guidelines, new source performance standards, toxic pollutant restrictions, and other appropriate requirements of state or tribal law.

Many states and tribes rely on § 401 certification to ensure that discharges of dredge or fill material into a water of the U.S. do not cause unacceptable environmental impacts and, more generally, as their primary regulatory tool for protecting wetlands and other aquatic resources. However, § 401 is limited in scope and application to situations involving federally-permitted or licensed activities that may result in a discharge to a water of the U.S. If a federal permit or license is not required, or would authorize impacts only to waters that are not waters of the U.S., the activity is not subject to the CWA § 401. (EPA, 2022e)

3. *Clean Water Act Section 404*

Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Wetlands subject to Clean Water Act Section 404 are defined as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities).

The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment; or (2) the nation’s waters would be significantly degraded. Applications for permits must, to the extent practicable: (1) demonstrate steps have been taken to avoid wetland impacts; (2) demonstrate that potential impacts on wetlands have been minimized; and (3) provide compensation for any remaining unavoidable impacts. Proposed activities are regulated through a permit review process.

An individual permit is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers (USACE), which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines. However, for most discharges that will have only minimal adverse effects, a general permit may be suitable. General permits are issued on a nationwide, regional, or State basis for particular categories of activities. The general permit process eliminates individual review and allows certain activities to proceed with little or no delay, provided that the general or specific conditions for the general permit are met. States also have a role in Section 404 decisions, through state program general permits, water quality certification, or program assumption. (EPA, n.d.)



4. *Executive Order 11990 – Protection of Wetlands*

The purpose of Executive Order (EO) 11990 is to "minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands." To meet these objectives, the Order requires federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. (FEMA, 2022) The Order applies to:

- Acquisition, management, and disposition of federal lands and facilities construction and improvement projects which are undertaken, financed, or assisted by federal agencies;
- Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities. (FEMA, 2022)

The procedures require the determination of whether or not the proposed project will be in or will affect wetlands. If so, a wetlands assessment must be prepared that describes the alternatives considered. The procedures include a requirement for public review of assessments. (FEMA, 2022)

5. *Migratory Bird Treaty Act (16 USC Section 703-712)*

The MBTA makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The migratory bird species protected by the MBTA are listed in 50 CFR 10.13. The USFWS has statutory authority and responsibility for enforcing the MBTA (16 U.S.C. 703-712). The MBTA implements Conventions between the United States and four countries (Canada, Mexico, Japan, and Russia) for the protection of migratory birds. (USFWS, 2020)

B. State Regulations

1. *California Endangered Species Act (CESA)*

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The CDFW works with interested persons, agencies, and organizations to protect and preserve such sensitive resources and their habitats. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met. (CDFW, n.d.)

Section 2081 subdivision (b) of the CFGC allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits (ITPs). (CDFW, n.d.)



If a species is listed by both the federal ESA and CESA, CFGC Section 2080.1 allows an applicant who has obtained a federal incidental take statement (federal Section 7 consultation) or a federal incidental take permit (federal Section 10(a)(1)(B)) to request that the Director of CDFW find the federal documents consistent with CESA. If the federal documents are found to be consistent with CESA, a consistency determination (CD) is issued and no further authorization or approval is necessary under CESA. (CDFW, n.d.)

A Safe Harbor Agreement (SHA) authorizes incidental take of a species listed as endangered, threatened, candidate, or a rare plant, if implementation of the agreement is reasonably expected to provide a net conservation benefit to the species, among other provisions. SHAs are intended to encourage landowners to voluntarily manage their lands to benefit CESA-listed species. California SHAs are analogous to the federal safe harbor agreement program and CDFW has the authority to issue a consistency determination based on a federal safe harbor agreement. (CDFW, n.d.)

2. *Natural Community Conservation Planning Act (NCCP)*

CDFW's Natural Community Conservation Planning (NCCP) program takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. The NCCP program began in 1991 as a cooperative effort to protect habitats and species. It is broader in its orientation and objectives than the California and Federal Endangered Species Acts, as these laws are designed to identify and protect individual species that have already declined in number significantly. (CDFW, n.d.)

An NCCP identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. Working with landowners, environmental organizations, and other interested parties, a local agency oversees the numerous activities that compose the development of an NCCP. CDFW and the USFWS provide the necessary support, direction, and guidance to NCCP participants. (CDFW, n.d.)

There are currently 17 approved NCCPs (includes 6 subarea plans) and more than 9 NCCPs in various stages of planning (includes 2 subarea plans), which together cover more than 8 million acres and will provide conservation for nearly 400 special status species and a wide diversity of natural community types throughout California. (CDFW, n.d.)

3. *California Fish and Game Code, Section 1600, et seq.*

CFGC section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or (3) deposit debris, waste or other materials that could pass into any river, stream, or lake. The CFGC indicates that "any river, stream or lake" includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. (CDFW, n.d.)



CDFW requires a Lake and Streambed Alteration (LSA) Agreement when it determines that the activity, as described in a complete LSA Notification, may substantially adversely affect existing fish or wildlife resources. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify a project that would eliminate or reduce harmful impacts to fish and wildlife resources. Before issuing an LSA Agreement, CDFW must comply with CEQA. (CDFW, n.d.)

4. *Native Plant Protection Act (NPPA) of 1977*

The Native Plant Protection Act (NPPA) was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. (CDFW, n.d.)

5. *Unlawful Take or Destruction of Nests or Eggs (CFGC Sections 3503.5-3513)*

Section 3503.5 of the CFGC specifically protects birds of prey, stating: “It is unlawful to take, possess, or destroy any . . . [birds-of-prey] or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Section 3513 of the CFGC duplicates the federal protection of migratory birds, stating: “It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.” (CA Legislative Info, n.d.)

6. *Porter-Cologne Water Quality Act*

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code section 13000 et seq.), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation. (SWRCB, 2018)



C. Local Regulations

1. City of Victorville Municipal Code Title 13 Chapter 13.33 – Preservation and Removal of Joshua Trees

Title 13 Chapter 13.33 of the City of Victorville’s municipal code states the following (GLA, 2022, p. 20):

“It is determined by the city council that proper and necessary steps be taken in order to protect and preserve, to the greatest extent possible, Joshua trees in all areas of the city so as to preserve the unique natural desert environment throughout the city and for the health, safety and welfare of the community.

It is unlawful for any person to cut, damage, destroy, dig up, or harvest any Joshua tree without the prior written consent of the director of parks and recreation or his designee. A violation of this section is a misdemeanor punishable by up to six months in jail and/or a five-hundred-dollar fine.”

4.2.4 BASIS FOR DETERMINING SIGNIFICANCE

Section IV of Appendix G to the CEQA Guidelines addresses typical adverse effects to biological resources, and includes the following threshold questions to evaluate the Project’s impacts to biological resources:

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;*
- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service;*
- c. *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;*
- d. *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;*
- e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;*
- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*



4.2.5 METHODOLOGY

A. Wildlife

Wildlife species were evaluated and detected during field surveys by sight, call, tracks, and scat. Site reconnaissance was conducted in such a manner as to allow inspection of the entire Project site by direct observation, including the use of binoculars. Observations of physical evidence and direct sightings of wildlife were recorded in field notes during the visit. During the general biological and reconnaissance survey within the Project site, birds were detected incidentally by direct observation and/or by vocalizations, with identifications recorded in field notes. Mammals were identified and detected incidentally by direct observations and/or by the presence of diagnostic sign (i.e., tracks, burrows, scat, etc.). Reptiles and amphibians were identified incidentally during surveys. Habitats were examined for diagnostic reptile sign, which include shed skins, scat, tracks, snake prints, and lizard tail drag marks.

B. Special-Status Communities and Species

Communities and species were evaluated based on the following factors: 1) species identified by the CNDDDB and California Native Plant Society (CNPS) as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status plants that are known to occur within the vicinity of the Project site, or for which potentially suitable habitat occurs within the site. Special-status animals were evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys. Species were evaluated based on the following factors, including: 1) species identified by the CNDDDB as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status animals that are known to occur within the vicinity of the Project site, for which potentially suitable habitat occurs on the site.

GLA conducted focused surveys for the burrowing owl (*Athene cunicularia*) for all suitable habitat areas within the Project site. To the extent feasible, surveys were conducted in accordance with survey guidelines described in the 2012 California Department of Fish and Game (CDFG) Staff Report on Burrowing Owl Mitigation. Focused surveys were conducted on April 27, May 22, June 13, and July 3, 2023.

4.2.6 IMPACT ANALYSIS

Threshold a: *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The following discussion examines the potential impacts to plant and wildlife resources that would occur as a result of the proposed Project.



A. Special-Status Plants

No special-status plants were detected at the Project site and none are expected to occur due to a lack of suitable habitat. The Project would not result in any significant impacts to any special-status plant species.

B. Special-Status Animals

No special-status animals were detected at the Project site and none are expected to occur due to a lack of suitable habitat. A total of ten burrows were detected on site near the edges of the rubber rabbitbrush scrub; however, no burrowing owls or diagnostic sign thereof (e.g., whitewash, feathers, etc.) were detected during the four focused surveys for the Project site. Although focused surveys conducted on site did not identify the presence of any burrowing owls, there is a potential for burrowing owls to occupy the Project site prior to the commencement of construction activities. This is evaluated as a potentially significant impact for which mitigation would be required.

C. Indirect Impacts to Biological Resources

In the context of biological resources, indirect effects are those effects associated with developing areas adjacent to adjacent native open space. Potential indirect effects associated with development include water quality impacts from associated with drainage into adjacent open space/downstream aquatic resources; lighting effects; noise effects; invasive plant species from landscaping; and effects from human access into adjacent open space, such as recreational activities (including off-road vehicles and hiking), pets, dumping, etc. Temporary, indirect effects may also occur as a result of construction-related activities.

The Project will not result in permanent indirect impacts from lighting or from water quality impacts. No permanent lighting fixtures are proposed, and the site will drain into the proposed detention basin, resulting in no net flow off site. In addition, the Project would comply with the stormwater pollution prevention plan (SWPPP) for the Project. Due to the existing disturbed nature of the site and the developed nature of the surrounding areas, indirect impacts to biological resources are less than significant.

Threshold b: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

The proposed Project would permanently impact approximately 10.04 acres of lands through grading, including areas of remedial grading that will not be restored to pre-project conditions. Permanent removal of 3.63 acre of rabbitbrush scrub, 0.73 acres of disturbed rabbitbrush scrub, and 5.68 acres of disturbed areas would occur. None of the vegetation communities that would be impacted by the Project are considered as sensitive vegetation communities. Therefore, the impacts would be less than significant.



Threshold c: *Would the Project have 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?*

The Project site does not contain any State- or federally-protected wetlands, and therefore the Project would not impact wetlands. No impact would occur.

Threshold d: *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?*

The Project site lacks wildlife nursery sites and sufficient habitat features to support colonies of nesting birds or large numbers of roosting bats. No impact to wildlife nursery sites would occur.

The Project has the potential to impact active bird nests if vegetation is removed during the nesting season (February 1 to September 15). Impacts to nesting birds are prohibited by the MBTA and CFGC. Additionally, the Project has the potential to impact potential foraging habitat for common raptor species, such as the red-tailed hawk and the American kestrel. However, due to the small size of the site, the disturbance and active use of the site, and the developed condition of the adjoining properties to the north, west, and south, the removal of this habitat would not be considered significant under CEQA.

The native birds with potential to nest on the Project site would be those that are extremely common to the region and highly adapted to human landscapes (e.g., mourning dove, killdeer). The number of individuals potentially affected by the Project would not significantly affect regional, let alone local populations of such species. Furthermore, the extent of avian breeding at the Project site does not constitute a “nursery site,” which are sites where wildlife concentrates for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. This degree of breeding does not apply to the Project site. Notwithstanding, because the Project has the potential to impact active nests regulated by the MBTA and CFGC, Project impacts to nesting birds would result in a potentially significant impact.

Threshold e: *Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The only local policy or ordinance protecting biological resources in effect within the Project area is Title 13, Chapter 13.33 of the Victorville Municipal Code (Preservation and Removal of Joshua Trees), which prohibits the removal of (or other damage to) Joshua trees without prior written consent of the Director of Parks and Recreation. The Project does not support Joshua trees, and therefore, the Project will not conflict with any local policies or ordinances protecting biological resources.



Threshold f: 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?

The Project site is not located within any adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Accordingly, no impacts would occur.

4.2.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for biological resources considers development of the Project site in conjunction with other development projects in the vicinity of the Project site as well as full General Plan buildout in the City of Victorville and surrounding areas.

As indicated in the analysis of Threshold a, the Project would not result in any significant impacts to special-status wildlife species, with exception of the burrowing owl. As other cumulative developments within the region also have the potential to result in impacts to the burrowing owl, Project impacts would be cumulatively considerable.

As indicated under the analysis of Threshold b, none of the vegetation communities are considered sensitive vegetation communities. The Project also would not result in any significant impacts to riparian habitat. Therefore, Project impacts to sensitive vegetation communities and riparian habitat would be less than significant on a cumulatively-considerable basis.

As indicated under the analysis of Threshold c, the Project would not impact any State or federally-protected wetlands, and as such cumulatively-considerable impacts to wetlands would not occur. As other developments within the region also have the potential to result in impacts to drainages regulated by the Corps, Regional Board, and/or CDFW, Project impacts would be significant on a cumulatively-considerable basis.

Although the Project would not impact any migratory wildlife corridors or nursery sites, the Project does have the potential to result in impacts to nesting birds that may occupy the Project site prior to the commencement of construction activities. As other cumulative developments also have the potential to impact nesting birds that are regulated by the CFGC and the MBTA, Project impacts would be cumulatively considerable.

As indicated under the analysis of Threshold e, the Project would not conflict with Title 13, Chapter 13.33 of the Victorville Municipal Code because the Project would not impact any Joshua trees. As other cumulative developments also have the potential to result in impacts to Joshua trees, Project impacts due to a potential conflict with Chapter 13.33 would be cumulatively-considerable.

The Project site is not located within any adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Accordingly, the Project has no potential to result in cumulatively-considerable impacts due to a conflict with an



adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

4.2.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Potentially Significant Direct and Cumulatively-Considerable Impact. The Project has the potential to result in impacts to the burrowing owl, if the Project site were to become occupied prior to the commencement of construction activities. Project impacts to the burrowing owl represent potentially significant impacts of the Project on both a direct and cumulatively-considerable basis.

Threshold b: Less-than-Significant Impact. The Project would permanently impact approximately 10.04 acres of lands through grading, including areas of remedial grading that will not be restored to pre-project conditions. None of the vegetation communities to be impacted by the Project are considered sensitive vegetation communities. Impacts would be less than significant.

Threshold c: No Impact. The Project site does not contain any State- or federally-protected wetlands, and therefore the Project would not impact wetlands. No impact would occur.

Threshold d: Potentially Significant Direct and Cumulatively-Considerable Impact. There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery. However, the Project has the potential to impact nesting migratory birds protected by the MBTA and CFGC, should habitat removal occur during the nesting season and should nesting birds be present. This is evaluated as a significant impact on both a direct and cumulatively-considerable basis.

Threshold e: No Impact. The only local policy or ordinance protecting biological resources in effect within the Project area is Title 13, Chapter 13.33 of the Victorville Municipal Code (Preservation and Removal of Joshua Trees) The Project does not support Joshua trees, and therefore, the Project will not conflict with any local policies or ordinances protecting biological resources.

Threshold f: No Impact. The Project site is not located within any adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Accordingly, no impacts would occur.

4.2.9 APPLICABLE REGULATIONS, DESIGN REQUIREMENTS, AND MITIGATION

Mitigation Measures

MM 4.2-1 Impacts to Burrowing Owl: Prior to issuance of grading permits or any other permits allowing for the removal of vegetation on site, the City shall condition a qualified biologist to conduct two pre-construction presence/absence surveys for burrowing owls, one no less than 14 days prior to site disturbance, and one within 24 hours of site disturbance activities. If burrowing owls are detected on site, the owls will be relocated/excluded from the site outside of the breeding season following accepted



protocols, and subject to the approval of CDFW. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required. If burrowing owls are detected within or adjacent to the proposed disturbance area, then the owls shall be passively relocated from the site to adjacent areas of suitable habitat. A qualified biologist shall prepare a Burrowing Owl Relocation and Protection Plan that shall document the relocation procedures. The Plan shall be submitted to CDFW for review and approval prior to relocating burrowing owls. Passive relocation shall be performed outside of the breeding season (October 1 to January 31), unless a qualified biologist 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. Prior to performing the relocation, the biologist shall ensure that the adjacent relocation area contains suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. If the relocation site does not contain enough natural burrows, then artificial burrows shall be created. Until burrowing owls can be excluded from the impact area, the occupied burrows shall be avoided with adequate buffers as recommended by the biologist. During the breeding season, the avoidance buffer may be as high as 500 meters depending on the type of disturbance occurring adjacent to the occupied habitat.

MM 4.2-2 Impacts to Nesting Birds: Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site, the City of Victorville Department of Engineering shall ensure that the following note is included on the grading plans. Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors.

“Vegetation clearing shall be conducted outside of the bird nesting season (February 1 through September 15) to the extent feasible. If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance



management, a report shall be prepared and submitted to City of Victorville for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.

4.2.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a.: Less-than-Significant with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.2-1 would ensure that appropriate pre-construction surveys are conducted prior to ground-disturbing activities and/or vegetation removal and would ensure that owls are passively relocated to a site containing suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. Implementation of the required mitigation would reduce Project impacts to species identified as a candidate, sensitive, or special status species, including the Joshua tree and burrowing owl, to less-than-significant levels.

Threshold d.: Less-than-Significant with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.2-2 would ensure that appropriate pre-construction surveys are conducted during the bird nesting season, and further would ensure that any active nests are avoided and protected by an appropriate buffer area. Implementation of the required mitigation would reduce the Project's potential impacts to nesting birds to less-than-significant levels.



4.3 CULTURAL RESOURCES

The analysis in this Subsection is based on the report titled, “A Cultural Resources Study for the Nisqualli Road Trailer Lot Expansion Project,” (*Cultural Resources Study*) (*Technical Appendix D*) prepared by BFS A Environmental Services (BFS A) dated July 12, 2023.

Confidential information has been redacted from *Technical Appendix D* for the purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City of Victorville, and BFS A is considered confidential in respect to places that may have traditional tribal cultural significance (Government Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code Regulations Section 15120(d)).

4.3.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 20, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were made during the EIR Scoping Meeting that pertain to cultural resources. One comment was received related to cultural resources from the Native American Heritage Commission (NAHC) on July 20, 2023. The NAHC requested that the EIR adhere to the Native American consultation requirements pursuant to Senate Bill 18 and Assembly Bill 52. Details on tribal consultation for the Project are further discussed in Section 4.11, *Tribal Cultural Resources*, of this EIR.

4.3.2 ENVIRONMENTAL SETTING

A. *Cultural Setting*

The Project site is within the City of Victorville, San Bernardino County, California. The following provides a brief discussion of the prehistoric context of the Project area for a better understanding of the relevance of resources identified within its proximity. Refer to Subsection 2.3 of the *Cultural Resources Study* for a complete discussion of the prehistoric and historic setting.

1. *Archaeological Setting*

The first Native American group to historically occupy the Mojave Desert was the Shoshoneans. This group was comprised of a broad band of people who spoke similar languages. These bands moved west from the Great Basin, a vast inland region of the Western United States, into the Mojave Desert. It is believed that these bands were well established 1,200 to 1,500 years ago and possibly as early as 3,000 years ago.

The Project site straddles the traditional territory of multiple Native American groups including the Serrano and the Vanyume. Although there may be considered a range of cultural variations among



these groups, they all have language derived from a base Uto-Aztecan language stock. In the same instance, although they may have held differing worldviews and maintained variations in their social structures, how they exploited the natural resources of their territories remained similar.

Although the Mojave Desert is an area believed to have had limited prehistoric subsistence resources, it has historically supported a long and occasionally dense population. Evidence of villages and camps, burials, quarries, rock features, and bedrock mortars has been documented at archaeological sites across the desert, some of which contain evidence of a lengthy prehistoric time span. Although early archaeological remains are not found frequently, when they are, they are generally located along the margins of former pluvial lakes or in areas of dune deflation. In contrast, artifacts on the desert floor may be sparse, widely scattered, and mixed with the desert pavements. For the region, archaeologists have reached a broad consensus regarding the general cultural chronology. The identified sequence includes the Paleo Indian Period, the Pinto Period, the Gypsum Period, the Saratoga Springs Period, and the Ethnohistoric Period, which are summarized below.

- *Paleo Indian Period (12,000 to 7,000 Years Before the Present [YBP])*. The earliest documented evidence of human occupation in the Mojave Desert comes from the Paleo Indian Period, a cultural expression referred to as the Western Pluvial Lakes Tradition (WPLT). The WPLT occurred in the western Great Basin and covered an area that stretched from the now arid lands of southern California to Oregon. A cultural adaptation to pluvial conditions (e.g., lakes, marshes, and grasslands) flourished for thousands of years after approximately 9000 B.C., but disappeared in response to the warming and drying trends of the Altithermal Climatic Period. One of the most well-known expressions of the WPLT is the Lake Mojave Complex. Artifacts indicative of the Lake Mojave Complex include foliated points and knives, Lake Mojave points, Silver Lake points, and flaked-stone crescents. Similar artifacts have been subsequently recorded along the shoreline of many other pluvial lakes in the Mojave Desert.
- *Pinto Period (7,000 to 4,000 YBP)*. The Pinto Period dates to the end of the Pleistocene, when the severe and dramatic environmental change from pluvial to arid conditions began. Pinto Period sites are found mostly near ephemeral lakes and now dry streams and springs, suggesting a wetter climate than the present. Projectile points associated with the Pinto Period are characterized as larger atlatl dart points, as opposed to arrowhead points, which were introduced later.
- *Gypsum Period (4,000 to 1,500 YBP)*. The presence of Humboldt Concave Base, Gypsum Cave, Elko Eared, or Elko corner-notched points are believed to be indicative of the Gypsum Period (radiocarbon dated from 4,000 to 1,500 years ago). The Gypsum Period reflects a more intensive desert occupation. An increase in milling stones and manos has been found in association with this period, which indicates an increased use of hard seeds. Several scholars associate this period with the division of the Uto-Aztecan language, approximately 3,000 to 2,500 years ago. The major language groups that emerged from this division are Numic, spoken by the Kawaiisu and Piute; Takic, spoken by the Kitanemuk, Serrano, Gabrieliño, and other southern California Shoshonean speakers; Hopic, spoken in the southwest; and Tubatulabalic, spoken by the Tubatulabal in the southern Sierra Nevada Mountains.
- *Sarasota Spring Period (1,500 to 800 YBP)*. The Saratoga Springs Period is characterized by a transition from larger dart points to smaller arrow points. This, combined with evidence from



rock art motifs, leads scholars to argue for a shift from atlatls to the use of the bow and arrow either during the end of the Gypsum Period or the beginning of the Saratoga Springs Period. Evidence in the archaeological record shows that Brown and Buff wares (pottery styles) characteristic of Arizona made their way to the California desert by A.D. 900. It is also believed that the Anasazi mined turquoise in the eastern California desert about this time.

- *Ethnohistoric Period (800 YBP to the Time of European Contact).* During the Ethnohistoric Period, the Vanyume and potentially the Serrano occupied the project. The territory of the Vanyume was covered by small and relatively sparse populations focused primarily along the Mojave River, north of the Serrano and southeast of the Kawaiisu. As with the majority of California native populations, Vanyume populations were decimated around the 1820s by placement in Spanish missions and asistencias. However, given the settlement patterns reported for the Vanyume, it is more probable that the population was dispersed rather than completely wiped out.

The Serrano and Vanyume were primarily hunters and gatherers. Vegetal staples varied with locality; acorns and piñon nuts were found in the foothills, and mesquite, yucca roots, cacti fruits, and piñon nuts were found in or near the desert regions. Diets were supplemented with other roots, bulbs, shoots, and seeds. Deer, mountain sheep, antelopes, rabbits, and other small rodents were among the principal food packages. Various game birds, especially quail, were also hunted. The bow and arrow was used for large game, while smaller game and birds were killed with curved throwing sticks, traps, and snares. In general, manufactured goods included baskets, some pottery, rabbit-skin blankets, awls, arrow straighteners, sinewbacked bows, arrows, fire drills, stone pipes, musical instruments (rattles, rasps, whistles, bullroarers, and flutes), feathered costumes, mats, bags, storage pouches, and nets.

2. *Historical Setting*

Prior to the European presence in North America, Native American groups subsisted along the shores of the no longer extant lakes of the Great Basin region that covered the major portion of the present-day Mojave Desert. by the time the first Spanish explorers ventured into what is now southern California in 1769, the pluvial lakes had long since vanished, leaving the Mojave River to support primarily the Paiute and the Mohave tribes.

Up until the 1850s, the majority of traffic through the region took place along the “Old Spanish Trail,” which forked northward from Mojave Road, located a few miles east of present-day Barstow. These early travelers were most likely raiders, mission escapees, slave traders, fur trappers, soldiers, explorers, stockmen, merchants, guides, gold prospectors, and immigrants. By the early 1860s, many early pioneers began settling along the Mojave River, deriving their income from the road traffic that was now more common in the region. It was around this same time that settlers also began agricultural and stock-raising ventures. Despite the early forays into gold mining that began as early as the 1850s, large-scale local developments did not begin until nearly 1881. It was not until the discovery of silver in Calico and the construction of the Southern Pacific Railroad from Mojave to Daggett in 1882 that the region became a mining center.

In 1853, Congress authorized exploration and surveys to determine the most economical route for a rail line from the Mississippi River to the Pacific Ocean. Southern Pacific Railroad constructed the



desert section of the rail line. The route was completed from Mojave to Needles in 1882 to 1883. Around 1888, the Santa Fe Railroad arrived in the region. In 1886, the California Southern Railroad (a subsidiary of the Atchison, Topeka, and Santa Fe Railway Company) completed the line from National City in San Diego County through Cajon Pass, joining the transcontinental line.

That same year, the plan of the town of Victor was prepared. Named for California Southern Railroad construction superintendent Jacob Nash Victor, the town was established after the construction of the original railroad station located approximately one mile northwest of the narrows of the Mojave River. The plan for the town of Victor included a grid-patterned original subdivision map of approximately 200 acres that would encompass properties between A and G streets and First through Eleventh streets. In 1901, the name of the town was changed from Victor to Victorville, due to confusion by the United States Post Office with Victor, Colorado.

Due to the presence of rich soils and an abundance of water from the Mojave River, the town of Victor began to develop agriculturally soon after it was established in the 1880s. This focus was short-lived, however, as in the 1890s, limestone and granite were discovered in Victor Valley. This discovery led to the town shifting its attentions toward the cement manufacturing industry, with the Southwestern Portland Cement Company beginning operations in the town in 1916.

As Victorville grew, the United States government became interested in utilizing the lands surrounding the town. The United States Army Corps of Engineers began construction of the Victorville Army Flight Training School in 1941, completing construction in 1942. A total of 10,000 men were stationed at the school when it opened. Following World War II, however, the airfield saw less use until the facility was reactivated in 1950 due to training needs associated with the Korean War. Upon reopening, the facility was renamed George Air Force Base after Brigadier General Harold H. George who was killed in a ground accident on a United States base in Australia in 1942. The base was closed in 1992 and has been converted for civilian use as the Southern California Logistics Airport.

The town of Victorville was incorporated as a general law city in 1962, its city limits encompassing approximately 10 square miles.

B. Archaeological and Historical Investigation

1. Records Search Results

An archaeological records search for the project and the surrounding area within a one half-mile radius was conducted by BFSA at the SCCIC at CSU Fullerton. Land patent records, held by the Bureau of Land Management (BLM) and accessible through the BLM General Land Office (GLO) website, were also reviewed for pertinent project information. In addition, the BFSA research library was consulted for any relevant historical information.

The search results identified six (6) cultural resource sites within the search radius, none of which are within the Project site boundaries. The previously recorded sources are all prehistoric isolates (P-36-020184, P-36-020290, P-36-064531, P-36-064532, P-36-064607, and P-36-064608). (BFSA, 2023)



The record search also identified 14 previous studies within one-half mile of the Project, two (2) of which included the Project site. In 1981, Weil surveyed the property and neighboring parcels in anticipation of the development of the project vicinity. In 2004, CRM Tech monitored paleontological resources during grading. This report includes a handwritten edit indicating they also conducted an archaeological reconnaissance survey. The CRM Tech report also appears to show that their focus was the parcels immediately north and west of the project, with only the western portion of the current project included in their monitoring efforts. Regardless, the CRM Tech report does indicate that surrounding parcels, including the subject property, were graded in 2004. BFSA also reviewed the following sources:

- The National Register of Historic Places index
- Historic United States Geological Survey (USGS) data
- BLM GLO records
- Historic aerial photographs (1952 through 2023)

These sources did not indicate the presence of archaeological resources within the Project site. Further, based upon historic USGS data and the aerial photographs, no structures were historically located onsite. Between 1994 and 2003, an industrial warehouse appears on the property immediately southwest of the subject property. Further, the aerial photographs show that the property, along with the parcel to the north and east, was subjected to grading for development between 2003 and 2005. This corresponds with the monitoring conducted by CRM Tech in 2004. Beginning in 2006, it appears a structure is in the process of being built in the southeast corner of the property. This structure is present on photographs between 2009 and 2015; however, it is no longer visible on the 2016 and subsequent aerial photographs. Current aerial photographs show the property as cleared and utilized for tractor-trailer parking, which is likely tied to the neighboring industrial warehouse properties. BFSA also requested a SLF search from the NAHC to search for the presence of any recorded Native American sacred sites or locations of religious or ceremonial importance within one mile of the Project. The SLF search was returned with positive results for potential site or locations of Native American importance within the vicinity. The NAHC suggested contacting the San Manuel Band of Mission Indians and Chemehuevi Indian Tribe for further information.

2. *Field Survey Results*

An intensive pedestrian survey of the property was conducted that employed a series of parallel survey transects spaced at 10-meter intervals to locate archaeological sites within the project. The archaeological survey of the Project site was conducted on April 24, 2023. The entire Project was covered by the survey process, and photographs were taken to document Project conditions during the survey. Ground visibility throughout the property was considered moderate to good.

The survey confirmed that the Project site had been subjected to previous clearing and some level of grading and development. Based upon the aerial photographs and records search information, it appears the Project site was cleared and graded in or around 2004 at the same time neighboring parcels



were graded. Spoil piles of dirt as well as concrete and pipe debris, were noted in the location where a structure was visible within the property between 2009 and 2015. The survey did not result in the identification of any historic or prehistoric cultural resources within the Project site boundaries.

4.3.3 REGULATORY FRAMEWORK

A. Federal Regulations

1. *National Register of Historic Places (NRHP)*

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the NHPA of 1966, the NPS's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources. (NPS, 2022a)

To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance, as follows:

- Age and Integrity. Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?
- Significance. Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural history, landscape history, or engineering achievements? Does it have the potential to yield information through archaeological investigation about our past? (NPS, 2022a)

Nominations can be submitted to a SHPO from property owners, historical societies, preservation organizations, governmental agencies, and other individuals or groups. The SHPO notifies affected property owners and local governments and solicits public comment. If the owner (or a majority of owners for a district nomination) objects, the property cannot be listed but may be forwarded to the NPS for a Determination of Eligibility (DOE). Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards used by every state. (NPS, 2022a)

Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access. (NPS, 2022a)

2. *National Historic Landmarks Program*

National Historic Landmarks (NHLs) are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Today, over 2,600 historic places bear this national distinction.



Working with citizens throughout the nation, the NHL Program draws upon the expertise of NPS staff who guide the nomination process for new Landmarks and provide assistance to existing Landmarks. (NPS, 2022b)

3. *American Indian Religious Freedom Act*

The American Indian Religious Freedom Act (AIRFA) requires each executive branch agency with statutory or administrative responsibility for the management of Federal lands, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies are also required to maintain the confidentiality of sacred sites. Each executive branch agency with statutory or administrative responsibility for the management of Federal lands are required to implement procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. (NOAA, n.d.)

4. *Federal Antiquities Act*

The Antiquities Act is the first law to establish that archaeological sites on public lands are important public resources. It obligates federal agencies that manage the public lands to preserve for present and future generations the historic, scientific, commemorative, and cultural values of the archaeological and historic sites and structures on these lands. It also authorizes the President to protect landmarks, structures, and objects of historic or scientific interest by designating them as National Monuments. (NPS, 2022d)

B. State Regulations

1. *California Administrative Code, Title 14, Section 4308*

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: “No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.” (CCR, n.d.)

2. *California Code of Regulations Title 14, Section 1427*

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: “No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.” (NAHC, n.d.)

3. *California Register of Historic Resources*

The State Historical Resources Commission has designed this program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The Register is the authoritative guide to the state's significant historical and archaeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies historical resources for



state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA. (OHP, n.d.)

In order for a resource to be included on the Register of Historic Resources, the resources must meet one of the following criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4). (OHP, n.d.)

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if property is threatened by a project. Additionally, local building inspectors must grant code alternatives provided under State Historical Building Code. Further, the local assessor may enter into contract with property owner for property tax reduction pursuant to the Mills Act. A property owner also may place his or her own plaque or marker at the site of the resource. (OHP, n.d.)

Consent of owner is not required, but a resource cannot be listed over an owner's objections. The State Historical Resources Commission (SHRC) can, however, formally determine a property eligible for the California Register if the resource owner objects. (OHP, n.d.)

4. *Assembly Bill 52 (AB 52)*

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. (OPR, 2017a)

The Public Resources Code now establishes 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.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the



determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.) (OPR, 2017a)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015. (OPR, 2017a)

§ 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource. (OPR, 2017a)

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe. (OPR, 2017a)

5. *State Health and Safety Code*

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery...” until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. § 7051 specifies that the removal of human remains from “internment or a place of storage while awaiting internment” with the intent to sell them or to dissect them with “malice or wantonness” is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that “all California Indian human remains and cultural items are to be treated with dignity and respect.” It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims. (CA Legislative Info, n.d.)



6. *California Code of Regulations Section 15064.5*

The California Code of Regulations, Title 14, Chapter 3, § 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines § 15064.5, as follows: (OPR, 2024)

- *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).*
- *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:*
 - *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
 - *Is associated with the lives of persons important in our past;*
 - *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
 - *Has yielded, or may be likely to yield, information important in prehistory or history.*
- *The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.*



4.3.4 BASIS FOR DETERMINING SIGNIFICANCE

Section V of Appendix G to the CEQA Guidelines addresses typical adverse effects to cultural resources, and includes the following threshold questions to evaluate the Project's impacts on cultural resources:

- a. *Cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5;*
- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5;*
- c. *Disturb any human remains, including those interred outside of formal cemeteries.*

4.3.5 METHODOLOGY

BFSA performed an archaeological records search through the Eastern Information Center (EIC) at University of California at Riverside (UCR). Land patent records, held by the Bureau of Land Management (BLM) and accessible through the BLM General Land Office (GLO) website, were also reviewed for pertinent project information. In addition, the BFSA research library was consulted for any relevant historical information.

BFSA conducted an intensive pedestrian survey of the Project site on April 24, 2023. The survey included a careful inspection of all exposed ground surfaces, including any rodent burrows and disturbed areas. The archaeological survey of the Project site was an intensive reconnaissance consisting of a series of parallel survey transects spaced at approximately 10-meter intervals. The entire property was accessible, with visibility characterized as moderate to good. Vegetation primarily consisted of creosote bushes and non-native plants found along the periphery of the Project site. In addition, some areas within the center of the Project site were obscured by parked trailers and gravel.

4.3.6 IMPACT ANALYSIS

Threshold a: Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5?

Currently, the Project site is predominantly undeveloped, disturbed, and operates as a dirt lot truck trailer storage yard for the existing Church & Dwight industrial warehouse building. Based on BFSA's review of historic aerial photographs, no structures were historically located within the Project site boundaries. Current aerial photographs indicate that the Project site is cleared and utilized for tractor-trailer parking. Therefore, implementation of the Project would not cause a substantial adverse change in the significance of a historical resource. No impact would occur.



Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

The archaeological field survey conducted for the Project confirmed that the Project site was subjected to previous clearing and some level of grading and development. Additionally, as previously discussed, during the records search six cultural resources (all prehistoric isolates) were recorded to be located within one-half mile of the search radius; however, none are within the boundaries of the Project site. The *Cultural Resources Survey* did not result in the identification of any archaeological resources within the boundaries of the Project site (BFSA, 2023). Due to the previous ground-disturbing activities and the absence of identified cultural resources within the Project site boundaries, there is little potential for cultural resources to be present or disturbed by the Project.

Although impacts to known archaeological resources on the Project site would be less than significant, the Project site has the potential to contain unidentified archaeological resources given the presence of previously identified archaeological resources within one-half mile of the Project site. Therefore, Project impacts to undiscovered archaeological resources that may occur on-site would be significant.

Threshold c: Would the Project disturb any human remains, including those interred outside of formal cemeteries?

The Project site does not contain a cemetery and no known formal cemeteries are within the immediate vicinity. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5 “Disturbance of Human Remains.” According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code § 5097.98, any potential impacts



to human remains, including human remains of Native American ancestry, that may result from development of the Project would be less than significant.

4.3.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development that were once similarly influenced by the past cultural activity in the City of Victorville and the Project region.

As noted above under Threshold a., the Project site does not have any historic resources onsite. Notwithstanding, there is a potential for the Project area to contain unidentified subsurface resources. As other developments within the region also have the potential to result in impacts to historical resources as defined by CEQA Guidelines Section 15064.5, the Project's potential impacts to subsurface historical resources would be cumulatively considerable.

As discussed under the analysis of Threshold b., the Project's CRA (*Technical Appendix D*) did not identify any potentially significant archaeological resources or sites within the Project site or off-site improvement areas. As such, the Project would not result in any cumulatively-considerable impacts to previously identified archaeological resources or sites. However, there is a possibility that previously-undiscovered subsurface archaeological resources may be impacted by development of the Project as proposed. Other cumulative developments in the region also have the potential to result in impacts to archaeological sites or resources, including sites or resources that may be buried beneath the ground surface. As such, the Project's potential impacts to previously-undiscovered archaeological sites or resources would be cumulatively considerable prior to mitigation.

As discussed under the analysis of Threshold c., mandatory compliance with the provisions of California Health and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 et seq., would ensure that Project impacts to human remains would remain below a level of significant. As other cumulative developments also would be subject to compliance with California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097 et seq., the Project's impacts to human remains are evaluated as less than significant on a cumulatively-considerable basis.

4.3.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: No Impact. The Project site is predominantly undeveloped, disturbed, and operates as a dirt lot truck trailer storage yard for the existing Church & Dwight industrial warehouse building. No historic resources, as defined by CEQA Guidelines Section 15064.5 are present on the Project site. Therefore, implementation of the Project site would not result in a substantial adverse change in historic resources. No impact would occur.

Threshold b: Potentially Significant Direct and Cumulatively-Considerable Impact. No known archaeological resources, as defined by CEQA Guidelines Section 15064.5, are present on the Project site. However, given the presence of previously-identified archaeological resources within the Project vicinity, there is a potential for the Project site to contain unidentified surface or subsurface archaeological resources. Therefore, Project impacts to previously-undiscovered archaeological



resources that may occur in the onsite impact area of the proposed Project would be significant prior to mitigation.

Threshold c: Less than Significant Impact. In the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 et seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains. Impacts would be less than significant.

4.3.9 APPLICABLE REGULATIONS, DESIGN REQUIREMENTS, AND MITIGATION

Applicable Regulations and Design Requirements

- In the event that human remains are uncovered during Project construction activities, the Project construction contractor shall comply with applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

Mitigation

MM 4.3-1 In the event previously undiscovered archaeological resources are inadvertently discovered during ground disturbing activities, all construction work in the immediate vicinity of the discovery shall stop, and a qualified archaeologist shall determine if further mitigation measures are warranted.

MM 4.3-2 In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within Mitigation Measure MM 4.11-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.



- MM 4.3-3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within MM 4.11-1. The Monitoring and Treatment Plan shall include methodology for the handling and curation of artifacts and be submitted to the City of Victorville for review and approval. The archaeologist shall monitor the remainder of the Project site.

4.3.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold b: Less than Significant with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.3-1 through MM 4.3-3 would ensure that any archaeological site or resources identified on-site during ground disturbing activities are appropriately treated as directed by a qualified archaeologist. Implementation of the required mitigation would reduce the Project's potential impacts to subsurface archaeological sites or resources to below a level of significance.



4.4 ENERGY

The analysis in this Subsection is primarily based on the technical report titled “Nisqualli Road Trailer Lot Expansion Energy Analysis” (herein “Energy Analysis”) prepared by Urban Crossroads, Inc. (Urban Crossroads), dated November 28, 2023 (included as *Technical Appendix E*) (Urban Crossroads, 2023c). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.4.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 20, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were made during the NOP and EIR Scoping Meeting that pertain to energy.

4.4.2 ENVIRONMENTAL SETTING

A. Overview

The most recent data for California’s estimated total energy consumption and natural gas consumption is from 2020, released by the United States (U.S.) Energy Information Administration’s (EIA) California State Profile and Energy Estimates in 2021 and included:

- As of 2020, approximately 6,923 trillion British Thermal Unit (BTU) of energy was consumed
- As of 2021, approximately 605 million barrels of petroleum
- As of 2021, approximately 2,101 billion cubic feet of natural gas
- As of 2021, approximately 1 million short tons of coal

According to the EIA, in 2021 the U.S. petroleum consumption comprised about 77 percent of all transportation energy use, excluding fuel consumed for aviation and most marine vessels. In 2022, about 251,923 million gallons (or about 5.99 million barrels) of finished petroleum products were consumed in the U.S., an average of about 690 million gallons per day (or about 16.4 million barrels per day). In 2021, California consumed approximately 12,157 million gallons in motor gasoline (33.31 million per day) and approximately 3,541 million gallons of diesel fuel (9.7 million per day).

The most recent data provided by the EIA for energy use in California is reported from 2021 and provided by demand sectors as follows:

- Approximately 37.8 percent transportation sector
- Approximately 23.2 percent industrial sector
- Approximately 20.0 percent residential sector
- Approximately 19.0 percent commercial sector



In 2021, total system electric generation for California was 277,764 gigawatt hours (GWh). California's massive electricity in-state generation system generated approximately 194,127 GWh which accounted for approximately 70 percent of the electricity it uses; the rest was imported from the Pacific Northwest (12 percent) and the U.S. Southwest (18 percent). Natural gas is the main source for electricity generation at 50.2 percent of the total in-state electric generation system power as shown in Table 4.4-1, *Total Electricity System Power (California 2021)*

Table 4.4-1 Total Electricity System Power (California 2021)

Fuel Type	California In-State Generation (GWh)	Percent of California In-State Generation	Northwest Imports (GWh)	Southwest Imports (GWh)	Total Imports (GWh)	Percent of Imports	Total California Energy Mix (GWh)	Total California Power Mix
Coal	303	0.2	181	7,788	7,969	9.5	8,272	3.0
Natural Gas	97,431	50.2	45	7,880	7,925	9.5	105,356	379.0
Oil	37	0.0	-	-	-	0.0	37	0.0
Other (Waste Heat/Petroleum Coke)	382	0.2	68	15	83	0.1	465	0.2
Nuclear	16,477	8.5	524	8,756	9,281	11.1	25,758	9.3
Large Hydro	12,036	6.2	12,042	1,578	13,620	16.3	25,656	9.2
Unspecified	-	0.0	8,156	10,731	18,887	22.6	18,887	6.8
Total Thermal and Non-Renewables	126,666	65.2	21,017	36,748	57,764	69.0	184,431	66.4
Biomass	5,381	2.8	864	26	890	1.1	6,271	2.3
Geothermal	11,116	5.7	192	1,906	2,098	2.5	13,214	4.8
Small Hydro	2,531	1.3	304	1	304	0.4	2,835	1.0
Solar	33,260	17.1	220	5,979	6,199	7.4	39,458	14.2
Wind	15,173	7.8	9,976	6,405	16,381	19.6	31,555	11.4
Total Renewables	67,461	34.8	11,555	14,317	25,872	31.0	93,333	33.6
SYSTEM TOTALS	194,127	100.0	32,572	51,064	83,636	100.0	277,764	100.0

Source: (Urban Crossroads, 2023c, Table 2-1)

An updated summary of, and context for energy consumption and energy demands within the State is presented in “U.S. Energy Information Administration, California State Profile and Energy Estimates, Quick Facts” excerpted below:

- In 2022, California was the seventh-largest producer of crude oil among the 50 states, and, as of January 2022, the state ranked third in crude oil refining capacity.
- California is the largest consumer of jet fuel and second-largest consumer of motor gasoline among the 50 states.



- In 2020, California was the second-largest total energy consumer among the states, but its per capita energy consumption was less than in all but three other states.
- In 2022, renewable resources, including hydroelectric power and small-scale, customer-sited solar power, accounted for 49 percent of California's in-state electricity generation. Natural gas fueled another 42 percent. Nuclear power supplied almost all the rest.
- In 2022, California was the fourth-largest electricity producer in the nation. The state was also the nation's third-largest electricity consumer, and additional needed electricity supplies came from out-of-state generators.

As indicated above, California is one of the nation's leading energy-producing states, and California's per capita energy use is among the nation's most efficient. Given the nature of the Project, the remainder of this discussion will focus on the three sources of energy that are most relevant to the Project—namely, electricity, natural gas, and transportation fuel for vehicle trips associated with the uses planned for the Project.

B. Electricity

Under existing conditions, the Project site is undeveloped, disturbed, and operates as a dirt lot truck trailer lot for the existing Church & Dwight industrial warehouse; thus, no electricity is consumed with the Project site. Electricity is currently provided to the Project site by Southern California Edison (SCE). SCE provides electric power to more than 15 million persons in 15 counties and in 180 incorporated cities, within a service area encompassing approximately 50,000 square miles. Based on SCE's 2021 Power Content Label Mix, SCE derives electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases from independent power producers and utilities, including out-of-state suppliers. (Urban Crossroads, 2023c)

The Southern California region's electricity reliability has been of concern for the past several years due to the planned retirement of aging facilities that depend upon once-through cooling technologies, as well as the June 2013 retirement of the San Onofre Nuclear Generating Station (San Onofre). While the once-through cooling phase-out has been ongoing since the May 2010 adoption of the State Water Resources Control Board's once-through cooling policy, the retirement of San Onofre complicated the situation. California Independent Service Operator (ISO) studies revealed the extent to which the Mojave Desert Air Basin (MDAB) and the San Diego Air Basin (SDAB) region were vulnerable to low-voltage and post-transient voltage instability concerns. A preliminary plan to address these issues was detailed in the 2013 Integrative Energy Policy Report (IEPR) after a collaborative process with other energy agencies, utilities, and air districts. Similarly, the subsequent 2022 IEPR's provides information and policy recommendations on advancing a clean, reliable, and affordable energy system.

California's electricity industry is an organization of traditional utilities, private generating companies, and state agencies, each with a variety of roles and responsibilities to ensure that electrical power is provided to consumers. The California ISO is a nonprofit public benefit corporation and is the impartial



operator of the State’s wholesale power grid and is charged with maintaining grid reliability, and to direct uninterrupted electrical energy supplies to California’s homes and communities. While utilities still own transmission assets, the ISO routes electrical power along these assets, maximizing the use of the transmission system and its power generation resources. The ISO matches buyers and sellers of electricity to ensure that enough power is available to meet demand. To these ends, every five minutes the ISO forecasts electrical demands, accounts for operating reserves, and assigns the lowest cost power plant unit to meet demands while ensuring adequate system transmission capacities and capabilities.

Part of the ISO’s charge is to plan and coordinate grid enhancements to ensure that electrical power is provided to California consumers. To this end, utilities file annual transmission expansion/modification plans to accommodate the State’s growing electrical needs. The ISO reviews and either approves or denies the proposed additions. In addition, and perhaps most importantly, the ISO works with other areas in the western United States electrical grid to ensure that adequate power supplies are available to the State. In this manner, continuing reliable and affordable electrical power is assured to existing and new consumers throughout the State.

Table 4.4-2, *SCE 2022 Power Content Mix*, presents SCE’s specific proportional shares of electricity sources in 2022. As indicated in Table 4.4-2, the 2022 SCE Power Mix has renewable energy at 33.2 percent of the overall energy resources. Geothermal resources are at 5.7 percent, wind power is at 9.8 percent, large hydroelectric sources are at 3.4 percent, solar energy is at 17.0 percent, and coal is at 0 percent.

Table 4.4-2 SCE 2022 Power Content Mix

Energy Resources	2022 SCE Power Mix
<i>Eligible Renewable</i>	33.2 percent
Biomass & Waste	0.1 percent
Geothermal	5.7 percent
Eligible Hydroelectric	0.5 percent
Solar	17.0 percent
Wind	9.8 percent
<i>Coal</i>	0.0 percent
<i>Large Hydroelectric</i>	3.4 percent
<i>Natural Gas</i>	24.7 percent
<i>Nuclear</i>	8.3 percent
<i>Other</i>	0.1 percent
Unspecified Sources of power*	30.3 percent
Total	100 percent

*Unspecified sources of power" means electricity from transactions that are not traceable to specific generation sources.



Source: (Urban Crossroads, 2023c, Table 2-2)

C. Natural Gas

As previously discussed, the Project site is undeveloped, disturbed, and operates as a dirt lot truck trailer storage yard for the existing Church & Dwight industrial warehouse; thus, no natural gas is consumed within the Project site. Natural gas is available from a variety of in-State and out-of-State sources and is provided throughout the State in response to market supply and demand. Complementing available natural gas resources, biogas may soon be available via existing delivery systems, thereby increasing the availability and reliability of resources in total. The California Public Utilities Commission (CPUC) oversees utility purchases and transmission of natural gas to ensure reliable and affordable natural gas deliveries to existing and new consumers throughout the State.

The following summary of natural gas customers and volumes, supplies, delivery of supplies, storage, service options, and operations is excerpted from information provided by CPUC:

The CPUC regulates natural gas utility service for approximately 10.8 million customers that receive natural gas from Pacific Gas and Electric (PG&E), Southern California Gas (SoCalGas), San Diego Gas & Electric (SDG&E), Southwest Gas, and several smaller natural gas utilities. The CPUC also regulates independent storage operators: Lodi Gas Storage, Wild Goose Storage, Central Valley Storage and Gill Ranch Storage.

California's natural gas utilities provide service to over 11 million gas meters. SoCalGas and PG&E provide service to about 5.9 million and 4.3 million customers, respectively, while SDG&E provides service to over 800, 000 customers. In 2018, California gas utilities forecasted that they would deliver about 4740 million cubic feet per day (MMcfd) of gas to their customers, on average, under normal weather conditions.

The overwhelming majority of natural gas utility customers in California are residential and small commercial customers, referred to as "core" customers. Larger volume gas customers, like electric generators and industrial customers, are called "noncore" customers. Although very small in number relative to core customers, noncore customers consume about 65 percent of the natural gas delivered by the state's natural gas utilities, while core customers consume about 35 percent.

A significant amount of gas (about 19 percent, or 1131 MMcfd, of the total forecasted California consumption in 2018) is also directly delivered to some California large volume consumers, without being transported over the regulated utility pipeline system. Those customers, referred to as "bypass" customers, take service directly from interstate pipelines or directly from California producers.



SDG&E and Southwest Gas' southern division are wholesale customers of SoCalGas, i.e., they receive deliveries of gas from SoCalGas and in turn deliver that gas to their own customers. (Southwest Gas also provides natural gas distribution service in the Lake Tahoe area.) Similarly, West Coast Gas, a small gas utility, is a wholesale customer of PG&E. Some other wholesale customers are municipalities like the cities of Palo Alto, Long Beach, and Vernon, which are not regulated by the CPUC.

Natural gas from out-of-state production basins is delivered into California via the interstate natural gas pipeline system. The major interstate pipelines that deliver out-of-state natural gas to California gas utilities are Gas Transmission Northwest Pipeline, Kern River Pipeline, Transwestern Pipeline, El Paso Pipeline, Ruby Pipeline, Mojave Pipeline, and Tuscarora. Another pipeline, the North Baja - Baja Norte Pipeline takes gas off the El Paso Pipeline at the California/Arizona border and delivers that gas through California into Mexico. While the Federal Energy Regulatory Commission (FERC) regulates the transportation of natural gas on the interstate pipelines, and authorizes rates for that service, the California Public Utilities Commission may participate in FERC regulatory proceedings to represent the interests of California natural gas consumers.

The gas transported to California gas utilities via the interstate pipelines, as well as some of the California-produced gas, is delivered into the PG&E and SoCalGas intrastate natural gas transmission pipelines systems (commonly referred to as California's "backbone" pipeline system). Natural gas on the utilities' backbone pipeline systems is then delivered to the local transmission and distribution pipeline systems, or to natural gas storage fields. Some large volume noncore customers take natural gas delivery directly off the high-pressure backbone and local transmission pipeline systems, while core customers and other noncore customers take delivery off the utilities' distribution pipeline systems. The state's natural gas utilities operate over 100,000 miles of transmission and distribution pipelines, and thousands more miles of service lines.

Bypass customers take most of their deliveries directly off the Kern/Mojave pipeline system, but they also take a significant amount of gas from California production.

PG&E and SoCalGas own and operate several natural gas storage fields that are located within their service territories in northern and southern California, respectively. These storage fields, and four independently owned storage utilities - Lodi Gas Storage, Wild Goose Storage, Central Valley Storage, and Gill Ranch Storage - help meet peak seasonal and daily natural gas demand and allow California natural gas customers to secure natural gas supplies more efficiently. PG&E is a 25 percent owner of the Gill Ranch Storage field. These storage fields provide a significant amount of infrastructure capacity to help meet California's natural gas



requirements, and without these storage fields, California would need much more pipeline capacity in order to meet peak gas requirements.

Prior to the late 1980s, California regulated utilities provided virtually all natural gas services to all their customers. Since then, the Commission has gradually restructured the California gas industry in order to give customers more options while assuring regulatory protections for those customers that wish to, or are required to, continue receiving utility-provided services.

The option to purchase natural gas from independent suppliers is one of the results of this restructuring process. Although the regulated utilities procure natural gas supplies for most core customers, core customers have the option to purchase natural gas from independent natural gas marketers, called "core transport agents" (CTA). Contact information for core transport agents can be found on the utilities' web sites. Noncore customers, on the other hand, make natural gas supply arrangements directly with producers or with marketers.

Another option resulting from the restructuring process occurred in 1993, when the Commission removed the utilities' storage service responsibility for noncore customers, along with the cost of this service from noncore customers' transportation rates. The Commission also encouraged the development of independent storage fields, and in subsequent years, all the independent storage fields in California were established. Noncore customers and marketers may now take storage service from the utility or from an independent storage provider (if available), and pay for that service, or may opt to take no storage service at all. For core customers, the Commission assures that the utility has adequate storage capacity set aside to meet core requirements, and core customers pay for that service.

In a 1997 decision, the Commission adopted PG&E's "Gas Accord", which unbundled PG&E's backbone transmission costs from noncore transportation rates. This decision gave customers and marketers the opportunity to obtain pipeline capacity rights on PG&E's backbone transmission pipeline system, if desired, and pay for that service at rates authorized by the Commission. The Gas Accord also required PG&E to set aside a certain amount of backbone transmission capacity in order to deliver gas to its core customers. Subsequent Commission decisions modified and extended the initial terms of the Gas Accord. The "Gas Accord" framework is still in place today for PG&E's backbone and storage rates and services and is now simply referred to as PG&E Gas Transmission and Storage (GT&S).

In a 2006 decision, the Commission adopted a similar gas transmission framework for Southern California, called the "firm access rights" system. SoCalGas and SDG&E implemented the firm access rights (FAR) system in 2008, and it is now referred to as the backbone transmission system (BTS) framework. As under the PG&E backbone



transmission system, SoCalGas backbone transmission costs are unbundled from noncore transportation rates. Noncore customers and marketers may obtain, and pay for, firm backbone transmission capacity at various receipt points on the SoCalGas system. A certain amount of backbone transmission capacity is obtained for core customers to assure meeting their requirements.

Many if not most noncore customers now use a marketer to provide for several of the services formerly provided by the utility. That is, a noncore customer may simply arrange for a marketer to procure its supplies, and obtain any needed storage and backbone transmission capacity, in order to assure that it will receive its needed deliveries of natural gas supplies. Core customers still mainly rely on the utilities for procurement service, but they have the option to take procurement service from a CTA. Backbone transmission and storage capacity is either set aside or obtained for core customers in amounts to assure very high levels of service.

In order properly operate their natural gas transmission pipeline and storage systems, PG&E and SoCalGas must balance the amount of gas received into the pipeline system and delivered to customers or to storage fields. Some of these utilities' storage capacity is dedicated to this service, and under most circumstances, customers do not need to precisely match their deliveries with their consumption. However, when too much or too little gas is expected to be delivered into the utilities' systems, relative to the amount being consumed, the utilities require customers to more precisely match up their deliveries with their consumption. And, if customers do not meet certain delivery requirements, they could face financial penalties. The utilities do not profit from these financial penalties - the amounts are then returned to customers as a whole. If the utilities find that they are unable to deliver all the gas that is expected to be consumed, they may even call for a curtailment of some gas deliveries. These curtailments are typically required for just the largest, noncore customers. It has been many years since there has been a significant curtailment of core customers in California.

D. Transportation Energy/Fuel Consumption

The Department of Motor Vehicles (DMV) identified 36.2 million registered vehicles in California and those vehicles consume an estimated 17.2 billion gallons of fuel each year. Gasoline (and other vehicle fuels) are commercially provided commodities and would be available to the Project's patrons and employees via commercial outlets.

California's on-road transportation system includes 396,616 lane miles, more than 26.6 million passenger vehicles and light trucks, and almost 9.0 million medium- and heavy-duty vehicles. While gasoline consumption has been declining since 2008 it is still by far the dominant fuel. California is the second-largest consumer of petroleum products, after Texas, and accounts for 8 percent of the nation's total consumption. The State is the largest U.S. consumer of motor gasoline and jet fuel, and 83 percent of the petroleum consumed in California is used in the transportation sector.



California accounts for less than 1 percent of total U.S. natural gas reserves and production. As with crude oil, California's natural gas production has experienced a gradual decline since 1985. In 2021, about 33 percent of the natural gas delivered to consumers went to the State's industrial sector, and about 31 percent was delivered to the electric power sector. Natural gas fueled more than two-fifths of the State's utility-scale electricity generation in 2021. The residential sector, where three-fifths of California households use natural gas for home heating, accounted for 22 percent of natural gas deliveries. The commercial sector received 12 percent of the deliveries to end users and the transportation sector consumed the remaining 1 percent.

E. Project Site

The estimated existing transportation fuel demand for the Project site is summarized in Table 4.4-3, *Total Existing Generated Traffic Annual Fuel Consumption*.

Table 4.4-3 Total Existing Generated Traffic Annual Fuel Consumption

Vehicle Type	Annual VMT	Average Vehicle Fuel Economy (mpg)	Estimated Annual Fuel Consumption (gallons)
LDA	170,153	31.22	9,635
LDT1	16,039	24.20	1,172
LDT2	71,667	24.10	5,258
MDV	55,420	15.24	6,429
MCY	9,297	15.24	1,078
LHDT1	74,017	15.69	8,338
LHDT2	19,809	15.24	2,298
MHDT	581,717	7.48	137,542
HHDT	562,952	6.19	160,667
Total Existing (All Vehicles)	1,238,495		174,700

Source: (Urban Crossroads, 2023c, Table 4-11)

4.4.3 REGULATORY FRAMEWORK

A. Federal Regulations

1. Intermodal Surface Transportation Efficiency Act (ISTEA)

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) ISTEA promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions. (FHWA, 2020)



2. *The Transportation Equity Act for the 21st Century (TEA-21)*

The Transportation Equity Act for the 21st Century (TEA-21) was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation, discussed above. TEA-21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA-21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA-21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety.

B. State Regulations

1. *Integrated Energy Policy Report*

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the CEC to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing the state's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state's economy; and protect public health and safety (Public Resources Code § 25301[a]). The CEC prepares these assessments and associated policy recommendations every two years, with updates in alternate years, as part of the Integrated Energy Policy Report.

The 2022 IEPR was adopted February 2023, and continues to work towards improving electricity, natural gas, and transportation fuel energy use in California. The 2022 IEPR introduces a new framework for embedding equity and environmental justice at the CEC and the California Energy Planning Library which allows for easier access to energy data and analytics for a wide range of users. Additionally, energy reliability, western electricity integration, gasoline cost factors and price spikes, the role of hydrogen in California's clean energy future, fossil gas transition and distributed energy resources are topics discussed within the 2022 IEPR

2. *California Code Title 24, Part 6, Energy Efficiency Standards*

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption.

The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on August 1, 2009, and is administered by the California Building Standards Commission.

CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2022 California Green Building Code Standards that became effective on January 1, 2023. The Project



would be required to comply with the applicable standards in place at the time plan check submittals were made in 2022

3. *California Renewable Portfolio Standards (RPS)*

First established in 2002 under Senate Bill (SB) 1078, California's RPS requires retail sellers of electric services to increase procurement from eligible renewable resources to 33 percent of total retail sales by 2020.

4. *Pavley Fuel Efficiency Standards (AB 1493)*

California AB 1493, enacted on July 22, 2002, required California Air Resources Board (CARB) to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Under this legislation, CARB adopted regulations to reduce GHG emissions from non-commercial passenger vehicles (cars and light-duty trucks). Although aimed at reducing GHG emissions, specifically, a co-benefit of the Pavley standards is an improvement in fuel efficiency and consequently a reduction in fuel consumption.

5. *Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015*

In October 2015, the legislature approved, and the Governor signed, SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the renewables portfolio standard (RPS), higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce statewide GHG emissions: (CA Legislative Info, n.d.)

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the CEC, and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

6. *State of California Energy Plan*

The California Energy Commission (CEC) is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators and encouragement of



urban designs that reduce vehicle miles traveled (VMT) and accommodate pedestrian and bicycle access.

4.4.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section VI of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to energy if the Project or any Project-related component would:

- a. *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation;*
- b. *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.*

4.4.5 METHODOLOGY

Information from the CalEEMod Version 2022.1 outputs for the *Nisqualli Road Trailor Lot Expansion Air Quality Impact Analysis (Technical Appendix B1)* was utilized in this analysis, detailing Project related construction equipment, transportation energy demands, and facility energy demands.

In May 2022, the SCAQMD, in conjunction with the California Air Pollution Control Officers Association (CAPCOA) and other California air districts, released the latest version of the CalEEMod Version 2022.1. The purpose of this model is to calculate construction-source and operational-source criteria pollutants and GHG emissions from direct and indirect sources as well as energy usage. Accordingly, the latest version of CalEEMod has been used to determine the proposed Project's anticipated transportation and facility energy demands.

On May 2, 2022, the EPA approved the 2021 version of the Emissions FACtor model (EMFAC2021) web database for use in State Implementation Plan and transportation conformity analyses. EMFAC2021 is a mathematical model that was developed to calculate emission rates, fuel consumption, VMT from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by the CARB to project changes in future emissions from on-road mobile sources (25). This energy study utilizes the different fuel types for each vehicle class from the annual EMFAC2021 emission inventory in order to derive the average vehicle fuel economy which is then used to determine the estimated annual fuel consumption associated with vehicle usage during Project construction and operational activities. For purposes of analysis, the 2024 analysis year was utilized to determine the average vehicle fuel economy used throughout the duration of the Project.



4.4.6 IMPACT ANALYSIS

Threshold a: *Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

A. Energy Use During Project Construction

1. Construction-Related Energy Consumption

The total Project construction power costs is the summation of the products of the area (s.f.) by the construction duration and the typical power cost. Project construction is anticipated to occur over approximately 5 months. The *2023 National Construction Estimator* identifies a typical power cost per 1,000 sf of construction per month of \$2.50, which was used to calculate the Project’s total construction power cost. The total electricity usage from on-site Project construction related activities is estimated to be approximately 42,034 kilowatt hours (kWh).

Fuel consumed by construction equipment would be the primary energy resource expended over the course of Project construction. Project construction activity timeline estimates, construction equipment schedules, equipment power ratings, load factors, and associated fuel consumption estimates are presented in Table 4-5 of *Technical Appendix E*. The aggregate fuel consumption rate for all equipment is estimated at 18.5 horsepower hour per gallon (hp-hr-gal.), obtained from CARB 2018 Emissions Factors Tables and cited fuel consumption rate factors presented in Table D-24 of the Moyer guidelines. For the purposes of this analysis, the calculations are based on all construction equipment being diesel-powered which is consistent with industry standards. Diesel fuel would be supplied by existing commercial fuel providers serving the Project area and region. Project construction activities would consume an estimated 8,996 gallons of diesel fuel. Project construction would represent a “single-event” diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose.

Construction generates on-road vehicle emissions from vehicle usage for workers and vendors commuting to and from the Project site. It should be noted that for vendor trips, specifically, CalEEMod only assigns Vendor Trips to the Building Construction phase. Vendor trips would likely occur during all phases of construction. As such, the CalEEMod defaults for vendor trips have been adjusted based on a ratio of the total vendor trips to the number of days of each subphase of activity.

With respect to estimated VMT for the Project, the construction worker trips would generate an estimated 19,777 VMT during the 5 months of construction. Based on CalEEMod methodology, it is assumed that 50 percent of all worker trips are from light-duty-auto vehicles (LDA), 25 percent are from light-duty-trucks (LDT1¹), and 25 percent are from light-duty-trucks (LDT2²). Data regarding

¹ Vehicles under the LDT1 category have a gross vehicle weight rating (GVWR) of less than 6,000 lbs. and equivalent test weight (ETW) of less than or equal to 3,750 lbs.

² Vehicles under the LDT2 category have a GVWR of less than 6,000 lbs. and ETW between 3,751 lbs. and 5,750 lbs.



Project related construction worker trips were based on CalEEMod defaults utilized within the *Technical Appendix B1* of this EIR.

Vehicle fuel efficiencies for LDA, LDT1, and LDT2 were estimated using information generated within the 2021 version of the EMFAC developed by CARB. EMFAC2021 is a mathematical model that was developed to calculate emission rates, fuel consumption, and VMT from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by the CARB to project changes in future emissions from on-road mobile sources.

Tables 4-7 through 4-9 of *Technical Appendix E*, provide an estimated annual fuel consumption resulting from LDAs, LDT1s, and LDT2s, respectively, related to Project construction worker trips. Based on these tables it is estimated that LDAs would consume 303 gallons of fuel, LDT1s would consume 213 gallons of fuel, and LDT2s would consume 214 gallons of fuel. The Project's worker trips would consume a total of 730 gallons of fuel. It should be noted that construction worker trips would represent a "single-event" gasoline fuel demand and would not require on-going or permanent commitment of fuel resources for this purpose.

With respect to estimated VMT, the construction vendor trips (vehicles that deliver materials to the site during construction) and construction hauling trips would generate an estimated 5,520 VMT along area roadways for the Project over the duration of construction activity. It is assumed that 50 percent of all vendor trips are from medium-heavy duty trucks (MHDT), 50 percent are from heavy-heavy duty trucks (HHDT), and 100 percent of all hauling trips are from HHDTs. These assumptions are consistent with the CalEEMod defaults utilized within *Technical Appendix B1*. Vehicle fuel efficiencies for MHDTs and HHDTs were estimated using information generated within EMFAC2021. EMFAC2021 was run for the MHDT and HHDT vehicle classes within the San Bernardino area for the 2024 calendar year. Fuel consumption from construction vendor/hauling tips would total approximately 891 gallons. It should be noted that Project construction vendor trips would represent a "single-event" diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose.

2. Construction Energy Efficiency/Conservation Measures

Starting in 2014, CARB adopted the nation's first regulation aimed at cleaning up off-road construction equipment such as bulldozers, graders, and backhoes. These requirements ensure fleets gradually turnover the oldest and dirtiest equipment to newer, cleaner models and prevent fleets from adding older, dirtier equipment. As such, the equipment used for Project construction would conform to CARB regulations and California emissions standards. It should also be noted that there are no unusual Project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Equipment employed in the construction of the Project would therefore not result in inefficient, wasteful, or unnecessary consumption of fuel.



Construction contractors would be required to comply with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Compliance with anti-idling and emissions regulations would result in a more efficient use of construction-related energy and the minimization or elimination of wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption.

Additional construction-source energy efficiencies would occur due to required California regulations and best available control measures (BACM). For example, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than five minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. In this manner, construction equipment operators are required to be informed that engines are to be turned off at or prior to five minutes of idling. Enforcement of idling limitations is realized through periodic site inspections conducted by City building officials, and/or in response to citizen complaints.

B. Energy Use During Project Operation

The estimated existing transportation fuel demand for the Project site is 174,700 gallons (see Table 4.4-3).

Energy consumption in support of or related to Project operations would include transportation energy (energy consumed by passenger car and truck vehicles access the Project site) and facilities energy demands (energy consumed by development operations and site maintenance activities). Each is discussed below.

1. Transportation Energy Demands

Energy that would be consumed by Project-generated traffic is a function of total VMT and estimated vehicle fuel economies of vehicles accessing the Project site. The VMT per vehicle class can be determined by evaluating the vehicle fleet mix and the total VMT.

As with worker and vendors trips, operational vehicle fuel efficiencies were estimated using information generated within EMFAC2021 developed by CARB. EMFAC2021 was run for the San Bernardino area for the 2024 calendar year. The Project is calculated to generate 1,521,256 annual VMT and consume 157,717 gallons of fuel (gasoline and diesel combined).



Table 4.4-4 Total Project-Generated Traffic Annual Fuel Consumption (All Vehicles)

Vehicle Type	Annual VMT	Average Vehicle Fuel Economy (mpg)	Estimated Annual Fuel Consumption (gallons)
LDA	300,806	31.22	9,635
LDT1	28,356	24.20	1,172
LDT2	126,696	24.10	5,258
MDV	97,975	15.24	6,429
MCY	16,436	15.24	1,078
LHDT1	130,851	15.69	8,338
LHDT2	35,019	15.24	2,298
MHDT	1,028,393	7.48	137,542
HHDT	995,219	6.19	160,667
Project (All Vehicles)	2,759,751		332,417
<i>Existing</i>	<i>1,238,495</i>		<i>174,700</i>
Total (All Vehicles)	1,521,256		157,717

Source: (Urban Crossroads, 2023c, Table 4-12)

2. Facility Energy Demands

Project development operations activities would result in the consumption of electricity, which would be supplied to the Project by SCE. It should be noted that there is no natural gas usage associated with the proposed land use. As previously stated, the analysis herein assumes compliance with the 2022 Title 24 and CALGreen standards. The Project is anticipated to demand 67,999 kWh per year.

3. Operational Energy Efficiency/Conservation Measures

Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions addressing vehicle fuel economies and vehicle emissions standards; and enhanced building/utilities energy efficiencies mandated under California building codes (e.g., Title 24, California Green Building Standards Code).

Under subsequent future conditions, average fuel economies of vehicles accessing the Project site can be expected to improve as older, less fuel-efficient vehicles are removed from circulation, and in response to fuel economy and emissions standards imposed on newer vehicles entering the circulation system.

Enhanced fuel economies realized pursuant to federal and state regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT. The location of the Project proximate to regional and local roadway systems tends to reduce VMT within the region, acting to reduce regional vehicle energy demands.

C. Conclusion

As supported by the preceding analyses, Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy. The Project also would therefore not



cause or result in the need for additional energy producing or transmission facilities. Therefore, Project impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources during both construction and long-term operation would be less than significant. (Urban Crossroads, 2023c)

Threshold b: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The Project's consistency with the applicable State and local plans is discussed below.

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

Transportation and access to the Project site is provided by the local and regional roadway systems. The Project would not interfere with, or otherwise obstruct intermodal transportation plans or projects that may be realized pursuant to ISTEA because Southern California Association of Governments is not planning for intermodal facilities on or through the Project site.

The Transportation Equity Act for the 21st Century (TEA-21)

The Project site is located along major transportation corridors with proximate access to the Interstate freeway system. The site selected for the Project facilities access, acts to reduce VMT, takes advantage of existing infrastructure system, and promotes land use compatibilities through allocation of similar uses. The Project supported the strong planning processes emphasized under TEA-21. The Project is therefore consistent with, and would not otherwise interfere with, nor obstruct the implementation of TEA-21.

Integrated Energy Policy Report (IEPR)

Electricity would be provided to the Project by SCE. SCE's *Clean Power and Electrification Pathway* (CPEP) white paper builds on existing State programs and policies. As such, the Project is consistent with, and would not otherwise interfere with, nor obstruct implementation of the goals presented in the 2022 IEPR. Additionally, the Project would comply with the applicable Title 24 standards which would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such, development of the Project would support the goals presented in the 2022 IEPR.

State of California Energy Plan

The Project site is located along major transportation corridors with proximate access to the Interstate freeway system. The site selected for the Project facilitates access and takes advantage of existing infrastructure systems. The Project therefore supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan.



California Code Title 24, Part 6, Energy Efficiency Standards

The 2022 version of Title 24 was adopted by the CEC and was effective on January 1, 2023. As the Project building construction is anticipated in 2024, the Project would be required to comply with the Title 24 standards in place at that time. Therefore, the Project is would not result in a significant impact on energy resources. The proposed Project would be subject to Title 24 standards.

Consistency with California Code Title 24, Part 11, CALGreen

As previously stated, CCR, Title 24, Part 11: CALGreen is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on January 1, 2009, and is administered by the California Building Standards Commission. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2022 California Green Building Code Standards that were published on July 1, 2022, and will become effective on January 1, 2023. The Project would be required to comply with the applicable standards in place at the time plan check submittals are made.

Assembly Bill (AB) 1493

Assembly Bill 1493 is not applicable to the Project as it is a Statewide measure establishing vehicle emissions standards. No feature of the Project would interfere with implementation of the requirements under AB 1493.

California Renewable Portfolio Standards (RPS)

California's RPS is not applicable to the Project as it is a Statewide measure that establishes a renewable energy mix. No feature of the Project would interfere with implementation of the requirements under RPS.

Senate Bill 350

The proposed Project would use energy from SCE, which have committed to diversify their portfolio of energy sources by increasing energy from wind and solar sources. No feature of the Project would interfere with implementation of SB 350. Additionally, the Project would be designed and constructed to implement the energy efficiency measures for new industrial developments and would include several measures designed to reduce energy consumption.



Conclusion

As shown above, the Project would not conflict or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

4.4.7 CUMULATIVE IMPACT ANALYSIS

Cumulative impacts result if the Project, along with cumulative projects, taken together could result in wasteful, inefficient, or unnecessary use of energy. Future projects would be subject to CEQA and would require an energy analysis, consistency with existing plans and policies for renewable energy and energy efficiency, and implementation of control measures and mitigation if necessary to avoid wasteful, inefficient, or unnecessary consumption of energy resources. The areas considered for cumulative impacts to electricity and natural gas supplies are the service areas of SCE and SW Gas, respectively.

As indicated under the analysis of Threshold a., there are no components of the proposed Project that would result in the wasteful, inefficient, or unnecessary consumption of energy resources. Additionally, the Project does not include the use of natural gas. Although it is possible other cumulative developments could result in the wasteful, inefficient, or unnecessary consumption of energy resources, the Project's projected energy demand during operations would be less-than-cumulatively considerable with mandatory compliance with applicable regulations.

As indicated under the analysis of Threshold b., the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. As such, the Project has no potential to result in cumulatively-considerable impacts due to a conflict with or obstruction of such plans.

4.4.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy. Further, the energy demands of the Project can be accommodated within the context of available resources and energy delivery systems. The Project would therefore not cause or result in the need for additional energy producing or transmission facilities. The Project would not engage in wasteful or inefficient uses of energy and aims to achieve energy conservation goals within the State of California. As such, Project impacts due to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant.

Threshold b: Less than Significant Impact. Energy consumed by the Project's operation is calculated to be comparable to, or less than, energy consumed by other surface parking lots or similar scale and intensity that are operating in California, as the Project would be subject to current regulatory requirements, such as the 2022 version of Title 24. Based on the analysis presented herein, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would be less than significant.



4.4.9 APPLICABLE REGULATIONS, DESIGN REQUIREMENTS, AND MITIGATION

Applicable Regulations and Design Requirements

The following are applicable regulations and design requirements within San Bernardino County. Although these requirements technically do not meet CEQA's definition for mitigation, they are imposed herein to ensure Project compliance with applicable City regulations and design requirements.

- Pavley Fuel Efficiency Standards (AB1493). Establishes fuel efficiency ratings for new vehicles.
- Renewable Portfolio Standards (SB 100). Increases California's RPS requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California Environmental Protection Agency (CalEPA), the Department of Food and Agriculture (CDFA), and CARB to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.
- CCR Title 13, Motor Vehicles, Section 2449(d)(3), Idling. Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling.

Mitigation

Project impacts due to energy consumption would be less than significant; therefore, mitigation measures are not required.



4.5 GEOLOGY AND SOILS

The following is based on information from the technical reports entitled, *Geotechnical Investigation*, dated January 14, 2023 prepared by Geotechnical Professionals, Inc. (GPI) (GPI, 2023) (*Technical Appendix F*) and *Paleontological Assessment*, dated July 12, 2023 prepared by BFSA Environmental Services (BFSA) (BFSA, 2023b) (*Technical Appendix G*). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.5.1 **NOP/SCOPING COMMENTS**

A Notice of Preparation (NOP) for the Project was released for public review on July 21, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertains to geology and soils.

4.5.2 **ENVIRONMENTAL SETTING**

The Project site slopes gently downward from south to north with a change in ground surface elevation from 2,902 feet above mean sea level (amsl) to 2,894 feet amsl across the site (GPI, 2023, p. 3). Discussions of the Project site's existing conditions related to geology, soils, and paleontological resources from the Project's Geotechnical Investigation and Paleontological Assessment (*Technical Appendices F and G*) are summarized below.

A. Regional Geologic Setting

The Project site is located north of the San Gabriel Mountain range and the San Bernardino National Forest and south of the Ord Mountain range in the Mojave River drainage basin in the southern portion of the Mojave Desert. Geologically, the Project site is crossed by shallow drainage channel lined with Holocene-aged deposits of sand and gravel. The Holocene channel and wash deposits overly middle to early Pleistocene very old alluvial-fan deposits. Specifically, the Project site overlies the Pleistocene and Pliocene-aged "alluvium of the ancestral Mojave River" (BFSA, 2023b).

B. Faulting and Seismicity

The Project site is in a seismically active area of Southern California and is likely to be subjected to strong ground shaking due to earthquakes on nearby faults. The geologic structure of southern California is dominated mainly by northwest-trending faults associated with the San Andreas system, which is located approximately 18 miles south. The nearest active fault to the Project site is the Helendale-South Lockhart Fault located approximately 12 miles northeast (CDC, 2015). An active fault is defined by the California Department of Conservation (CDC) as a fault that has experienced surface displacement within the Holocene Epoch (roughly the last 11,000 years).

C. Groundwater

Groundwater was not encountered during GPI's explorations, which were drilled to a maximum depth of 26 feet below ground surface. Groundwater is anticipated to be deeper than 100 feet below the ground surface. (GPI, 2023)



D. Liquefaction

Liquefaction is a mode of ground failure that results from the generation of high pore-water pressures during earthquake ground shaking, causing loss of shear strength, and is typically a hazard where loose sandy soils exist below groundwater. County of San Bernardino has designated certain areas as potential liquefaction hazard zones. These are areas considered at risk of liquefaction-related ground failure during a seismic event, based upon mapped surficial deposits and the presence of a relatively shallow water table. The Project site is not within a zone identified as having a potential for liquefaction by the State or the County of San Bernardino (GPI, 2023).

E. Seiches and Tsunamis

The Project site is not located in a coastal area and reservoirs are not located up gradient from or in close proximity to the Project site. There is no potential for the Project site to be affected by a seiche or tsunami (earthquake-generated wave) due to the absence of any large bodies of water near the Project site.

F. Landslides

The Project Site and immediately surrounding properties are generally flat and gently sloping and contain no steep natural or manufactured slopes; thus, there is no potential for landslides to occur on or immediately adjacent to the site.

G. Soil

During the field exploration, GPI encountered undocumented fills to approximately 2 to 5 feet below existing grade in the explorations. The fill materials encountered consisted of medium dense, dry to slightly moist silty sands and sands with varying amount of gravel. The deeper fill soils encountered were predominately associated with the existing unpaved entrance drive along the southern property line at the site. Limited areas may have deeper undocumented fill soils in the vicinity of the previous cogeneration plant in the southeastern corner of the Project site.

The natural soils consist predominately of silty sand with varying amounts of gravel and possible cobbles to a depth of approximately 13 to 15 feet where we encountered layered clayey sands, silty sands, and gravelly sands. In general, the native soils were dense to very dense and very stiff to hard. The natural soils have moderate to high strength and low compressibility characteristics.

H. Paleontological Resources

Paleontological resources are the remains of prehistoric life that have been preserved in geologic strata. These remains are called fossils and include bones, shells, teeth, and plant remains (including their impressions, casts, and molds) in the sedimentary matrix, as well as trace fossils such as footprints and burrows. Fossils are considered older than 5,000 years of age but may include younger remains (subfossils) when viewed in the context of local extinction of the organism or habitat. Fossils are considered a nonrenewable resource under state and local guidelines.



Four localities are one mile or less north and south of the Project, recovered from Eureka Street, Dean Place, Shrives Road, and Hesperia Road/Jasmine Street (the Southern California Edison office) (SBCM localities [locs.] 01.114.7, 01.114.31, 01.114.32, and 1.114.38, respectively; Jefferson 1986, 1991, 2009; Reynolds and Reynolds 1994). These localities include the remains of mammoths, camels, extinct horses, a hare, and several species of rodents. Northeast of the Project, between four to six miles distant, are several more known localities. Tusks of the mammoth species *Mammuthus* sp., cf. *M. meridionalis* were recovered during mitigation monitoring northwest of the intersection of Tawney Ridge Lane and Amargosa Road and are on display at the Mojave River Valley Museum in Barstow. More mammoth (*M. meridionalis*) remains, consisting of the skull, mandible, pelvis, and several ribs (SBCM loc. 01.114.28), were recovered near the intersection of Village Drive and Jurassic Place, and were estimated to be approximately 375,000 years old. In the neighborhood of Turner Springs north of Air Base Road, fossils of hare (*Lepus* sp.) and freshwater invertebrates were found (SBCM locs. 01.114.24-26). Several other Pleistocene-aged localities in the Victorville/George Air Force Base area which could not be precisely located, included mammoth, camel, llama, horse, mastodon, and rodent species. (BFSA, 2023b)

4.5.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, State, and local environmental laws and related regulations governing issues related to geology, soils, and paleontological resources.

A. Federal Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2022e)

2. Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act (PRPA) was signed into law on March 30, 2009 (Public Law 111-11, Title VI, Subtitle D; 16 U.S.C. §§ 470aaa - 470aaa-11). PRPA directs the Department of Agriculture (U.S. Forest Service) and the Department of the Interior (National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service) to



implement comprehensive paleontological resource management programs. Section 6310 of PRPA specifically states, "As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment." (NPS, 2022e)

B. State Regulations

1. Alquist-Priolo Earthquake Fault Zoning Act (A-P Act)

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The A-P Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The A-P Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. (CA Legislative Info, n.d.)

The A-P Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than state law requires. (CA Legislative Info, n.d.)

Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet). (CA Legislative Info, n.d.)

2. Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, § 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the SHMA is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards. (CDC, n.d.)

Staff geologists in the Seismic Hazards Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally in order to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake-induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes. (CDC, n.d.)



The law requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Single-family wood-frame or steel-frame dwellings up to two stories not part of a development of four or more units are exempt from the state requirements. However, local agencies can be more restrictive than state law requires. (CDC, n.d.; CGS, 2008, p. 5)

Before a development permit can be issued or a subdivision approved, cities and counties must require a site-specific investigation to determine whether a significant hazard exists at the site and, if so, recommend measures to reduce the risk to an acceptable level. The investigation must be performed by state-licensed engineering geologists and/or civil engineers. (CDC, n.d.)

The SHMA requires site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy. (CDC, n.d.)

3. *Natural Hazards Disclosure Act*

The Natural Hazards Disclosure Act, effective June 1, 1998 (as amended June 9, 1998), requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more state-mapped hazard areas, including a Seismic Hazard Zone. (CA Legislative Info, n.d.)

The law requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Single-family frame dwellings up to two stories not part of a development of four or more units are exempt from the state requirements. However, local agencies can be more restrictive than state law requires. (CA Legislative Info, n.d.)

Before a development permit can be issued or a subdivision approved, cities and counties must require a site-specific investigation to determine whether a significant hazard exists at the site and, if so, recommend measures to reduce the risk to an acceptable level. The investigation must be performed by state-licensed engineering geologists and/or civil engineers. (CA Legislative Info, n.d.)

4. *Essential Services Building Seismic Safety Act*

In 1986, the California Legislature determined that buildings providing essential services should be capable of providing those services to the public after a disaster. Their intent in this regard was defined in legislation known as the Essential Services Buildings Seismic Safety Act of 1986 and includes requirements that such buildings shall be "...designed and constructed to minimize fire hazards and to resist...the forces generated by earthquakes, gravity, and winds." This enabling legislation can be found in the California Health and Safety Code, Chapter 2, § 16000 through 16022. In addition, the



California Building Code defines how the intent of the act is to be implemented in Title 24, Part 1 of the California Building Standards Administrative Code, Chapter 4, Articles 1 through 3. (CAB, n.d.)

5. *California Building Standards Code (Title 24)*

California Code of Regulations (CCR) Title 24 is reserved for state regulations that govern the design and construction of buildings, associated facilities, and equipment. These regulations are also known as building standards (reference California Health and Safety Code § 18909). Health and Safety Code (state law) § 18902 gives CCR Title 24 the name California Building Standards Code (CBSC). (CBSC, 2022, p. 1)

The CBSC in CCR Title 24 is published by the California Building Standards Commission and it applies to all building occupancies (see Health and Safety Code §§ 18908 and 18938) throughout the State of California. Cities and counties are required by state law to enforce CCR Title 24 (reference Health and Safety Code §§ 17958, 17960, 18938(b), and 18948). Cities and counties may adopt ordinances making more restrictive requirements than provided by CCR Title 24, because of local climatic, geological, or topographical conditions. Such adoptions and a finding of need statement must be filed with the California Building Standards Commission (Reference Health and Safety Code Sections 17958.7 and 18941.5). (CBSC, 2022, p. 1)

C. Regional Regulations

1. *South Coast Air Quality Management District Rule 403*

The South Coast Air Quality Management District (SCAQMD) is responsible for enforcing air pollution control measures in the South Coast Air Basin, within which the Project site is located. Rule 403 (Fugitive Dust) addresses blowing dust from construction sites and is applicable to the Project due to the potential for wind erosion during Project grading and construction activities.

D. Local Regulations

1. *City of Victorville General Plan*

In the Final Environmental Impact Report of the City of Victorville General Plan, paleontological resource mitigation measures are specified in CUL-1. For previously undeveloped properties greater than one acre, mitigation measure CUL-1 must be implemented before construction starts (City of Victorville 2008a). The measure is as follows:

CUL-1: The applicant shall provide for an on-site paleontological/archaeological inspector to monitor all grading operations, or a letter from said licensed professional indicating that monitoring is not necessary during grading. Further, if disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code § 21083.2. The results of said monitoring shall be filed with the Development Director or his designee prior to the final approval of the development. (City of Victorville 2008a)



4.5.4 BASIS FOR DETERMINING SIGNIFICANCE

Section VII of Appendix G to the CEQA Guidelines addresses typical adverse effects due to geological conditions, and includes the following threshold questions to evaluate the Project's impacts resulting from geologic or soil conditions:

- a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i. *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? Refer to Division of Mines and Geology Special Publication 42.*
 - ii. *Strong seismic ground shaking*
 - iii. *Seismic-related ground failure, including liquefaction*
 - iv. *Landslides*
- b. *Result in substantial soil erosion or the loss of topsoil;*
- c. *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;*
- d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property;*
- e. *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water;*
- f. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

4.5.5 METHODOLOGY

A. *Geology and Soils*

The scope of the geological investigation (*Technical Appendices F*) included a subsurface exploration, field infiltration testing, laboratory testing, and engineering analysis. The subsurface exploration consisted of six (6) hollow stem auger borings and two (2) infiltration test wells. The borings were performed to depths of approximately 4 to 26 feet below existing grade and the percolation wells were installed at depths of 10 to 12 feet below existing grades. Laboratory testing was performed on selected representative samples as an aid in soil classification and to evaluate the engineering properties of the soils. The geotechnical laboratory testing program included determinations of moisture content and



dry density, grain size analyses, R-value and maximum density. Engineering evaluations were performed to provide earthwork criteria, foundation design parameters, and assessments of seismic hazards. (GPI, 2023) This information was used to determine whether or not the Project would result in potentially significant geology and soils impacts.

B. Paleontological Resources

The evaluation of impacts to paleontological resources was based on a review of published and unpublished literature for potential paleontological resources that are known in the vicinity of the Project site. Additionally, a field survey was conducted on April 24, 2023 which included a careful inspection of all exposed ground surfaces, including any rodent burrows and disturbed areas. The survey of the property was an intensive reconnaissance consisting of a series of parallel survey transects spaced at approximately 10-meter intervals.

4.5.6 IMPACT ANALYSIS

Threshold a: *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- i) 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? Refer to Division of Mines and Geology Special Publication 42;*
- ii) strong seismic ground shaking;*
- iii) seismic-related ground failure, including liquefaction;*
- iv) landslides?*

A. Rupture of a Known Earthquake Fault

There are no known faults on the Project site and the Project site is not within an Alquist-Priolo earthquake fault zone (GPI, 2023). The nearest active fault line is 12 miles northwest of the Project site. Therefore, no impacts related to the rupture of a known earthquake fault, as depicted on the most recent Alquist-Priolo Earthquake Fault Zoning Map, are anticipated to occur as a result of Project implementation. The Project involves a surface parking lot and does not propose any structures that could directly or indirectly cause potential substantial adverse effects due to the rupture of a known earthquake fault. No impacts would occur.

B. Strong Seismic Ground Shaking

Southern California is a seismically active area and properties in the City of Victorville, including the Project site, are subject to periodic ground shaking and other effects from earthquake activity along nearby regional faults. The Project site is not at an increased risk relative to the surrounding area. As previously stated, the Project does not propose the construction of buildings on the Project site that



could directly or indirectly cause potential substantial adverse effects due to seismic ground shaking. Impacts would be less than significant.

C. Seismic-Related Ground Failure

The Project site is not within a zone identified as having a potential for liquefaction by the State or the County of San Bernardino. Due to the deep historic groundwater levels, liquefaction induced settlement is not anticipated to occur onsite. Accordingly, the liquefaction potential for the Project site is low and impacts would be less than significant.

D. Landslides

Slope failures in the form of landslides are common during strong seismic shaking in areas of steep hills. The Project site and surrounding area are generally flat with no significant slopes. The Project site is not located within a landslide zone (CDC, 1967). The Project would not result in cut slopes exceeding 1.5 horizontal to 1 vertical or 15 feet in height, nor would it result in slopes exceeding 20 percent grade except for in the proposed detention basin required for storm water management on the Project site. Accordingly, no impact related to landslide hazards would occur.

Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?

The Project site is undeveloped and disturbed with pockets of brush. Ground-disturbing activities associated with Project construction may result in removal of topsoil or soil erosion during paving and construction of the proposed detention basin. The potential for Project construction activities involving soil disturbance, such as excavation and grading to result in increased erosion and sediment transport by storm water to surface waters would be minimized because the Project would be required to comply with a Construction General Permit, which is issued by the State Water Resources Control Board (SWRCB) (SWRCB Order No. 2009-0009-DWQ) contains water quality standards and stormwater discharge requirements applying to construction projects of one acre or more. The General Construction Permit was issued pursuant to the National Pollutant Discharge Elimination System (NPDES) regulations for implementing part of the federal Clean Water Act. The General Construction Permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) that identifies the sources of pollution that may affect the quality of stormwater discharges and describes and ensures the implementation of best management practices (BMPs) to reduce the pollutants, including silt and soil, in construction stormwater discharges. Future development of the Project site would be required to comply with the NPDES permit by preparing and implementing a SWPPP specifying BMPs for minimizing pollution of stormwater with soil and sediment during Project construction. Lastly, the Project would be required to implement erosion and dust control measures pursuant Mojave Desert Air Quality Management District Rule 403 to minimize water- and windborne erosion. Adherence to the BMPs in the SWPPP and Mojave Desert Air Quality Management District Rule 403 would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, impacts related to substantial soil erosion or the loss of topsoil would be less than significant.



Threshold c: 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?

The Project site is not susceptible to landslides of liquefaction hazards, including lateral spreading. Lateral spreading is a type of liquefaction-induced ground failure that occurs on gentle slopes or near free-faces, such as river channels. Therefore, because the Project site is not within a liquefaction zone, the Project is not susceptible to lateral spreading.

The Project site is underlain by undocumented fill soils that overlay native soils. The upper on-site soils are predominantly dry to slightly moist, medium dense silty sands and sands with silt. As such, the soils are considered to be susceptible to caving in open cuts and excavations. Excavations at the Project site would include removals of undocumented fill and low-density natural soils and the placement and compaction of fill. Recommendations in the Geotechnical Investigation (*Technical Appendix F*), include but are not limited to:

- Imported fill material be predominately granular and non-expansive and be sampled, tested, and accepted prior to delivery to the Project site.
- Fill soils be compacted to densities equal to at least 90 percent of the maximum dry density.

With implementation of the recommendations, the Project's potential to be located on a geologic unit or soil that is unstable or would become unstable would be less than significant.

The Project site soils have a potential dry seismic settlement of less than 0.25-inch. As such, settlement at the Project site is considered less than significant.

Threshold d: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. Although not encountered during GPI's explorations, expansive clayey soils (expansion index [E.I.] greater than 50) were encountered in prior nearby investigations. The Project would not involve the construction of structures other than a future guard shack. Grading and paving construction for the proposed surface parking lot would be required to adhere to local and State mandated grading and construction requirements and engineering standards. Additionally, the Project would comply with the recommendations, such as removal and recompaction of fill and a portion of the upper low-density natural soils to provide uniform support, identified in the Geotechnical Investigation (*Technical Appendix F*), in accordance with VMC Sections 16-5.02.110 and 16-5.02.140. With compliance with local and State mandated construction requirements and engineering standards and implementation of the Geotechnical Investigation recommendations, impacts related to expansive soils would be less than significant.



Threshold e: *Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No septic tanks are proposed to be installed as part of the Project. The proposed Project would connect to the existing wastewater system. Accordingly, no impact would occur.

Threshold f: *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The City of Victorville’s General Plan EIR Section 5.5.1.2 describes the palaeontologic resources within the City. Based on Pleistocene vertebrate fossils recovered from sediments deposited by the ancestral Mojave River, areas mapped as such are assigned a “moderate to high sensitivity” for the potential to yield significant paleontological resources.

The Society of Vertebrate Paleontology has drafted guidelines that include four categories of paleontological sensitivity for geologic units (formations) that might be impacted by a proposed project. Using these criteria, the presence of nearby significant fossil localities and the strong likelihood that the nearby fossil localities originated from the same geologic formation as that of the Project, the Pleistocene alluvium of the ancestral Mojave River can be considered to have a high potential to yield paleontological resources.

The Project site contains potentially fossiliferous Pleistocene to Pliocene-aged alluvium of the ancestral Mojave River (“Qvof” and “Qoam”) that are mapped at the surface of the Project site. The known occurrence of significant terrestrial vertebrate fossils at shallow depths from deposits of the ancient Mojave River across Victorville and the “moderate to high” paleontological sensitivity rating assigned to deposits of the ancient Mojave River for yielding paleontological resources indicate that there is a potential to encounter paleontological resources during grading activities. Accordingly, the Project would have potential to directly or indirectly destroy a unique paleontological resource or geological feature, and impacts are potentially significant.

4.5.7 CUMULATIVE IMPACT ANALYSIS

As noted in the foregoing analysis, all potential Project-related direct and indirect impacts related to geology and soils would be addressed through mandatory conformance with the City of Victorville Municipal Code, other standard regulatory requirements, and the site-specific recommendations identified in the Geotechnical Investigation (*Technical Appendix F* of this EIR).

With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions addressed under Thresholds a, c, d, and e are unique to the Project site, and inherently restricted to the specific property proposed for development. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not



influenced or exacerbated by the geologic and/or soils hazards that may occur on other, off-site properties. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.

As discussed under Threshold b, regulatory requirements mandate that the Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less than significant.

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development in the vicinity of the Project site that have a potential for uncovering paleontological resources. Generally, impacts relating to paleontological resources are site-specific and addressed on a site-by-site basis. Therefore, while there is a potential for an impact on a specific site, the impact would not ordinarily extend beyond the site or immediately surrounding area. Additionally, Mitigation Measure MM 4.5-1 would ensure Project-specific paleontological impacts are reduced to less than significant. There could be circumstances in which a paleontological resource extends over more than one property, however, there are no adjacent related projects that could potentially result in affects to unknown paleontological resources that may lie in the subsurface of the project site; therefore, there would be no cumulative impacts would occur.

4.5.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than significant impact. The project is not located on a known earthquake fault but would potentially be subject to strong seismic ground shaking. As structures would be designed to meet or exceed CBC standards for earthquake resistance, development of the Project would create less than significant impacts related to seismic ground shaking. The liquefaction for the Project site is low and is not located in an area susceptible to landslides. Impacts would be less than significant.

Threshold b: Less than significant impact. Future development within the Project site would be required to comply with the NPDES permit by preparing and implementing a SWPPP specifying BMPs for minimizing pollution of stormwater with soil and sediment during Project construction. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, impacts related to substantial soil erosion or the loss of topsoil would be less than significant.

Threshold c: No impact. As stated previously, the Project site is not susceptible to landslides or liquefaction. Lateral spreading and collapse can occur as an effect of seismic ground shaking and expansive soils. Project-related structures and buildings would be required to be designed and built in



compliance with the CBC, which requires the Project to implement the recommendations of the site-specific geotechnical investigation. The recommendations require foundations to be constructed based on the expansion index and shear strength of onsite soils. Compliance with the CBC and VMC would ensure that no impact would occur.

Threshold d: No impact. On-site subsurface soils are not expected to experience substantial volumetric changes (shrink/swell) with fluctuations in moisture content. Furthermore, compulsory compliance with the CBC and local regulations will further diminish the possibility of risk associated from expansive soil. Accordingly, no impact is anticipated.

Threshold e: No impact. No septic tanks will be used as part of the proposed Project. The proposed Project would connect to the existing wastewater disposal system. Accordingly, no impact is anticipated and no mitigation is required.

Threshold f: Potentially Significant impact. The Pleistocene alluvium of the ancestral Mojave River can be considered to have a high potential to yield paleontological resources. The Project would have potential to directly or indirectly destroy a unique paleontological resource or geological feature and impacts are potentially significant.

4.5.9 APPLICABLE REGULATIONS, DESIGN REQUIREMENTS, AND MITIGATION

Applicable Regulations and Design Requirements

- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 403, “Fugitive Dust Control” by implementing the following dust control measures during construction activities, such as earth-moving activities, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the City of Victorville shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.
 - All clearing, grading, earth-moving, or excavation activities shall be reduced when winds exceed 25 miles per hour (mph) per MDAQMD guidelines in order to limit fugitive dust emissions. A reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.
 - The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are subject to periodic watering for short-term stabilization of disturbed surfaces. Use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance.
 - The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 mph or less.



- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 113, *Architectural Coatings*, by requiring that all architectural coatings must consist of low VOCs.
- The Project is required to comply with the provisions of MDAQMD Rule 402, “Nuisance” which requires that a person shall not discharge air contaminants or other materials that would cause health or safety hazards to any considerable number of persons or the public.

Mitigation

- MM 4.5-1 Prior to the approval of the Project’s grading permits, a Paleontological Resource Impact Mitigation Project (PRIMP) shall be implemented, which describes monitoring and fossil collection procedures.
- a. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Full-time monitoring for paleontological resources from the surface will be conducted in areas where grading, excavation, or drilling activities occur in alluvium of the ancestral Mojave River to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources.
 - b. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.
 - c. Preparation of recovered specimens to a point of identification and permanent preservation will be conducted, including screen-washing sediments to recover small vertebrates and invertebrates if indicated by the results of test sampling. Preparation of any individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.
 - d. All fossils must be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. The San Bernardino County Museum in Redlands, California, is the preferred institution by the County of San Bernardino. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, are the responsibility of the developer.



- e. Preparation of a final monitoring and mitigation report of findings and significance will be completed, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report, when submitted to and accepted by the appropriate lead agency (e.g., the City of Victorville), will signify satisfactory completion of the project program to mitigate impacts to any nonrenewable paleontological resources.

4.5.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold f: Less Than Significant Impact with Mitigation Incorporated. Mitigation Measure MM 4.5-1 would ensure the proper identification and subsequent treatment of any significant paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the proposed Project. With implementation of the required mitigation, the Project's potential impacts to important paleontological resources would be reduced to less than significant. The Project's contribution to cumulative impacts would likewise be reduced to less than significant.



4.6 GREENHOUSE GAS EMISSIONS

The analysis in this Subsection is based in part on a report prepared by Urban Crossroads, Inc. titled *Nisqualli Road Trailer Lot Expansion Project Greenhouse Gas Analysis* (GHGA), dated November 28, 2023, and is included as *Technical Appendix H* to this EIR (Urban Crossroads, 2023d). The technical report and analysis in this Subsection assess the proposed Project's potential to generate greenhouse gas (GHG) emissions that could contribute to global climate change and its associated environmental effects.

4.6.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 21, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were made during the NOP public review period or EIR Scoping Meeting that pertains to GHG emissions.

4.6.2 EXISTING SETTING

A. Introduction to Global Climate Change

Global climate change (GCC) is defined as the change in average meteorological conditions on the earth with respect to temperature, precipitation, and storms. The majority of scientists believe that the climate shift taking place since the Industrial Revolution is occurring at a quicker rate and magnitude than in the past. Scientific evidence suggests that GCC is the result of increased concentrations of GHGs in the earth's atmosphere, including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases. The majority of scientists believe that this increased rate of climate change is the result of GHGs resulting from human activity and industrialization over the past 200 years.

An individual project like the proposed Project evaluated in this GHGA cannot generate enough GHG emissions to affect a discernible change in global climate. However, the proposed Project may participate in the potential for GCC by its incremental contribution of GHGs combined with the cumulative increase of all other sources of GHGs, which when taken together constitute potential influences on GCC.

B. Greenhouse Gases

Greenhouse gases (GHGs) trap heat in the atmosphere, creating a GHG effect that results in global warming and climate change. For the purposes of this analysis, emissions of CO₂, CH₄, and N₂O were evaluated because these gases are the primary contributors to GCC from development projects. Although there are other substances such as fluorinated gases that also contribute to GCC, these fluorinated gases were not evaluated as their sources are not well-defined and do not contain accepted emissions factors or methodology to accurately calculate these gases.

GHGs have varying Global Warming Potential (GWP) values. GWP of GHGs indicates the amount of warming a gas can cause over a given period of time and represents the potential of a gas to trap heat in the atmosphere. CO₂ is utilized as the reference gas for GWP, and thus has a GWP of 1. The



atmospheric lifetime and GWP of selected GHGs are summarized in Table 4.6-1, *GWP and Atmospheric Lifetime of Select GHGs*. As shown in the table below, GWP for the 2nd Assessment Report, the Intergovernmental Panel on Climate Change (IPCC)’s scientific and socio-economic assessment on climate change, range from 1 for CO₂ to 23,900 for SF₆ and GWP for the IPCC’s 6th Assessment Report range from 1 for CO₂ to 25,200 for SF₆.

Table 4.6-1 GWP and Atmospheric Lifetime of Select GHGs

Gas	Atmospheric Lifetime (years)	GWP (100-year time horizon)	
		2 nd Assessment Report	6 th Assessment Report
CO ₂	Multiple	1	1
CH ₄	11.8	21	28
N ₂ O	109	310	273
HFC-23	228	11,700	14,600
HFC-134a	14	1,300	1,526
HFC-152a	1.6	140	164
SF ₆	3,200	23,900	25,200

Source: (Urban Crossroads, 2023d, Table 2-2)

Provided below is a description of the common gases that contribute to GCC. For more information about these gases and their associated human health effects, refer to Section 2.3.1 of *Technical Appendix H* to this EIR and the reference sources cited therein.

- Water Vapor (H₂O) is the most abundant, important, and variable GHG in the atmosphere. Water vapor is not considered a pollutant; in the atmosphere it maintains a climate necessary for life. Changes in its concentration are primarily considered to be a result of climate feedbacks related to the warming of the atmosphere rather than a direct result of industrialization. The feedback loop in which water is involved is critically important to projecting future climate change. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity can be higher (in essence, the air is able to ‘hold’ more water when it is warmer), leading to more water vapor in the atmosphere. As a GHG, the higher concentration of water vapor is then able to absorb more thermal indirect energy radiated from the Earth, thus further warming the atmosphere. The warmer atmosphere can then hold more water vapor and so on and so on. This is referred to as a “positive feedback loop.” The extent to which this positive feedback loop will continue is unknown as there are also dynamics that hold the positive feedback loop in check. As an example, when water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are more able to reflect incoming solar radiation, thereby allowing less energy to reach the Earth’s surface and heat it up. There are no human health effects from



water vapor itself; however, when some pollutants come in contact with water vapor, they can dissolve and the water vapor can then act as a pollutant-carrying agent.

- Carbon Dioxide (CO₂) is an odorless and colorless GHG that is emitted from natural and manmade sources. Natural sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals and fungus; evaporation from oceans; and volcanic outgassing. Manmade sources include: the burning of coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, the sort of human activity that increases CO₂ emissions has increased dramatically. As an example, prior to the industrial revolution, CO₂ concentrations were fairly stable at 280 parts per million (ppm). Today, they are around 370 ppm, an increase of more than 30 percent. Exposure to CO₂ in high concentrations can cause human health effects, but outdoor levels are not high enough to adversely affect human health.
- Methane (CH₄) is an extremely effective absorber of radiation, though its atmospheric concentration is less than CO₂ and its lifetime in the atmosphere is brief (10-12 years) compared to other GHGs. Methane has both natural and manmade sources. It is released as part of the biological processes in low oxygen environments, such as in swamplands or in rice production (at the roots of the plants). Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of methane. Other manmade sources include fossil-fuel combustion and biomass burning. No human health effects are known to occur from atmospheric exposure to methane; however, methane is an asphyxiant that may displace oxygen in enclosed spaces.
- Nitrous Oxide (N₂O) concentrations began to rise in the atmosphere at the beginning of the industrial revolution. In 1998, the global concentration was 314 parts per billion (ppb). Nitrous oxide is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. N₂O is used as an aerosol spray propellant, (e.g., in whipped cream bottles), in potato chip bags to keep chips fresh, and in rocket engines and in race cars. N₂O can be transported into the stratosphere, be deposited on the Earth's surface, and be converted to other compounds by chemical reaction. N₂O can cause dizziness, euphoria, and sometimes slight hallucinations. In small doses, it is considered harmless. However, in some cases, heavy and extended use can cause brain damage.
- Chlorofluorocarbons (CFCs) are gases formed synthetically by replacing all hydrogen atoms in CH₄ or ethane (C₂H₆) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs were first synthesized in 1928 and have no natural source. CFCs were used for refrigerants, aerosol propellants and cleaning solvents. Due to the



discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and was extremely successful, so much so that levels of the major CFCs are now remaining steady or declining. However, due to their long atmospheric lifetime, some of the CFCs will remain in the atmosphere for over 100 years.

- Hydrofluorocarbons (HFCs) are synthetic, man-made chemicals that are used as a substitute for CFCs. Out of all GHGs, they are one of three groups with the highest global warming potential. The HFCs with the largest measured atmospheric abundances are (in order largest to smallest), HFC-23 (CHF_3), HFC-134a ($\text{CF}_3\text{CH}_2\text{F}$), and HFC-152a (CH_3CHF_2). Prior to 1990, the only significant emissions were HFC-23 emissions. HFC-134a emissions are increasing due to its use as a refrigerant. The U.S. EPA estimates that concentrations of HFC-23 and HFC-134a are now about 10 parts per trillion (ppt) each; and that concentrations of HFC-152a are about 1 ppt. No human health effects are known to result from exposure to HFCs, which are manmade and used for applications such as automobile air conditioners and refrigerants.
- Perfluorocarbons (PFCs) are primarily produced for aluminum production and semiconductor manufacture. PFCs have stable molecular structures and do not break down through chemical processes in the lower atmosphere. High-energy ultraviolet rays, which occur about 60 kilometers above earth's surface, are able to destroy the compounds. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF_4) and hexafluoroethane (C_2F_6). The U.S. EPA estimates that concentrations of CF_4 in the atmosphere are over 70 ppt. No human health effects are known to result from exposure to PFCs.
- Sulfur Hexafluoride (SF_6) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It also has the highest GWP of any gas evaluated (23,900). The U.S. Environmental Protection Agency (EPA) indicates that concentrations in the 1990s were about 4 ppt. In high concentrations in confined areas, the gas presents the hazard of suffocation because it displaces the oxygen needed for breathing. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.
- Nitrogen Trifluoride (NF_3) is a colorless gas with a distinctly moldy odor. The World Resources Institute indicates that NF_3 has a 100-year GWP of 17,200. NF_3 is used in industrial processes and is produced in the manufacturing of semiconductors, Liquid Crystal Display panels, types of solar panels, and chemical lasers. Long-term or repeated exposure may affect the liver and kidneys and may cause fluorosis.



C. Greenhouse Gas Emissions Inventories

1. *Global*

Worldwide anthropogenic GHG emissions are tracked by the IPCC for industrialized nations (referred to as Annex I) and developing nations (referred to as Non-Annex I). Human GHG emissions data for Annex I nations are available through 2020. Based on the latest available data, the sum of these emissions totaled approximately 28,026,643 gigagram (Gg) CO_{2e}

Table 4.6-2 Top GHG Producing Countries and the European Union

Emitting Countries	GHG Emissions (Gg CO_{2e})
China	12,300,200
United States	5,981,354
European Union (27-member countries)	3,706,110
India	2,839,420
Russian Federation	2,051,437
Japan	1,148,122
Total	28,026,643

Source: (Urban Crossroads, 2023d, Table 2-3)

2. *United States*

As noted in Table 4.6-2, *Top GHG Producing Countries and the European Union*, the United States, as a single country, was the number two producer of GHG emissions in 2020.

3. *State of California*

California has significantly slowed the rate of growth of GHG emissions due to the implementation of energy efficiency programs as well as adoption of strict emission controls but is still a substantial contributor to the United States (U.S.) emissions inventory total. The California Air Resource Board (CARB) complies with GHG inventories for the State of California. Based upon the 2022 GHG inventory data (i.e., the latest year for which data are available) for the 2000-2020 GHG emissions period, California emitted an average 369.2 million metric tons of CO_{2e} per year (MMT CO_{2e}/yr) or 369,200 Gg CO_{2e} (6.17 percent of the total United States GHG emissions).

D. Effects of Climate Change in California

1. *Public Health*

Higher temperatures may increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation could increase from 25 to 35 percent under the lower warming range to 75 to 85 percent under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by



increases in wildfires, which emit fine particulate matter that can travel long distances, depending on wind conditions. Based on Our Changing Climate Assessing the Risks to California by the California Climate Change Center, large wildfires could become up to 55 percent more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming range scenario, there could be up to 100 more days per year with temperatures above 90 degrees Fahrenheit (F) in Los Angeles and 95 degrees F in Sacramento by 2100. This is a significant increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures could increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

2. *Water Resources*

A vast network of man-made reservoirs and aqueducts captures and transports water throughout the state from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snowpack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snowpack, increasing the risk of summer water shortages.

If temperatures continue to increase, more precipitation could fall as rain instead of snow, and the snow that does fall could melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70 to 90 percent. Under the lower warming range scenario, snowpack losses could be only half as large as those possible if temperatures were to rise to the higher warming range. How much snowpack could be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snowpack could pose challenges to water managers and hamper hydropower generation. It could also adversely affect winter tourism. Under the lower warming range, the ski season at lower elevations could be reduced by as much as a month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing and snowboarding.

The State's water supplies are also at risk from rising sea levels. An influx of saltwater could degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta – a major fresh water supply.

3. *Agriculture*

Increased temperatures could cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. First, California farmers could possibly lose as much as 25 percent of the water supply needed. Although higher CO₂ levels can stimulate plant production and increase plant water-use efficiency, California's farmers could face greater water demand for crops and a less reliable water supply as temperatures rise. Crop growth and development could change, as could the intensity and frequency of pest and disease outbreaks. Rising temperatures



could aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures could worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits, and nuts.

In addition, continued GCC could shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion could occur in many species while range contractions may be less likely in rapidly evolving species with significant populations already established. Should range contractions occur, new or different weed species could fill the emerging gaps. Continued GCC could alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

4. *Forests and Landscapes*

GCC has the potential to intensify the current threat to forests and landscapes by increasing the risk of wildfire and altering the distribution and character of natural vegetation. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55 percent, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks would not be uniform throughout the state. In contrast, wildfires in northern California could increase by up to 90 percent due to decreased precipitation.

Moreover, continued GCC has the potential to alter natural ecosystems and biological diversity within the state. For example, alpine and subalpine ecosystems could decline by as much as 60 to 80 percent by the end of the century as a result of increasing temperatures. The productivity of the state's forests has the potential to decrease as a result of GCC.

5. *Rising Sea Levels*

Rising sea levels, more intense coastal storms, and warmer water temperatures could increasingly threaten the state's coastal regions. Under the higher warming range scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate low-lying coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats. Under the lower warming range scenario, sea level could rise 12-14 inches.

4.6.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, State, and local environmental laws and related regulations related to GHG emissions.



A. *International Regulations*

1. *Intergovernmental Panel on Climate Change (IPCC)*

In 1988, the United Nations (U.N.) and the World Meteorological Organization established the IPCC to assess the scientific, technical, and socioeconomic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation.

2. *United Nation's Framework Convention on Climate Change (UNFCCC)*

On March 21, 1994, the U.S. joined a number of countries around the world in signing the Convention. Under the UNFCCC, governments gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

3. *International Climate Change Treaties*

The Kyoto Protocol is an international agreement linked to the UNFCCC. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for reducing GHG emissions at an average of 5 percent against 1990 levels over the five-year period 2008–2012. The Convention (as discussed above) encouraged industrialized countries to stabilize emissions; however, the Protocol commits them to do so. Developed countries have contributed more emissions over the last 150 years; therefore, the Protocol places a heavier burden on developed nations under the principle of “common but differentiated responsibilities.”

In 2001, President George W. Bush indicated that he would not submit the treaty to the U.S. Senate for ratification, which effectively ended American involvement in the Kyoto Protocol. In December 2009, international leaders met in Copenhagen to address the future of international climate change commitments post-Kyoto. No binding agreement was reached in Copenhagen; however, the UN Climate Change Committee identified the long-term goal of limiting the maximum global average temperature increase to no more than 2 degrees Celsius (°C) above pre-industrial levels, subject to a review in 2015. The Committee held additional meetings in Durban, South Africa in November 2011; Doha, Qatar in November 2012; and Warsaw, Poland in November 2013. The meetings gradually gained consensus among participants on individual climate change issues.

On September 23, 2014, more than 100 Heads of State and Government and leaders from the private sector and civil society met at the Climate Summit in New York hosted by the U.N. At the Summit, heads of government, business and civil society announced actions in areas that would have the greatest impact on reducing emissions, including climate finance, energy, transport, industry, agriculture, cities, forests, and building resilience.

Parties to the UNFCCC reached a landmark agreement on December 12, 2015, in Paris, charting a fundamentally new course in the two-decade-old global climate effort. Culminating a four-year



negotiating round, the new treaty ends the strict differentiation between developed and developing countries that characterized earlier efforts, replacing it with a common framework that commits all countries to put forward their best efforts and to strengthen them in the years ahead. This includes, for the first time, requirements that all parties report regularly on their emissions and implementation efforts and undergo international review.

The agreement and a companion decision by parties were the key outcomes of the conference, known as the 21st session of the UNFCCC Conference of the Parties (COP) 21. Together, the Paris Agreement and the accompanying COP decision:

- Reaffirm the goal of limiting global temperature increase well below 2°C, while urging efforts to limit the increase to 1.5 degrees;
- Establish binding commitments by all parties to make “nationally determined contributions” (NDCs), and to pursue domestic measures aimed at achieving them;
- Commit all countries to report regularly on their emissions and “progress made in implementing and achieving” their NDCs, and to undergo international review;
- Commit all countries to submit new NDCs every five years, with the clear expectation that they would “represent a progression” beyond previous ones;
- Reaffirm the binding obligations of developed countries under the UNFCCC to support the efforts of developing countries, while for the first time encouraging voluntary contributions by developing countries too;
- Extend the current goal of mobilizing \$100 billion a year in support by 2020 through 2025, with a new, higher goal to be set for the period after 2025;
- Extend a mechanism to address “loss and damage” resulting from climate change, which explicitly would not “involve or provide a basis for any liability or compensation;”
- Require parties engaging in international emissions trading to avoid “double counting;” and
- Call for a new mechanism, similar to the Clean Development Mechanism under the Kyoto Protocol, enabling emission reductions in one country to be counted toward another country’s NDC (C2ES 2015a).

B. Federal Regulations

Prior to the last decade, there have been no concrete federal regulations of GHGs or major planning for climate change adaptation. The following are actions regarding the federal government, GHGs, and fuel efficiency.

1. GHG Endangerment

In *Massachusetts v. Environmental Protection Agency* 549 U.S. 497 (2007), decided on April 2, 2007, the United States Supreme Court (Supreme Court) found that four GHGs, including CO₂, are air pollutants subject to regulation under Section 202(a)(1) of the Clean Air Act (CAA). The Supreme



Court held that the EPA Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under section 202(a) of the CAA:

- **Endangerment Finding:** The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to GHG pollution, which threatens public health and welfare.

These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed in the section “Clean Vehicles” below. After a lengthy legal challenge, the Supreme Court declined to review an Appeals Court ruling that upheld the EPA Administrator’s findings.

2. *Clean Vehicles*

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light duty trucks. The law has become more stringent over time. On May 19, 2009, President Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the U.S. On April 1, 2010, the EPA, and the Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) announced a joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the U.S. The first phase of the national program applies to passenger cars, light-duty trucks, and medium-duty (MD) passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet an estimated combined average emissions level of 250 grams of CO₂ per mile, equivalent to 35.5 miles per gallon (mpg) if the automobile industry were to meet this CO₂ level solely through fuel economy improvements. Together, these standards would cut CO₂ emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012–2016). The EPA and the NHTSA issued final rules on a second-phase joint rulemaking establishing national standards for light-duty vehicles for model years 2017 through 2025 in August 2012. The new standards for model years 2017 through 2025 apply to passenger cars, light-duty trucks, and MD passenger vehicles. The final standards are projected to result in an average industry fleetwide level of 163 grams/mile of CO₂ in model year 2025, which is equivalent to 54.5 mpg if achieved exclusively through fuel economy improvements.

The EPA and the U.S. Department of Transportation issued final rules for the first national standards to reduce GHG emissions and improve fuel efficiency of heavy-duty trucks (HDT) and buses on September 15, 2011, effective November 14, 2011. For combination tractors, the agencies are



proposing engine and vehicle standards that begin in the 2014 model year and achieve up to a 20 percent reduction in CO₂ emissions and fuel consumption by the 2018 model year. For HDT and vans, the agencies are proposing separate gasoline and diesel truck standards, which phase in starting in the 2014 model year and achieve up to a 10 percent reduction for gasoline vehicles and a 15 percent reduction for diesel vehicles by the 2018 model year (12 and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles, the engine and vehicle standards would achieve up to a 10 percent reduction in fuel consumption and CO₂ emissions from the 2014 to 2018 model years.

On April 2, 2018, the EPA signed the Mid-term Evaluation Final Determination, which declared that the MY 2022-2025 GHG standards are not appropriate and should be revised. This Final Determination serves to initiate a notice to further consider appropriate standards for MY 2022-2025 light-duty vehicles. On August 2, 2018, the NHTSA in conjunction with the EPA, released a notice of proposed rulemaking, the *Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks* (SAFE Vehicles Rule). The SAFE Vehicles Rule was proposed to amend exiting Corporate Average Fuel Economy (CAFE) and tailpipe CO₂ standards for passenger cars and light trucks and to establish new standards covering model years 2021 through 2026. As of March 31, 2020, the NHTSA and EPA finalized the SAFE Vehicle Rule which increased stringency of CAFE and CO₂ emissions standards by 1.5 percent each year through model year 2026.

3. *Mandatory Reporting of GHGs*

The Consolidated Appropriations Act of 2008, passed in December 2007, requires the establishment of mandatory GHG reporting requirements. On September 22, 2009, the EPA issued the Final Mandatory Reporting of GHGs Rule, which became effective January 1, 2010. The rule requires reporting of GHG emissions from large sources and suppliers in the U.S. and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons per year (MT/yr) or more of GHG emissions are required to submit annual reports to the EPA.

4. *New Source Review*

The EPA issued a final rule on May 13, 2010, that establishes thresholds for GHGs that define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. This final rule “tailors” the requirements of these CAA permitting programs to limit which facilities would be required to obtain Prevention of Significant Deterioration and Title V permits. In the preamble to the revisions to the Federal Code of Regulations, the EPA states:

“This rulemaking is necessary because without it the Prevention of Significant Deterioration and Title V requirements would apply, as of January 2, 2011, at the 100 or 250 tons per year levels provided under the CAA, greatly increasing the number of required permits, imposing undue costs on small sources, overwhelming the resources of permitting authorities, and severely impairing the functioning of the programs. EPA



is relieving these resource burdens by phasing in the applicability of these programs to GHG sources, starting with the largest GHG emitters. This rule establishes two initial steps of the phase-in. The rule also commits the agency to take certain actions on future steps addressing smaller sources but excludes certain smaller sources from Prevention of Significant Deterioration and Title V permitting for GHG emissions until at least April 30, 2016.”

The EPA estimates that facilities responsible for nearly 70 percent of the national GHG emissions from stationary sources would be subject to permitting requirements under this rule. This includes the nation’s largest GHG emitters—power plants, refineries, and cement production facilities.

5. Standards of Performance for GHG Emissions for New Stationary Sources: Electric Utility Generating Units

As required by a settlement agreement, the EPA proposed new performance standards for emissions of CO₂ for new, affected, fossil fuel-fired electric utility generating units on March 27, 2012. New sources greater than 25 megawatts (MW) would be required to meet an output-based standard of 1,000 pounds (lbs) of CO₂ per MW-hour (MWh), based on the performance of widely used natural gas combined cycle technology. It should be noted that on February 9, 2016, the Supreme Court issued a stay of this regulation pending litigation. Additionally, the current EPA Administrator has also signed a measure to repeal the Clean Power Plan, including the CO₂ standards. The Clean Power Plan was officially repealed on June 19, 2019, when the EPA issued the final Affordable Clean Energy rule (ACE). Under ACE, new state emission guidelines were established that provided existing coal-fired electric utility generating units with achievable standards.

6. Cap-and-Trade

Cap-and-trade refers to a policy tool where emissions are limited to a certain amount and can be traded or provides flexibility on how the emitter can comply. Successful examples in the U.S. include the Acid Rain Program and the N₂O Budget Trading Program and Clean Air Interstate Rule in the northeast. There is no federal GHG cap-and-trade program currently; however, some states have joined to create initiatives to provide a mechanism for cap-and-trade.

The Regional GHG Initiative is an effort to reduce GHGs among the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. Each state caps CO₂ emissions from power plants, auctions CO₂ emission allowances, and invests the proceeds in strategic energy programs that further reduce emissions, save consumers money, create jobs, and build a clean energy economy. The Initiative began in 2008 and in 2020 has retained all participating states.

The Western Climate Initiative (WCI) partner jurisdictions have developed a comprehensive initiative to reduce regional GHG emissions to 15 percent below 2005 levels by 2020. The partners were originally California, British Columbia, Manitoba, Ontario, and Quebec. However, Manitoba and Ontario are not currently participating. California linked with Quebec’s cap-and-trade system January



1, 2014, and joint offset auctions took place in 2015. While the WCI has yet to publish whether it has successfully reached the 2020 emissions goal initiative set in 2007, SB 32 requires that California, a major partner in the WCI, adopt the goal of reducing statewide GHG emissions to 40 percent below the 1990 level by 2030.

7. *SmartWay Program*

The SmartWay Program is a public-private initiative between the EPA, large and small trucking companies, rail carriers, logistics companies, commercial manufacturers, retailers, and other federal and state agencies. Its purpose is to improve fuel efficiency and the environmental performance (reduction of both GHG emissions and air pollution) of the goods movement supply chains. SmartWay is comprised of four components:

1. **SmartWay Transport Partnership:** A partnership in which freight carriers and shippers commit to benchmark operations, track fuel consumption, and improve performance annually.
2. **SmartWay Technology Program:** A testing, verification, and designation program to help freight companies identify equipment, technologies, and strategies that save fuel and lower emissions.
3. **SmartWay Vehicles:** A program that ranks light-duty cars and small trucks and identifies superior environmental performers with the SmartWay logo.
4. **SmartWay International Interests:** Guidance and resources for countries seeking to develop freight sustainability programs modeled after SmartWay.

SmartWay effectively refers to requirements geared towards reducing fuel consumption. Most large trucking fleets driving newer vehicles are compliant with SmartWay design requirements. Moreover, over time, all HDTs would have to comply with the CARB GHG Regulation that is designed with the SmartWay Program in mind, to reduce GHG emissions by making them more fuel-efficient. For instance, in 2015, 53 foot or longer dry vans or refrigerated trailers equipped with a combination of SmartWay-verified low-rolling resistance tires and SmartWay-verified aerodynamic devices would obtain a total of 10 percent or more fuel savings over traditional trailers.

Through the SmartWay Technology Program, the EPA has evaluated the fuel saving benefits of various devices through grants, cooperative agreements, emissions, and fuel economy testing, demonstration projects and technical literature review. As a result, the EPA has determined the following types of technologies provide fuel saving and/or emission reducing benefits when used properly in their designed applications, and has verified certain products:

- Idle reduction technologies – less idling of the engine when it is not needed would reduce fuel consumption.
- Aerodynamic technologies minimize drag and improve airflow over the entire tractor-trailer vehicle. Aerodynamic technologies include gap fairings that reduce turbulence between the tractor and trailer, side skirts that minimize wind under the trailer, and rear fairings that reduce turbulence and pressure drop at the rear of the trailer.



- Low rolling resistance tires can roll longer without slowing down, thereby reducing the amount of fuel used. Rolling resistance (or rolling friction or rolling drag) is the force resisting the motion when a tire rolls on a surface. The wheel would eventually slow down because of this resistance.
- Retrofit technologies include things such as diesel particulate filters, emissions upgrades (to a higher tier), etc., which would reduce emissions.
- Federal excise tax exemptions.

8. *Executive Order 13990*

On January 20, 2021, Federal agencies were directed to immediately review, and take action to address, Federal regulations promulgated and other actions taken during the last 4 years that conflict with national objectives to improve public health and the environment; ensure access to clean air and water; limit exposure to dangerous chemicals and pesticides; hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; reduce greenhouse gas emissions; bolster resilience to the impacts of climate change; restore and expand our national treasures and monuments; and prioritize both environmental justice and employment.

C. State Regulations

1. *Legislative Actions to Reduce GHGs*

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation such as the landmark AB 32 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

2. *Senate Bill 1368*

California SB 1368 adds Sections 8340 and 8341 to the Public Utilities Code (effective January 1, 2007) with the intent “to prevent long-term investments in power plants with GHG emissions in excess of those produced by a combined-cycle natural gas power plant” with the aim of “reducing emissions of GHGs from the state’s electricity consumption, not just the state’s electricity production.” SB 1368 provides a mechanism for reducing the GHG emissions of electricity providers, both in-state and out-of-state, thereby assisting CARB in meeting its mandate under AB 32, the Global Warming Solutions Act of 2006.

3. *California Assembly Bill No. 32 (AB 32)*

The California State Legislature enacted AB 32, which required that GHGs emitted in California be reduced to 1990 levels by the year 2020 (this goal has been met¹). GHGs as defined under AB 32 include CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆. Since AB 32 was enacted, a seventh chemical, NF₃,

¹ Based upon the 2019 GHG inventory data (i.e., the latest year for which data are available) for the 2000-2017 GHG emissions period, California emitted an average 424.1 MMTCO_{2e}. This is less than the 2020 emissions target of 431 MMTCO_{2e}.



has also been added to the list of GHGs. CARB is the state agency charged with monitoring and regulating sources of GHGs. Pursuant to AB 32, CARB adopted regulations to achieve the maximum technologically feasible and cost-effective GHG emission reductions. AB 32 states the following:

“Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.”

4. Senate Bill 375 (SB 375)

On September 30, 2008, SB 375 was signed by Governor Schwarzenegger. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40 percent of the total GHG emissions in California. SB 375 states, “Without improved land use and transportation policy, California would not be able to achieve the goals of AB 32.” SB 375 does the following: it (1) requires metropolitan planning organizations (MPOs) to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies.

SB 375 requires MPOs to prepare a Sustainable Communities Strategy (SCS) within the Regional Transportation Plan (RTP) that guides growth while taking into account the transportation, housing, environmental, and economic needs of the region. SB 375 uses CEQA streamlining as an incentive to encourage residential projects, which help achieve AB 32 goals to reduce GHG emissions. Although SB 375 does not prevent CARB from adopting additional regulations, such actions are not anticipated in the foreseeable future.

Concerning CEQA, SB 375, as codified in Public Resources Code Section 21159.28, states that CEQA findings for certain projects are not required to reference, describe, or discuss (1) growth inducing impacts, or (2) any project-specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network, if the project:

1. Is in an area with an approved sustainable communities strategy or an alternative planning strategy that CARB accepts as achieving the GHG emission reduction targets.
2. Is consistent with that strategy (in designation, density, building intensity, and applicable policies).
3. Incorporates the MMs required by an applicable prior environmental document.



5. *Assembly Bill 1493 (AB 1493) – Pavley Fuel Efficiency Standards*

Enacted on July 22, 2002, California AB 1493, also known as the Pavley Fuel Efficiency Standards, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA’s denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the U.S. District Court for the District of Columbia in 2011.

The standards phase in during the 2009 through 2016 MY. Several technologies stand out as providing significant reductions in emissions at favorable costs. These include discrete variable valve lift or camless valve actuation to optimize valve operation rather than relying on fixed valve timing and lift as has historically been done; turbocharging to boost power and allow for engine downsizing; improved multi-speed transmissions; and improved air conditioning systems that operate optimally, leak less, and/or use an alternative refrigerant.

The second phase of the implementation for the Pavley bill was incorporated into Amendments to the Low-Emission Vehicle Program (LEV III) or the Advanced Clean Cars (ACC) program. The ACC program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for MY 2017 through 2025. The regulation will reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The new rules will clean up gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid EV and hydrogen fuel cell cars. The package will also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California. On March 9, EPA reinstated California’s authority under the Clean Air Act to implement its own GHG emission standards for cars and light trucks, which other states can also adopt and enforce. With this authority restored, EPA will continue partnering with states to advance the next generation of clean vehicle technologies.

6. *Clean Energy and Pollution Reduction Act of 2015 (SB 350)*

In October 2015, the legislature approved, and Governor Jerry Brown signed SB 350, which reaffirms California’s commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for EV charging stations. Provisions for a 50 percent reduction in the use of petroleum statewide were removed from the Bill because of opposition and concern that it would prevent the Bill’s passage. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target would be achieved through the California Public Utilities Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.



- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which would facilitate the growth of renewable energy markets in the western United States.

7. *Senate Bill 32 (SB 32)*

On September 8, 2016, Governor Brown signed SB 32 and its companion bill, AB 197. SB 32 requires the state to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15. The new legislation builds upon the AB 32 goal and provides an intermediate goal to achieving S-3-05, which sets a statewide GHG reduction target of 80 percent below 1990 levels by 2050. AB 197 creates a legislative committee to oversee regulators to ensure that CARB not only responds to the Governor, but also the Legislature.

8. *2017 CARB Scoping Plan*

In November 2017, CARB released the Final 2017 Scoping Plan Update (2017 Scoping Plan), which identifies the State's post-2020 reduction strategy. The 2017 Scoping Plan reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. Key programs that the proposed Second Update builds upon include the Cap-and-Trade Regulation, the LCFS, and much cleaner cars, trucks, and freight movement, utilizing cleaner, renewable energy, and strategies to reduce CH₄ emissions from agricultural and other wastes.

The 2017 Scoping Plan establishes a new emissions limit of 260 MMTCO_{2e} for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030.

California's climate strategy would require contributions from all sectors of the economy, including the land base, and would include enhanced focus on zero and near-zero emission (ZE/NZE) vehicle technologies; continued investment in renewables, including solar roofs, wind, and other distributed generation; greater use of low carbon fuels; integrated land conservation and development strategies; coordinated efforts to reduce emissions of short-lived climate pollutants (CH₄, black carbon, and fluorinated gases); and an increased focus on integrated land use planning to support livable, transit-connected communities and conservation of agricultural and other lands. Requirements for direct GHG reductions at refineries would further support air quality co-benefits in neighborhoods, including in disadvantaged communities historically located adjacent to these large stationary sources, as well as efforts with California's local air pollution control and air quality management districts (air districts) to tighten emission limits on a broad spectrum of industrial sources. Major elements of the 2017 Scoping Plan framework include:

- Implementing and/or increasing the standards of the Mobile Source Strategy, which include increasing zero-emission vehicles (ZEV) buses and trucks.
- LCFS, with an increased stringency (18 percent by 2030).
- Implementing SB 350, which expands the RPS to 50 percent RPS and doubles energy efficiency savings by 2030.



- California Sustainable Freight Action Plan, which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks.
- Implementing the proposed Short-Lived Climate Pollutant Strategy (SLPS), which focuses on reducing CH₄ and HCF emissions by 40 percent and anthropogenic black carbon emissions by 50 percent by year 2030.
- Continued implementation of SB 375.
- Post-2020 Cap-and-Trade Program that includes declining caps.
- 20 percent reduction in GHG emissions from refineries by 2030.
- Development of a Natural and Working Lands Action Plan to secure California’s land base as a net carbon sink.

Note, however, that the 2017 Scoping Plan acknowledges that:

“[a]chieving net zero increases in GHG emissions, resulting in no contribution to GHG impacts, may not be feasible or appropriate for every project, however, and the inability of a project to mitigate its GHG emissions to net zero does not imply the project results in a substantial contribution to the cumulatively significant environmental impact of climate change under CEQA.”

In addition to the statewide strategies listed above, the 2017 Scoping Plan also identifies local governments as essential partners in achieving the State’s long-term GHG reduction goals and identifies local actions to reduce GHG emissions. As part of the recommended actions, CARB recommends that local governments achieve a community-wide goal to achieve emissions of no more than 6 metric tons of CO₂e (MTCO₂e) or less per capita by 2030 and 2 MTCO₂e or less per capita by 2050. For CEQA projects, CARB states that lead agencies may develop evidence-based bright-line numeric thresholds—consistent with the 2017 Scoping Plan and the State’s long-term GHG goals—and projects with emissions over that amount may be required to incorporate on-site design features and MMs that avoid or minimize project emissions to the degree feasible; or a performance-based metric using a CAP or other plan to reduce GHG emissions is appropriate.

According to research conducted by the Lawrence Berkeley National Laboratory (LBNL) and supported by CARB, California, under its existing and proposed GHG reduction policies, could achieve the 2030 goals under SB 32. The research utilized a new, validated model known as the California LBNL GHG Analysis of Policies Spreadsheet (CALGAPS), which simulates GHG and criteria pollutant emissions in California from 2010 to 2050 in accordance to existing and future GHG-reducing policies. The CALGAPS model showed that by 2030, emissions could range from 211 to 428 MTCO₂e per year (MTCO₂e/yr), indicating that “even if all modeled policies are not implemented, reductions could be sufficient to reduce emissions 40 percent below the 1990 level [of SB 32].” CALGAPS analyzed emissions through 2050 even though it did not generally account for policies that might be put in place after 2030. Although the research indicated that the emissions would not meet



the State's 80 percent reduction goal by 2050, various combinations of policies could allow California's cumulative emissions to remain very low through 2050.

9. *Cap-and-Trade Program*

The 2017 Scoping Plan identifies a Cap-and-Trade Program as one of the key strategies for California to reduce GHG emissions. According to CARB, a cap-and-trade program would help put California on the path to meet its goal of achieving a 40 percent reduction in GHG emissions from 1990 levels by 2030. Under cap-and-trade, an overall limit on GHG emissions from capped sectors is established, and facilities subject to the cap would be able to trade permits to emit GHGs within the overall limit. CARB adopted a California Cap-and-Trade Program pursuant to its authority under AB 32. The Cap-and-Trade Program is designed to reduce GHG emissions from regulated entities by more than 16 percent between 2013 and 2020, and by an additional 40 percent by 2030. The statewide cap for GHG emissions from the capped sectors (e.g., electricity generation, petroleum refining, and cement production) commenced in 2013 and would decline over time, achieving GHG emission reductions throughout the program's duration.

Covered entities that emit more than 25,000 MTCO₂e/yr must comply with the Cap-and-Trade Program. Triggering of the 25,000 MTCO₂e/yr "inclusion threshold" is measured against a subset of emissions reported and verified under the California Regulation for the Mandatory Reporting of GHG Emissions (Mandatory Reporting Rule or "MRR").

Under the Cap-and-Trade Program, CARB issues allowances equal to the total amount of allowable emissions over a given compliance period and distributes these to regulated entities. Covered entities are allocated free allowances in whole or part (if eligible), and may buy allowances at auction, purchase allowances from others, or purchase offset credits. Each covered entity with a compliance obligation is required to surrender "compliance instruments" for each MTCO₂e of GHG they emit. There also are requirements to surrender compliance instruments covering 30 percent of the prior year's compliance obligation by November of each year.

The Cap-and-Trade Program provides a firm cap, which provides the highest certainty of achieving the 2030 target. An inherent feature of the Cap-and-Trade program is that it does not guarantee GHG emissions reductions in any discrete location or by any particular source. Rather, GHG emissions reductions are only guaranteed on an accumulative basis. As summarized by CARB in the First Update to the Climate Change Scoping Plan:

"The Cap-and-Trade Regulation gives companies the flexibility to trade allowances with others or take steps to cost-effectively reduce emissions at their own facilities. Companies that emit more have to turn in more allowances or other compliance instruments. Companies that can cut their GHG emissions have to turn in fewer allowances. But as the cap declines, aggregate emissions must be reduced. In other words, a covered entity theoretically could increase its GHG emissions every year and still comply with the Cap-and-Trade Program if there is a reduction in GHG emissions



from other covered entities. Such a focus on aggregate GHG emissions is considered appropriate because climate change is a global phenomenon, and the effects of GHG emissions are considered cumulative.”

The Cap-and-Trade Program covers approximately 80 percent of California’s GHG emissions. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects’ electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program’s first compliance period. The Cap-and-Trade Program covers the GHG emissions associated with the combustion of transportation fuels in California, whether refined in-state or imported.

10. 2022 CARB Scoping Plan

On December 15, 2022, CARB adopted the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan). The 2022 Scoping Plan builds on the 2017 Scoping Plan as well as the requirements set forth by AB 1279, which directs the state to become carbon neutral no later than 2045. To achieve this statutory objective, the 2022 Scoping Plan lays out how California can reduce GHG emissions by 85 percent below 1990 levels and achieve carbon neutrality by 2045. The Scoping Plan scenario to do this is to “deploy a broad portfolio of existing and emerging fossil fuel alternatives and clean technologies, and align with statutes, Executive Orders, Board direction, and direction from the governor.” The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (CAP) consistent with CEQA Guidelines section 15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation - the regulations that will impact this sector are adopted and enforced by CARB on vehicle manufacturers and outside the jurisdiction and control of local governments. As stated in the Plan’s executive summary:

“The major element of this unprecedented transformation is the aggressive reduction of fossil fuels wherever they are currently used in California, building on and accelerating carbon reduction programs that have been in place for a decade and a half. That means rapidly moving to zero-emission transportation; electrifying the cars, buses, trains, and trucks that now constitute California’s single largest source of planet-warming pollution.”

“[A]pproval of this plan catalyzes a number of efforts, including the development of new regulations as well as amendments to strengthen regulations and programs already in place, not just at CARB but across state agencies.”



Under the 2022 Scoping Plan, the State will lead efforts to meet the 2045 carbon neutrality goal through implementation of the following objectives:

- Reimagine roadway projects that increase VMT in a way that meets community needs and reduces the need to drive.
- Double local transit capacity and service frequencies by 2030.
- Complete the High-Speed Rail (HSR) System and other elements of the intercity rail network by 2040.
- Expand and complete planned networks of high-quality active transportation infrastructure.
- Increase availability and affordability of bikes, e-bikes, scooters, and other alternatives to light-duty vehicles, prioritizing needs of underserved communities.
- Shift revenue generation for transportation projects away from the gas tax into more durable sources by 2030.
- Authorize and implement roadway pricing strategies and reallocate revenues to equitably improve transit, bicycling, and other sustainable transportation choices.
- Prioritize addressing key transit bottlenecks and other infrastructure investments to improve transit operational efficiency over investments that increase VMT.
- Develop and implement a statewide transportation demand management (TDM) framework with VMT mitigation requirements for large employers and large developments.
- Prevent uncontrolled growth of autonomous vehicle (AV) VMT, particularly zero-passenger miles.
- Channel new mobility services towards pooled use models, transit complementarity, and lower VMT outcomes.
- Establish an integrated statewide system for trip planning, booking, payment, and user accounts that enables efficient and equitable multimodal systems.
- Provide financial support for low-income and disadvantaged Californians' use of transit and new mobility services.
- Expand universal design features for new mobility services.
- Accelerate infill development in existing transportation-efficient places and deploy strategic resources to create more transportation-efficient locations.
- Encourage alignment in land use, housing, transportation, and conservation planning in adopted regional plans (RTP/SCS and RHNA) and local plans (e.g., general plans, zoning, and local transportation plans).
- Accelerate production of affordable housing in forms and locations that reduce VMT and affirmatively further fair housing policy objectives.



- Reduce or eliminate parking requirements (and/or enact parking maximums, as appropriate) and promote redevelopment of excess parking, especially in infill locations.
- Preserve and protect existing affordable housing stock and protect existing residents and businesses from displacement and climate risk.

Included in the 2022 Scoping Plan is a set of Local Actions (Appendix D to the 2022 Scoping Plan) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State’s Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects, in fact CARB states in Appendix D (page 4): “...focuses primarily on climate action plans (CAPs) and local authority over new residential development. It does not address other land use types (e.g., industrial) or air permitting.”

Additionally on Page 21 in Appendix D, CARB states: “The recommendations outlined in this section apply only to residential and mixed-use development project types. California currently faces both a housing crisis and a climate crisis, which necessitates prioritizing recommendations for residential projects to address the housing crisis in a manner that simultaneously supports the State’s GHG and regional air quality goals. CARB plans to continue to explore new approaches for other land use types in the future.” As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.

11. Executive Orders S-3-05

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following reduction targets for GHG emissions:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that would stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.



12. Executive Order S-01-07 (LCFS)

Governor Schwarzenegger signed Executive Order S-01-07 on January 18, 2007. The order mandates that a statewide goal shall be established to reduce the carbon intensity of California’s transportation fuels by at least 10 percent by 2020. CARB adopted the LCFS on April 23, 2009.

The LCFS was challenged in the U.S. District Court in Fresno in 2011. The court’s ruling issued on December 29, 2011, included a preliminary injunction against CARB’s implementation of the rule. The Ninth Circuit Court of Appeals stayed the injunction on April 23, 2012, pending final ruling on appeal, allowing CARB to continue to implement and enforce the regulation. The Ninth Circuit Court’s decision, filed September 18, 2013, vacated the preliminary injunction. In essence, the court held that LCFS adopted by CARB were not in conflict with federal law. On August 8, 2013, the Fifth District Court of Appeal (California) ruled CARB failed to comply with CEQA and the Administrative Procedure Act (APA) when adopting regulations for LCFS. In a partially published opinion, the Court of Appeal reversed the trial court’s judgment and directed issuance of a writ of mandate setting aside Resolution 09-31 and two executive orders of CARB approving LCFS regulations promulgated to reduce GHG emissions. However, the court tailored its remedy to protect the public interest by allowing the LCFS regulations to remain operative while CARB complies with the procedural requirements it failed to satisfy.

To address the Court ruling, CARB was required to bring a new LCFS regulation to the Board for consideration in February 2015. The proposed LCFS regulation was required to contain revisions to the 2010 LCFS as well as new provisions designed to foster investments in the production of the low-carbon intensity fuels, offer additional flexibility to regulated parties, update critical technical information, simplify, and streamline program operations, and enhance enforcement. On November 16, 2015, the Office of Administrative Law (OAL) approved the Final Rulemaking Package. The new LCFS regulation became effective on January 1, 2016.

In 2018, CARB approved amendments to the regulation, which included strengthening the carbon intensity benchmarks through 2030 in compliance with the SB 32 GHG emissions reduction target for 2030. The amendments included crediting opportunities to promote zero emission vehicle adoption, alternative jet fuel, carbon capture and sequestration, and advanced technologies to achieve deep decarbonization in the transportation sector.

13. Executive Order S-13-08

Executive Order S-13-08 states that “climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California’s economy, to the health and welfare of its population and to its natural resources.” Pursuant to the requirements in the Order, the 2009 California Climate Adaptation Strategy (CNRA 2009) was adopted, which is the “...first statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States.” Objectives include analyzing risks of climate change in California, identifying, and exploring strategies to adapt to climate change, and specifying a direction for future research.



14. *Executive Order B-30-15*

On April 29, 2015, Governor Brown issued an executive order to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor’s executive order aligned California’s GHG reduction targets with those of leading international governments ahead of the U.N. Climate Change Conference in Paris late 2015. The Order sets a new interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050 and directs CARB to update the 2017 Scoping Plan to express the 2030 target in terms of MMTCO_{2e}. The Order also requires the state’s climate adaptation plan to be updated every three years, and for the State to continue its climate change research program, among other provisions. As with Executive Order S-3-05, this Order is not legally enforceable as to local governments and the private sector. Legislation that would update AB 32 to make post 2020 targets and requirements a mandate is in process in the State Legislature.

15. *Executive Order B-55-18 and SB 100*

SB 100 and Executive Order B-55-18 were signed by Governor Brown on September 10, 2018. Under the existing RPS, 25 percent of retail sales of electricity are required to be from renewable sources by December 31, 2016, 33 percent by December 31, 2020, 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030. SB 100 raises California’s RPS requirement to 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, and 60 percent by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California EPA (CalEPA), the California Department of Food and Agriculture (CDFA), and CARB to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.

16. *Executive Order N-79-20 and Advanced Clean Cars II*

On August 25, 2022, CARB approved the Advanced Clean Cars II rule, which codifies the goals set out in Executive Order N-79-20 and establishes a year-by-year roadmap such that by 2035, 100 percent of new cars and light trucks sold in California will be zero-emission vehicles. Under this regulation, automakers are required to accelerate deliveries of zero-emission light-duty vehicles, beginning with model year 2026. CARB estimates that the regulation would reduce GHG emissions from light-duty vehicles by 50 percent by 2040, and that from 2026 to 2040, GHG emissions would be reduced by a cumulative 395 million metric tons.



17. Title 20 CCR Sections 1601 et seq. – Appliance Efficiency Regulations

The Appliance Efficiency Regulations regulate the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. 23 categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles (RV) or other mobile equipment.

18. Title 24 CCR Part 6 – California Energy Code

The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California’s energy consumption.

The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods.

19. Title 24 CCR Part 11 – California Green Building Standards Code

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code was first adopted in 1978 in response to a legislative mandate to reduce California’s energy consumption.

The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on August 1, 2009, and is administered by the California Building Standards Commission.

CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2022 California Green Building Code Standards that became effective on January 1, 2023. The Project would be required to comply with the applicable standards in place at the time plan check submittals were made in 2023.

20. Tractor-Trailer GHG Regulation

The tractors and trailers subject to this regulation must either use EPA SmartWay certified tractors and trailers or retrofit their existing fleet with SmartWay verified technologies. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the HD tractors that pull them on California highways. These owners are responsible for replacing or retrofitting their affected vehicles with compliant aerodynamic technologies and low rolling resistance tires. Sleeper cab tractors MY 2011 and later must be SmartWay certified. All other tractors must use SmartWay verified low rolling resistance tires. There are also requirements for trailers to have low rolling resistance tires and aerodynamic devices.



21. *Phase 1 and 2 Heavy-Duty Vehicle GHG Standards*

In September 2011, CARB adopted a regulation for GHG emissions from HDTs and engines sold in California. It establishes GHG emission limits on truck and engine manufacturers and harmonizes with the EPA rule for new trucks and engines nationally. Existing HD vehicle regulations in California include engine criteria emission standards, tractor-trailer GHG requirements to implement SmartWay strategies (i.e., the Heavy-Duty Tractor-Trailer GHG Regulation), and in-use fleet retrofit requirements such as the Truck and Bus Regulation. The EPA rule has compliance requirements for new compression and spark ignition engines, as well as trucks from Class 2b through Class 8. Compliance requirements began with MY 2014 with stringency levels increasing through MY 2018. The rule organizes truck compliance into three groupings, which include a) HD pickups and vans; b) vocational vehicles; and c) combination tractors. The EPA rule does not regulate trailers.

CARB staff has worked jointly with the EPA and the NHTSA on the next phase of federal GHG emission standards for medium-duty trucks (MDT) and HDT vehicles, called federal Phase 2. The federal Phase 2 standards were built on the improvements in engine and vehicle efficiency required by the Phase 1 emission standards and represent a significant opportunity to achieve further GHG reductions for 2018 and later MY HDT vehicles, including trailers. The EPA and NHTSA have proposed to roll back GHG and fuel economy standards for cars and light-duty trucks, which suggests a similar rollback of Phase 2 standards for MDT and HDT vehicles may be pursued.

22. *Senate Bill 97 (SB 97) and the CEQA Guidelines Update*

Passed in August 2007, SB 97 added Section 21083.05 to the Public Resources Code. The code states “(a) On or before July 1, 2009, the Office of Planning and Research (OPR) shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the OPR pursuant to subdivision (a).”

In 2012, Public Resources Code Section 21083.05 was amended to state:

“The Office of Planning and Research and the Natural Resources Agency shall periodically update the guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption, to incorporate new information or criteria established by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.”

On December 28, 2018, the Natural Resources Agency announced the OAL approved the amendments to the CEQA Guidelines for implementing CEQA. The CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing CEQA Guidelines to reference climate change.

Section 15064.4 was added the CEQA Guidelines and states that in determining the significance of a project’s GHG emissions, the lead agency should focus its analysis on the reasonably foreseeable



incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively insignificant compared to statewide, national, or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. Additionally, a lead agency may use a model or methodology to estimate GHG emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

D. Local

1. City of Victorville Climate Action Plan (CAP)

The City prepared a CAP in September 2015 to present GHG inventories, identify the effectiveness of California initiatives to reduce GHG emissions, and identify local measures selected by the City to reduce GHG emissions under the City's jurisdictional control to achieve the City's identified AB 32 2020 GHG reduction target.

The City has prepared a CAP, which provides a framework for reducing GHG emissions and managing resources to best prepare for a changing climate. In order to determine consistency with the CAP, the City of Victorville provided Screening Tables to aid in measuring the reduction of GHG emissions attributable to certain design and construction measures incorporated into development projects. The CAP establishes categories of GHG reduction measures to reduce GHG emissions generated by development projects. CAP GHG reduction measure categories include: energy conservation, water use reduction, increased residential density or mixed uses, transportation management, and solid waste recycling. Within each category, individual sub-measures are assigned a point value under the city's GHG Measures Screening Table. The point values are adjusted according to the intensity of GHG reduction measure. "Modest" Measures that reduce GHG emissions by modest amounts are worth the least number of points; and enhanced GHG emissions reduction measures are worth the most points. Projects that yield at least 45 points are determined to be consistent with the CAP. As such, projects that achieve a total of 45 points or more do not require quantification of project specific GHG emissions and, consistent with CEQA Guidelines, such projects are considered to have a less than significant individual and cumulative impact on GHG emissions.

Moreover, projects that are consistent with an adopted CAP may be found to cause a less than significant impact under CEQA. (CEQA Guidelines § 15064(h)(3)). Projects that are consistent with adopted CAPs are also considered to support and would not conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. The City along with other local jurisdictions has coordinated with SBCTA on an updated Screening Table.



2. *City of Victorville Greenhouse Gas Reduction Plan (GGRP)*

To meet the intent of SB 32, the City is in the process of adopting the 2021 GGRP to implement General Plan policies focused on GHG emissions. The GGRP sets an aggressive goal to reduce GHG emissions by 55 percent below 2008 baseline GHG emission levels. In order to achieve this goal, the GGRP will require 100 percent of new industrial buildings to install a portion of on-site renewable electrical generation.

4.6.4 BASIS FOR DETERMINING SIGNIFICANCE

In order to assess the significance of a proposed Project's environmental impacts it is necessary to identify quantitative or qualitative thresholds which, if exceeded, would constitute a finding of significance. As discussed above in Subsection 4.6.2, while estimated Project-related GHG emissions can be quantified, the direct impacts of such emissions on GCC and global warming cannot be determined on the basis of available science. There is no evidence at this time that would indicate that the emissions from a project the size of the proposed Project would directly or indirectly affect the global climate.

AB 32 states, in part, that “[g]lobal warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California.” Because global warming is the result of GHG emissions, and GHGs are emitted by innumerable sources worldwide, the proposed Project would have no potential to result in a direct impact to global warming; rather, Project-related contributions to GCC, if any, only have potential significance on a cumulative basis. Therefore, the analysis below focuses on the Project's potential to contribute to GCC in a cumulatively considerable way.

Section VIII of Appendix G to the CEQA Guidelines indicate that a project would result in a significant impact on climate change if a project were to:

- a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

4.6.5 METHODOLOGY

In May 2022 the California Air Pollution Control Officers Association (CAPCOA) in conjunction with other California air districts, including SCAQMD, released the latest version of CalEEMod Version 2022.1. The purpose of this model is to calculate construction-source and operational-source criteria pollutants and GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG reductions achieved from mitigation measures. Accordingly, the latest version of CalEEMod has been used for this Project to determine GHG emissions. Output from the model runs for construction and operational activity are provided in Appendices 3.1 through 3.2 of *Technical Appendix H* to this



EIR. CalEEMod includes GHG emissions from the following source categories: construction, area, energy, mobile, waste, water, and refrigerants.

A. Project Construction Emissions

Project construction activities would generate CO₂ and CH₄ emissions. Construction-related emissions are expected from the following construction activities:

- Site Preparation
- Grading
- Paving
- Architectural Coating

1. Construction Duration

Construction is expected to commence in January 2024 and will last through June 2024. Construction duration by phase is shown on Table 4.6-3, *Construction Duration*. The construction schedule utilized in the analysis represents a “worst-case” analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent². The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines.

Table 4.6-3 Construction Duration

Phase Name	Start Date	End Date	Days
Site Preparation	1/1/2024	1/22/2024	16
Grading	1/23/2024	3/26/2024	46
Paving	3/27/2024	5/8/2024	31
Architectural Coating	5/9/2024	6/21/2024	32

Source: (Urban Crossroads, 2023d, Table 3-1)

2. Construction Equipment

Site-specific construction fleet may vary due to specific project needs at the time of construction. The associated construction equipment was generally based on CalEEMod defaults. A detailed summary of construction equipment assumptions by phase is provided on Table 4.6-4, *Construction Equipment Assumptions*. Please refer to specific detailed modeling inputs/outputs contained in Appendix 3.1 of *Technical Appendix H* to this EIR.

² As shown in the CalEEMod User’s Guide Version 2020.4.0, Section 4.3“Offroad Equipment” as the analysis year increases, emission factors for the same equipment pieces decrease due to the natural turnover of older equipment being replaced by newer less polluting equipment and new regulatory requirements.



Table 4.6-4 Construction Equipment Assumptions

Phase Name	Equipment	Number	Hours Per
Site Preparation	Crawler Tractors	1	8
	Rubber Tired Dozers	1	8
Grading	Crawler Tractors	1	8
	Graders	1	8
	Rubber Tired Dozers	1	8
Paving	Cement and Mortar Mixers	4	8
	Pavers	1	8
	Rollers	1	8
	Tractors/Loaders/Backhoes	1	8
Architectural Coating	Air Compressors	1	8

Source: (Urban Crossroads, 2023d, Table 3-2)

B. Project Operation Emissions

Project operations would generate CO₂, CH₄, N₂O and Refrigerant emissions. Primary emissions sources would include:

- Energy Source
- Mobile Source

1. Energy Source Emissions

GHGs are emitted from buildings as a result of activities for which electricity and natural gas are typically used as energy sources. Combustion of any type of fuel emits CO₂ and other GHGs directly into the atmosphere; these emissions are considered direct emissions associated with a building; the building energy use emissions do not include street lighting³. GHGs are also emitted during the generation of electricity from fossil fuels; these emissions are considered to be indirect emissions.

2. Mobile Source Emissions

The Project related GHG emissions derive primarily from 426 vehicle trips generated by the Project, including employee trips to and from the site and truck trips associated with the proposed uses. To determine emissions from passenger car vehicles, the CalEEMod defaults were utilized for trip length and trip purpose for the proposed Truck Trailer Lot uses. For the proposed industrial uses, it is important to note that although the Nisqualli Road Trailer Lot Expansion Traffic Assessment does not

³ The CalEEMod emissions inventory model does not include indirect emission related to street lighting. Indirect emissions related to street lighting are expected to be negligible and cannot be accurately quantified at this time as there is insufficient information as to the number and type of street lighting that would occur.



breakdown passenger cars by type, this analysis assumes that passenger cars include Light-Duty-Auto vehicles (LDA), Light-Duty-Trucks (LDT1⁴ & LDT2⁵), Medium-Duty-Vehicles (MDV), and Motorcycles (MCY) vehicle types.

To determine emissions from trucks for the proposed industrial uses, the analysis incorporated SCAQMD recommended truck trip length 15.3 miles for 2-axle (LHDT1, LHDT2) trucks, 14.2 miles 3-axle (MHDT) trucks and 40 miles for 4+-axle (HHDT) trucks and weighting the average trip lengths using traffic trip percentages taken from the *Nisqualli Road Trailor Lot Expansion Traffic Analysis*. The trip length function for the warehouse use has been calculated to be 25.97 miles and an assumption of 100% primary trips. This trip length assumption is higher than the CalEEMod defaults for trucks. In order to be consistent with the Nisqualli Road Trailor Lot Expansion Traffic Analysis, trucks are broken down by truck type. Heavy trucks are broken down by truck type (or axle type) and are categorized as either Light-Heavy-Duty Trucks (LHDT1⁶& LHDT2⁷)/2-axle, Medium-Heavy-Duty Trucks (MHDT)/3-axle, and Heavy-Heavy-Duty Trucks (HHDT)/4+-axle.

4.6.6 IMPACT ANALYSIS

Threshold a: *Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

A. Project Construction GHG Emissions

For Project-related construction phase emissions, GHGs are quantified and amortized over the life of the Project. Mojave Desert AQMD follows the South Coast AQMD recommendation in calculating the total GHG emissions for construction activities by amortizing the emissions over the life of the Project by dividing it by a 30-year project life then adding that number to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions. The amortized construction emissions are presented in Table 4.6-5, *Amortized Annual Construction Emissions*.

⁴ Vehicles under the LDT1 category have a gross vehicle weight rating (GVWR) of less than 6,000 lbs. and equivalent test weight (ETW) of less than or equal to 3,750 lbs.

⁵ Vehicles under the LDT2 category have a GVWR of less than 6,000 lbs. and ETW between 3,751 lbs. and 5,750 lbs.

⁶ Vehicles under the LHDT1 category have a GVWR of 8,501 to 10,000 lbs.

⁷ Vehicles under the LHDT2 category have a GVWR of 10,001 to 14,000 lbs.



Table 4.6-5 Amortized Annual Construction Emissions

Year	Emissions (MT/yr)				
	CO ₂	CH ₄	N ₂ O	Refrigerants	Total CO _{2e} ⁸
2024	103.45	0.004	0.002	0.019	104.26
Total GHG Emissions	103.45	0.00	0.00	0.02	104.26
Amortized Construction Emissions (MTCO_{2e})	3.45	0.00	0.00	0.00	3.48

Source: (Urban Crossroads, 2023d, Table 3-3)

B. Project Operation GHG Emissions

As discussed above, the Project would have the potential to generate GHG emissions during construction and operation. The Project does not include the construction or operation of a building and the Project would generate 186 net new truck trips. The annual GHG emissions associated with the operation of the Project are estimated as summarized in Table 4.6-6, *Project GHG Emissions Summary*. As shown, the Project would result in a net increase of approximately 1,419.21 MTCO_{2e}/yr. As such, the Project would not exceed the Mojave Desert AQMD’s numeric threshold of 3,000 MTCO_{2e}/yr, and impacts would be less than significant.

Table 4.6-6 Project GHG Emissions Summary

Emission Source	Emissions (MT/yr)				
	CO ₂	CH ₄	N ₂ O	Refrigerant	Total CO _{2e}
Annual construction-related emissions amortized over 30 years	3.45	1.30E-04	7.76E-05	6.39E-04	3.48
Mobile Source	3,126.45	0.02	0.39	3.90	3,248.04
Energy Source	10.75	0.00	0.00	0.00	10.82
Total Project CO_{2e} (All Sources)	3,262.33				
<i>Existing</i>	<i>1,843.12</i>				
Total Net CO_{2e} (All Sources)	1,419.21				

Source: (Urban Crossroads, 2023d, Table 3-7)

Threshold b: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As previously stated, pursuant to 15604.4 of the CEQA Guidelines, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. As such, the Project’s consistency with the 2022 Scoping Plan, is discussed below. It should be noted that the Project’s consistency with the 2022 Scoping Plan also satisfies consistency

⁸ CalEEMod reports the most common GHGs emitted which include CO₂, CH₄, N₂O and R. These GHGs are then converted into the CO_{2e} by multiplying the individual GHG by the GWP.



with AB 32 since the 2022 Scoping Plan is based on the overall targets established by AB 32 and SB 32. Consistency with the 2008 and 2017 Scoping Plan is not necessary since both plans have been superseded by the 2022 Scoping Plan.

A. SB 32/2022 Scoping Plan Consistency

The Project would not impede the State’s progress towards carbon neutrality by 2045 under the 2022 Scoping Plan. The Project would be required to comply with applicable current and future regulatory requirements promulgated through the 2022 Scoping Plan. Some of the current transportation sector policies the Project will comply with (through vehicle manufacturer compliance) include: Advanced Clean Cars II, Advanced Clean Trucks, Advanced Clean Fleets, Zero Emission Forklifts, the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation, carbon pricing through the Cap-and-Trade Program, and the Low Carbon Fuel Standard.

B. City of Victorville CAP Consistency

In order to determine consistency with the CAP, the City of Victorville provided Screening Tables to aid in measuring the reduction of GHG emissions attributable to certain design and construction measures incorporated into development projects. The CAP checklist measures are geared towards buildings and Projects that yield at least 100 points are determined to be consistent with the CAP. As such, projects that achieve a total of 100 points or more do not require quantification of project specific GHG emissions and, consistent with CEQA Guidelines, such projects are considered to have a less than significant individual and cumulative impact on GHG emissions. As mentioned previously, the CAP checklist measures are geared towards buildings, the Project proposes a truck and trailer parking/drop lot, as such the CAP would not be applicable to the proposed Project. Therefore, impacts would be less than significant.

Moreover, the Project’s long-term operational GHG emissions would not exceed the significance threshold of 3,000 MTCO_{2e} per year. As such, a less than significant impact would occur as a result of the proposed Project.

4.6.7 CUMULATIVE IMPACT ANALYSIS

GCC occurs as the result of global emissions of GHGs. An individual project such as the proposed Project does not have the potential to result in direct and significant GCC-related effects in the absence of cumulative sources of GHGs. The CEQA Guidelines also emphasize that the effects of GHG emissions are cumulative and should be analyzed in the context of CEQA’s requirements for cumulative impacts analysis (See CEQA Guidelines § 15130[f]).

Accordingly, the Project-specific impact analysis provided above reflects a cumulative impact analysis of the Project’s GHG emissions and concludes that the Project would not conflict with an applicable GHG-reduction plans, policies, or regulations and would not generate cumulatively considerable GHG



emissions that may have a significant impact on the environment because the Project would not exceed the Mojave Desert AQMD's GHG emissions threshold of 3,000 MTCO₂e per year. Impacts would be less than cumulatively considerable.

4.6.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. The Project will result in a net increase of approximately 1,419.21 MTCO₂e/yr and would not exceed the Mojave Desert AQMD threshold of 3,000 MTCO₂e/yr. Thus, Project-related emissions would not have a significant direct and indirect impact related to GHG emissions and climate change.

Threshold b: Less than Significant Impact. The Project would not conflict with the 2022 Scoping Plan Update or any other applicable plan policy or regulation of any agency adopted for the purposes of reducing the emissions of GHGs. The City's CAP is not applicable to the Project. The Project's long-term operational GHG emissions would not exceed the significance threshold of 3,000 MTCO₂e/yr.

4.6.9 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.



4.7 HAZARDS AND HAZARDOUS MATERIALS

The following analysis is based on information obtained from the *Phase I Environmental Site Assessment (Phase I ESA) (Technical Appendix II)* prepared for the Project by Altec Testing & Engineering, Inc. (Altec), dated January 20, 2023, (Altec, 2023a) and the Soil Management Plan (*Technical Appendix I2*) prepared by Altec, dated August 31, 2023 (Altec, 2023b). This Subsection is also based on information contained in the City of Victorville General Plan. All references used in this Subsection are listed in EIR Section 7.0, *References*.

For the purposes of this EIR, the term “toxic substance” is defined as a substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may present an unreasonable risk of injury to human health or the environment. Toxic substances include chemical, biological, flammable, explosive, and radioactive substances.

For purposes of this EIR, the term “hazardous material” is defined as a substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: 1) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or 2) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating illness. Hazardous waste is defined in the California Code of Regulations, Title 22, Section 66261.3. The defining characteristics of hazardous waste are: ignitability (oxidizers, compressed gases, and extremely flammable liquids and solids), corrosivity (strong acids and bases), reactivity (explosives or generates toxic fumes when exposed to air or water), and toxicity (materials listed by the United States Environmental Protection Agency (USEPA) as capable of inducing systemic damage to humans or animals). Certain wastes are called “Listed Wastes” and are found in the California Code of Regulations, Title 22, Sections 66261.30 through 66261.35. Wastes appear on the lists because of their known hazardous nature or because the processes that generate them are known to produce hazardous wastes (which are often complex mixtures).

4.7.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 20, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertain to hazards and hazardous materials.

4.7.2 ENVIRONMENTAL SETTING

A. Regulatory Records Review

Environmental Data Resources, Inc. (EDR) is a data retrieval service that was used to identify past land use, and properties where hazardous substances or petroleum products were used, transported, stored, disposed or released that could potentially impact the subject property. Information from standard federal, State, county, and city environmental record sources was provided by EDR. The information contained in the *Phase I ESA* was compiled from publicly available sources and the locations of the sites are plotted utilizing a geographic information system, which geocodes the site addresses. The accuracy of the geocoded locations is approximately 300 feet. A summary of the



databases reviewed, and search distances used by EDR are provided in the EDR report within the appendix section of the *Phase I ESA (Technical Appendix II)*. (Altec, 2023a)

Two database records were identified at the Project site: Foxborough Cogeneration Facility and Foxborough-Generation Facility. It is presumed that the Foxborough facility was constructed to provide electricity and heat from natural gas. The North American Industry Classification System (NAICS) code for the facility was listed as 22121 natural gas distribution. No violations were reported. The Foxborough plant had plans/permits for the installation of at least one 10,000-gallon above ground tank. The tank contents were not provided but other records indicate there were two 10,000-gallon diesel fuel tanks used onsite to fuel equipment and generators used for the facility construction. (Altec, 2023a)

B. Historical Records

In an effort to identify past land uses and evidence of environmental concern within and near the Project site, Altec researched a variety of sources. These included fire insurance maps, aerial photographs, topographic maps and relevant databases provided by EDR, and others were reviewed.

The Project site was undeveloped as early as 1901 and remained undeveloped up through 2004. The City of Victorville developed the site with a cogeneration power station known as the Foxborough Energy Project (the Foxborough street address was 12961 Enterprise Way). Construction of the power station began in 2005 and stopped by 2009. It was only partially constructed due to budget overruns and never became operational. By 2016 the partially built facility was mostly demolished but some surface debris and above and subgrade infrastructure associated with the power plant (footings, utility corridors, etc.) remains in place. There had been two 10,000-gallon aboveground storage tanks (diesel fuel) permitted in association with the facility.

In 2017, there was a large pile of gravel or sand located on the northeast corner, it was surrounded by Storm Water Pollution Prevention Plan (SWPPP) measures (sand or snake bags or straw waddles). In 2022, the Project site appeared vacant with no structural development. There was some “cleared” drive areas on the site’s interior. No specific recognized environmental conditions (RECs) were identified from the aerial photograph or topographic maps review.

Altec identified one historical recognized environmental condition (HREC) related to a diesel fuel release that occurred on the Project site in association with a 10,000-gallon AST that was present along the west perimeter of the parcel in 2008. The City owned and controlled the Project site at that time. The Foxborough power plant was being constructed and diesel fuel was stored in two 10,000-gallon ASTs to fuel equipment and generators during construction. The specifics surrounding the spill have not been provided/obtained. The City indicated that a total of 814 tons of soil was excavated, transported, and disposed of at the Soil Safe thermal desorption treatment facility at 12328 Hibiscus Road in Adelanto, California. Approximately 814 tons (603 cubic yards) of fill dirt was imported to the Project site to backfill the remedial excavation. No information was provided or obtained to confirm that the imported soil was evaluated for contamination prior to placement onsite.



The City of Victorville reported that they do not have the closure report and they indicated that the San Bernardino County Fire Protection District (local Certified Uniform Program Agency [CUPA]) oversaw the remediation work but that they also do not have a file or report on the response effort. Altec contacted the CUPA independently and the custodian of records reported that no files on the spill or the remediation work were available for review. In 2017, CHJ Consultants, a Terracon Company (CHJ) performed soil sampling to assess the northwest corner for remaining diesel impacts. CHJ collected samples from the depths that they determined were the approximate bottoms of the 2008 remedial excavation. No detectable total petroleum hydrocarbons (TPH) concentrations (gas-diesel-oil ranges) or volatile organic compounds (VOCs) were found in the four samples collected and analyzed by CHJ.

C. Site Reconnaissance

Altec conducted a site visit on December 9, 2022. At the time of the site visit, the west side of the subject property was in use as a trailer parking lot. The entire area was unpaved. The access road from Enterprise Way was covered in road base and rocks. A Site Observation Checklist is provided in section 8.0 of EIR *Technical Appendix II*.

No stormwater runoff or surface water was observed during the site visit; the site was fairly dry. Some standing stormwater was observed within the retention basin to the southeast of the subject property. Older and somewhat degraded SWPPP were observed to be in place around the site's perimeter fencing on the north, east and south sides. These may have been installed in association with the Foxborough Power Plant development. When present, storm water infiltrates into the unpaved soil and/or is discharged by sheet flow action across the natural topography of the unpaved ground surfaces. There are at least two grated drainage outfalls on the subject property that connect to the stormwater retention basin. Some areas on the east side of the subject property were observed with hummocky ground surfaces. Numerous piles of soil/rocks were observed along with disturbed surfaces.

Radon sampling was not conducted as part of this assessment. Review of the United States Environmental Protection Agency (US EPA) Map of Radon Zones places the Project site in Zone 2. Based upon the radon zone classification, radon is not considered to be a significant environmental concern.

Altec identified one REC during their investigation. Approximately 814 tons (603 cubic yards) of fill dirt was imported to the subject property to backfill the remedial excavation created in 2008 in response to the diesel fuel release. No information was provided or obtained to confirm that the imported soil was evaluated for contamination prior to placement onsite. (Altec, 2023a)

In July 2023, Altec collected representative soil samples from 1 foot below grade within the backfilled excavation to evaluate the imported backfill material to evaluate the soil for contaminants. The samples were analyzed for TPH, VOCs, Semi-Volatile Organic Compounds (SVOCs), Polychlorinated Biphenyls (PCBs), CA Title 22 Metals, Hexavalent Chromium, Organochlorine Pesticides (OCPs), Organophosphorus Pesticides (OPPs), Chlorinated Herbicides (CHs) and Asbestos. The detected



analyte concentrations in the samples were evaluated for exposure risk in comparison to applicable agency screening levels published in (1) California Environmental Protection Agency (Cal/EPA) Department of Toxic Substances Control (DTSC), Office of Human and Ecological Risk (HERO), Human Health Risk Assessment (HHRA) Note 3 DTSC modified Screening Levels (SLs) June 2020 Revised, (2) Federal EPA Regional Screening Levels (RSLs), May 2023 and (3) San Francisco Bay Regional Water Quality Control Board (RWQCB), Environmental Screening Levels (ESLs), 2019 (Rev.2). Altec concluded that the soil represented by the samples collected from the imported backfill material at the northwest corner of the trailer lot expansion parcel meets the Cal/EPA DTSC criteria for Clean Imported Fill Material. (Altec, 2023b)

D. Airport Hazards

The Project site is not located within an Airport Influence Area (AIA). The nearest airports to the Project site include the Southern California Logistics Airport (approximately 8.0 miles northwest of the Project site), the Apple Valley Airport (approximately 7.3 miles northeast of the Project site), the Hesperia Airport (approximately 7.6 miles south of the Project site), and the Adelanto Airport (located approximately 10.6 miles northeast of the Project site)

E. Wildland Fire Hazards

The Project site is not located near wildlands that would present a fire hazard. Additionally, the Project site is not located within a fire hazard severity zone (CalFire, 2022).

4.7.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, State, and local environmental laws and related regulations related to hazards and hazardous materials.

A. Federal Regulations

1. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Superfund Amendments and Reauthorization Act (SARA)

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as CERCLA or Superfund, provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the Environmental Protection Agency (EPA) was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed. (EPA, 2022e)

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies. (EPA, 2022e)



The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions clarifications, and technical requirements were added to the legislation, including additional enforcement authorities. Also, Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA). (EPA, 2022e)

2. *Resource Conservation and Recovery Act (RCRA)*

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. (EPA, 2022g)

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program. (EPA, 2022g)

3. *Hazardous Materials Transportation Act (HMTA)*

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property." (OSHA, n.d.)

Hazardous materials regulations are subdivided by function into four basic areas:

- Procedures and/or Policies 49 CFR Parts 101, 106, and 107
- Material Designations 49 CFR Part 172
- Packaging Requirements 49 CFR Parts 173, 178, 179, and 180
- Operational Rules 49 CFR Parts 171, 173, 174, 175, 176, and 177 (OSHA, n.d.)

The HMTA is enforced by use of compliance orders [49 U.S.C. 1808(a)], civil penalties [49 U.S.C. 1809(b)], and injunctive relief (49 U.S.C. 1810). The HMTA (Section 112, 40 U.S.C. 1811) preempts State and local governmental requirements that are inconsistent with the statute, unless that requirement affords an equal or greater level of protection to the public than the HMTA requirement. (OSHA, n.d.)

4. *Hazardous Materials Transportation Uniform Safety Act of 1990*

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA



requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. (OSHA, n.d.)

The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials. (OSHA, n.d.)

5. *Occupational Safety and Health Act (OSHA)*

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. (EPA, 2022h)

In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for OSHA. OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states. (EPA, 2022h)

6. *Toxic Substances Control Act*

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint. (EPA, 2022i)

Various sections of TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.



- Require, under Section 8, reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information. EPA screens all TSCA b§8(e) submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons. (EPA, 2022i)

B. State Regulations

1. Cal/OSHA and the California State Plan

Under an agreement with OSHA, since 1973 California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA. The State of California's Department of Industrial Relations administers the California Occupational Safety and Health Program, commonly referred to as Cal/OSHA. The State of California's Division of Occupational Safety and Health (DOSH) is the principal agency that oversees plan enforcement and consultation. In addition, the California State program has an independent Standards Board responsible for promulgating State safety and health standards, and reviewing variances. It also has an Appeals Board to adjudicate contested citations and the Division of Labor Standards Enforcement to investigate complaints of discriminatory retaliation in the workplace. (OSHA, n.d.)

Pursuant to 29 CFR 1952.172, the California State Plan applies to all public and private sector places of employment in the State, with the exception of federal employees, the United States Postal Service, private sector employers on Native American lands, maritime activities on the navigable waterways of the United States, private contractors working on land designated as exclusively under federal jurisdiction and employers that require federal security clearances. Cal/OSHA is the only agency in the state authorized to adopt, amend, or repeal occupational safety and health standards or orders. In addition, the Standards Board maintains standards for certain things not covered by federal standards or enforcement, including: elevators, aerial passenger tramways, amusement rides, pressure vessels and mine safety training. The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident, a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries with high rates of occupational hazards, fatalities, injuries or illnesses. (OSHA, n.d.)

2. California Hazardous Waste Control Law

The Hazardous Waste Control Law (HWCL) (Health and Safety Code [HSC], Division 20, Chapter 6.5, Section 25100, et seq.) is the primary hazardous waste statute in California. The HWCL implements RCRA as a "cradle-to-grave" waste management system in the state. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure its proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous



wastes used or reuse as raw materials. The HWCL exceeds federal requirements by mandating source reduction planning and broadening requirements for permitting facilities that treat hazardous waste. It also regulates a number of waste types and waste management activities not covered by federal law (RCRA). (CA Legislative Info, n.d.)

3. *California Code of Regulations (CCR), Titles 22 and 26*

A variety of California Code of Regulation (CCR) titles address regulations and requirements for generators of hazardous waste. Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal. Because California is a fully-authorized State according to RCRA, most regulations (i.e., 40 CFR 260, et seq.) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of State and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. As with the HSC, Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics). However, the hazardous waste regulations are still commonly referred to collectively as “Title 22.” (DTSC, n.d.)

C. Local Plans

1. City of Victorville General Plan

The General Plan identifies goals related to hazards and hazardous materials in the Safety Element. These goals and policies are listed as follows:

Objective #1.3: Prevent and Promptly Abate Accidental and Potentially Dangerous Releases of Hazardous Materials and Wastes.

Policy 1.3.1 *Restrict and/or prohibit the siting of land uses that store, use, transport, dispose of or generate significant quantities of hazardous materials and wastes, through land use element policies, zoning and subdivisions regulations, and site plan review procedures.*

2. City of Victorville Local Hazard Mitigation Plan

The City of Victorville Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City. The most current version is dated January 2022. The LMHP assesses the natural caused risks to City so as to reduce the potential impact of the hazards by creating mitigation strategies. The LHMP represents the City’s commitment to create a safer, more resilient community by taking actions to reduce risks and by committing resources to lessen the effects of hazards on the people and property of the City. (City of Victorville, 2022)



4.7.4 BASIS FOR DETERMINING SIGNIFICANCE

Section IX of Appendix G to the CEQA Guidelines addresses typical adverse effects due to hazards and hazardous materials, and includes the following threshold questions to evaluate the Project's impacts from hazards and hazardous materials:

- a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*
- b. *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;*
- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;*
- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;*
- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;*
- f. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan;*
- g. *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

4.7.5 METHODOLOGY

A Phase I ESA was prepared in accordance with the scope of work and limitations of American Society for Testing and Materials (ASTM) Standard Practice E1527-13, the EPA Standards and Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) for the Project site. The assessment included: 1) a property and adjacent site reconnaissance; 2) interviews with key personnel; 3) a review of historical sources; 4) a review of regulatory agency records; and 5) a review of a regulatory database report provided by a third-party vendor.



4.7.6 IMPACT ANALYSIS

Threshold a: *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

A. On-Site Conditions

As previously stated, and based on a review of regulatory databases and a site reconnaissance; the Project site is not affected by any off-site hazards. No unusual or noxious odors, pools of liquid or potentially hazardous substances, hazardous materials storage structures, stained soil, aboveground storage tanks, pits, or ponds were observed on-site during the field investigation.

The *Phase I ESA* identified one REC and one HREC during the assessment pertaining to past uses on the Project site. A diesel fuel release occurred on the Project site in association with a 10,000-gallon AST that was present along the west perimeter of the parcel in 2008. Approximately 814 tons (603 cubic yards) of fill dirt was imported to the Project site to backfill the remedial excavation created in 2008 in response to the diesel fuel release. No information was provided or obtained to confirm that the imported soil was evaluated for contamination prior to placement onsite; thus, Altec identified the imported fill soil as an REC.

In 2017, CHJ consultants performed soil sampling to assess the northwest corner for remaining diesel impacts. CHJ collected samples from the depths that they determined were the approximate bottoms of the 2008 remedial excavation. No detectable TPH concentrations (gas-diesel-oil ranges) or volatile organic compounds (VOCs) were found in the four samples collected and analyzed by CHJ. Thus, Altec determined that the 2008 remediation effort successfully removed the bulk of the diesel impacted soil.

Soil testing was conducted in July 2023 by Altec and determined that soil samples collected from the imported backfill material meets the Cal/EPA DTSC criteria for Clean Imported Fill Material. Nonetheless, to ensure public and worker safety, a Soil Management Plan (SMP) was prepared by Altec, dated August 31, 2023, (*Technical Appendix I2*) to provide procedures for efficiently managing potentially-impacts soils during site preparation activities. The objective of this SMP is to provide guidance for the onsite observation, monitoring and identification of potentially contaminated soil during grading/excavation/trenching work and the proper handling, storage, and removal of impacted soil, if encountered. During earthwork activities, the grading contractor would be required to follow the SMP in areas of potentially impacted soil. Contractors must follow the applicable California Department of Health and Safety Administration (Cal/OSHA) regulations for construction safety in California Code of Regulations (CCR) Title 8, Sections 1500-1938. Contractor employees involved in remediation activities must be HAZWOPER-trained personnel.

B. Temporary Construction-Related Activities

Heavy equipment that would be used during Project construction would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing



materials, solvents, and other substances typically used in construction would be located on the Project site during construction.

These materials would not be in such quantities or stored in such a manner as to pose a significant safety hazard to onsite construction workers or the general public. Construction activities would also be short-term or one time in nature and would cease upon completion of the proposed Project's construction phase. Project construction workers would also be trained in safe handling and hazardous materials use per Hazardous Waste and Emergency Response (HAZWOPER) regulations. Additionally, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards. Any Project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263). The proposed Project would also be constructed in accordance with the regulations of San Bernardino County Fire Department (SBCFD), which serves as the designated CUPA.

Construction activities required to develop the Project site would involve the disturbance of onsite soil. As stated above, the existing imported backfill soil within the northwestern portion of the Project site, related to the remediation effort in 2008, was tested and determined that soil samples collected from the imported backfill material meets the Cal/EPA DTSC criteria for Clean Imported Fill Material. Additionally, in an abundance of caution, an SMP was prepared and would be implemented to ensure public and worker safety. The objective of the SMP is to provide guidance for the onsite observation, monitoring and identification of potentially contaminated soil during grading/excavation/trenching work and the proper handling, storage, and removal of impacted soil, if encountered. Without implementation of the SMP, potential impacts related to routine transport, use, or disposal of contaminated or potentially contaminated soils are potentially significant.

C. Long-Term Operation

The Project would result in the development of the Project site with a fenced and paved truck trailer and/or vehicle parking facility. There is the potential for hazardous materials (e.g., diesel fuel, cleansers, lubricants) to be used during the course of normal daily operations at the Project site with these types of use. The operation of the Project would be required to comply with all applicable federal, State, and local regulations to ensure the proper transport, use, and disposal of hazardous substances (as described in Subsection 4.7.2 above). With mandatory regulatory compliance, potential hazardous materials impacts associated with long-term operation of the Project is not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment. Impacts would be less than significant.



Threshold b: 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?

As indicated under the discussion and analysis for Threshold a, the Project’s Phase I ESA identified one REC and HREC at the Project site. Construction activities required to develop the Project site would involve the disturbance of onsite soil. As stated above, the existing imported backfill soil within the northwestern portion of the Project site, related to the remediation effort in 2008, was tested and determined that soil samples collected from the imported backfill material meets the Cal/EPA DTSC criteria for Clean Imported Fill Material.

Construction activities would be short-term or one time in nature and would cease upon completion of the proposed Project’s construction phase. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonable consequence of the proposed Project than would occur on any other similar construction site. Additionally, Project construction workers would also be trained in safe handling and hazardous materials use per HAZWOPER regulations.

The long-term operation of the proposed Project would not result in any significant adverse effects associated with reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The Project would operate as a truck trailer surface parking lot for the existing Church & Dwight, Inc. warehouse and/or surrounding uses. The operation of the proposed Project would not include any components associated with the transport, use, or disposal of hazardous materials beyond those typical of a similar land use, which would be conducted in accordance with all applicable local, State, and federal regulations. Accordingly, the proposed Project would not 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, and impacts would be less than significant. No mitigation is required.

Threshold c: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The nearest existing schools to the Project site include Lomitas Elementary School, located at 12571 1st Avenue, and Mountain View Montessori, located at 17000 Silica Drive, approximately 0.60 miles southwest of the Project site (Google Earth Pro, 2022). Additionally, there are no schools planned within 0.25-mile of the Project site. Accordingly, the Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. Thus, no impact would occur and mitigation is not required.



Threshold d: *Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The *Phase I ESA* prepared for the Project includes a summary of listing in federal and State agency databases for the site and facilities with applicable radii of the Project site, as specified by the ASTM standard and provided by EDR in November 2022. The Project site was included on two databases including RCRA NonGen/NLR and AST; however, no violations were reported. (Altec, 2023a). Government Code Section 65962.5 requires DTSC, the State Department of Health Services, State Water Resources Control Board, and the State Department of Resources Recycling and Recovery to maintain a list of hazardous materials sites that fall within specific, defined categories. The Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (DTSC, n.d.). The Project would not be located on a site included on a list of hazardous materials site. As such, no impact would occur.

Threshold e: *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?*

As discussed above in Subsection 4.7.2, the Project site is not within two miles of an airport and the Project site is not identified as within an AIA for airports in San Bernardino County. The nearest airport to the Project site is the Southern California Logistics Airport, located approximately 8.0 miles northwest. As such, no impact would occur.

Threshold f: *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. The City identifies the following routes as the most viable during the event of an emergency: Hesperia Road, National Trails Highway, Highway 395, I-15, Bear Valley Road, Yates Road/Yucca Loma Road, and Highway 18 (Palmdale Road) (City of Victorville, 2021). The nearest evacuation route to the Project site is Hesperia Road, approximately 0.18-mile west. During construction and long-term operation, the proposed Project would be required to maintain adequate access for emergency vehicles. As part of the City’s discretionary review process, the City reviewed the proposed Project’s access driveways and circulation to ensure appropriate emergency ingress and egress would be available to Project site and determined that the proposed Project would not substantially impede emergency response routes in the local area.

The City of Victorville prepared the 2021 Local Hazard Mitigation Plan (LHMP) to assess the natural caused risks to the City so as to reduce the potential impact of the hazards by creating mitigation strategies. The City’s LHMP was most recently updated in January 2022. The City’s LHMP does not identify the Project site as a critical facility (e.g., shelter, hospital, emergency operations center [EOC],



etc.). (City of Victorville, 2022) Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan. Thus, no impact would occur and mitigation is not required.

Threshold g: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The Project site is not in proximity to wildlands or areas with high fire hazards. Additionally, the Project site is not located within an area recognized by CalFire as a fire hazard severity zone (CalFire, 2022). Therefore, the Project would not expose people or structures, directly or indirectly, to a risk of loss, injury or death involving wildland fire, and no impact would occur.

4.7.7 CUMULATIVE IMPACT ANALYSIS

As discussed above, the Project’s construction and operation would be required to comply with all applicable federal, State, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Although the end user(s) of the Project site are currently unknown, if businesses that use or store hazardous materials occupy the Project, the business owners and operators would be required to comply with all applicable federal, state, and local regulations to ensure proper use, storage, and disposal of hazardous substances. Similarly, any other developments in the area proposing the construction of uses with the potential for use, storage, or transport of hazardous materials also would be required to comply with applicable federal, State, and local regulations, and such uses would be subject to additional review and permits from their local oversight agency. Although there is on-site contamination present, compliance with mitigation measures would ensure isolation of any impacts to the Project site and would not have the ability to impact the surrounding area. Therefore, the potential for release of toxic substances or hazardous materials into the environment, either through accidents or due to routine transport, use, or disposal of such materials, would be reduced to a less-than-significant cumulative level. Accordingly, the Project’s potential to contribute to a cumulatively significant hazardous materials impact would be less than significant.

No existing or planned schools are located within 0.25-mile of the Project site, and therefore, the Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school, and no impact would occur. Therefore, the Project has no potential to combine with other development projects to result in substantial hazardous materials-related impacts within 0.25-mile of the Project site.

As indicated under Threshold d, the Project site is not listed on any hazardous materials sites lists compiled pursuant to Government Code Section 65962.5; no impact would occur. Because the Project site is not classified as a hazardous materials site, there is no potential for the Project to contribute to, or exacerbate, adverse environmental effects resulting from other hazardous materials sites in the Project vicinity.

The Project site is not located within AIA. Accordingly, the Project would not result in an impact associated with air travel safety hazards or aircraft operations. Therefore, the Project has no potential



to combine with other development projects to result in air travel safety hazards or aircraft operations impacts.

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route; therefore, it has no potential to impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan and would result in no impact. Thus, the Project would have no effect on emergency access and there is no potential for the proposed Project to contribute to any cumulative impacts associated with emergency facilities or emergency evacuation routes.

The Project site is not located in an area that is susceptible to wildfire hazards, and therefore would result in no impact related to significant risk of loss, injury, or death involving wildland fires. As such, the Project would not contribute to any cumulative impact related to wildland fires.

4.7.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Potentially Significant Direct and Cumulatively-Considerable Impact. The Project site contains soil that are contaminated although not expected to pose a substantial risk to the environment or people on the Project site, could require remediation. Remediation of existing contamination would result in an improved long-term environmental condition at the Project site.

Threshold b: Less than Significant Impact. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Project would not 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.

Threshold c: No Impact. The Project site is not located within one-quarter mile of any existing or proposed school. Accordingly, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur to schools located more than one-quarter mile of the Project site.

Threshold d: No Impact. The Project site is not located on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Threshold e: No Impact. The Project site is not within two miles of an airport and the Project site is not identified as within an AIA for airports in San Bernardino County.

Threshold f: Less-than-Significant Impact. The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.



Threshold g: No Impact. The Project site is not located in close proximity to wildlands or areas with high fire hazards. Additionally, the Project site is not located within an area recognized by CalFire as a fire hazard severity zone. Therefore, the Project would not expose people or structures, directly or indirectly, to a risk of loss, injury or death involving wildland fire, and impacts would be less than significant.

4.7.9 MITIGATION

MM 4.7-1 The Project Contractor shall adhere to the protocols and performance standards stipulated in the SMP (*Technical Appendix I2*). Contractors working at the site follow all applicable Cal/OSHA regulations for construction safety. A Completion Report shall be prepared at the conclusion of grading activities. The report shall document field monitoring activities and visual observations made during grading/excavations, as well as soil sampling locations and results. The report shall include a description of the location of impacted soil encountered, actions taken to characterize and mitigate impacts, confirmation soil sampling results, and disposition of any excavated soil. In addition, the report shall include a description of encountered subsurface structures and steps to remove and close such structures. The report shall be reviewed and approved by the City of Victorville Planning Department, prior to issuance of building permits.

4.7.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less-than-Significant Impact. Implementation of Mitigation Measure MM 4.7-1 would ensure that any contaminated soils or other contaminated materials encountered during Project construction that are determined to be hazardous by an applicable government oversight agency are appropriately remediated so that they would not pose a hazard to the public or the environment during construction or in the long-term. As such, implementation of the Project would result in an improved environmental condition by addressing and remediating any existing environmental hazards. Accordingly, the impacts would be less than significant after the implementation of Mitigation Measure MM 4.7-1.



4.8 HYDROLOGY AND WATER QUALITY

The information presented in this Subsection primarily relies on two technical reports prepared by David Evans and Associates, Inc. (hereafter, “DEA”): 1) “Preliminary Hydrology and Hydraulics Report” (herein “Hydrology Report”) (DEA, 2023a), dated May 10, 2023; and 2) “Preliminary Water Quality Management Plan” (herein “WQMP”) (DEA, 2023b), dated May 2023. These reports are provided as *Technical Appendices J1* and *J2* to this EIR, respectively. The Project site is located within the Victorville Water District (VWD) and this section will rely on VWD’s *2020 Urban Water Management Plan* (VWD, 2021). These documents and others relied upon to prepare this Subsection are listed in EIR Section 7.0, *References*.

4.8.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 20, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertain to hydrology and water quality.

4.8.2 EXISTING CONDITIONS

A. Regional Hydrology

The Project site is located in the Mojave River Watershed, which is a hydrologically diverse area covering over 5,400 square miles in the California High Desert, in San Bernardino County. Over 90 percent of the basin groundwater recharge originates in the San Gabriel and San Bernardino Mountains. Groundwater is discharged from the basin primarily by well pumping, evaporation through soil, transpiration by plants, seepage into dry lakes where accumulated water evaporates, and seepage into the Mojave River. (MWA, 2014)

B. Site Hydrology

Under existing conditions, the Project site is mostly undeveloped and existing flows traverse the site in a generally south to north direction with an average gentle slope of 2 percent. (DEA, 2023a)

As shown in Table 4.8-1, *Existing Hydrologic Conditions*, the 100-year 24-hour flow rate for the Project site is approximately 15.5 cubic feet per second (cfs) under existing conditions.

Table 4.8-1 Existing Hydrologic Conditions

Acreage (ac)	Q _{100-yr 24-Hr} (cfs)	Vol _{100-year 24-Hr} (ac-ft)	Q _{10-Yr 24-hr} (cfs)	Vol _{10-Yr 24-Hr} (ac-ft)
10.06	15.5	2.0	7.4	1.0

Source: (DEA, 2023a)

There is one existing drainage facility east of the Project site. The existing facility is a grated inlet with a 24-inch storm drain line that drains to the existing basin north of the railway. The outlet pipe from



the basin then drains east and connects to the existing trapezoidal channel, denoted as j-01 in the City of Victorville’s Master Plan of Drainage. (DEA, 2023a)

C. Flooding and Dam Inundation

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C6485J, the Project site is located within “Zone X (unshaded),” which are areas with a 0.2% chance of annual flood (FEMA, 2023). The Zone X (unshaded) designation is considered to be an area of minimal flood hazard and is not considered a special flood hazard area.

D. Water Quality

The Project site is located in the Mojave River Watershed. The Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act, CWA) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards due to excessive concentrations of pollutants are placed on a list of impaired waters pursuant to Section 303(d) of the CWA. The Region’s groundwater basins contain numerous areas with water quality issues. Key contaminants include arsenic, nitrates, iron, manganese, Chromium VI, and TDS. Some of these are naturally occurring in desert environments while others are associated with human activities. Measurements in excess of drinking water standards have been found for some of these constituents within the Mojave River Basin and the Morongo Basin/Johnson Valley Area (“Morongo”). Groundwater in these areas may have to be treated prior to consumption. (MWA, 2014)

Pollutants of concern on the Project site include nutrients-phosphorus and nitrogen, sediment, metals, oil and grease, trash/debris, pesticides/herbicides, and organic compounds. (DEA, 2023b)

E. Groundwater Basin

The City of Victorville is within the Upper Mojave River Groundwater Basin, which is classified as a “Very-Low” priority basin by the California Department of Water Resources (DWR). The depth to groundwater ranges from 50 feet near the Mojave River to approximately 550 feet in the western portion of the City. Infiltration from precipitation from watersheds in the San Bernardino and San Gabriel Mountains is the source of the regional ground water storage area. Over drafting during the late 1950’s, resulting in an average annual decline in the water table of one to two feet. (City of Victorville, 2008)

The City of Victorville is within the service area of the Mojave Water Agency (MWA)/Water Master, which is one of 29 State Water Contractors. MWA was empowered to purchase, protect, conserve and reclaim water to ensure availability for present and future uses. (City of Victorville, 2008)

4.8.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, State, and local environmental laws and related regulations related to hydrology and water quality.



A. Federal Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2022e)

B. State Regulations

1. Porter-Cologne Water Control Act

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code § 13000 et seq.), the policy of the State is as follows: (SWRCB, 2018)

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of the nine hydrologic regions. The State Water Board and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management. (SWRCB, 2018)



The Regional Water Boards regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions. (SWRCB, 2018)

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. (SWRCB, 2018) The Project site is located in the Mojave River Watershed, which is within the purview of Lahontan Regional Water Quality Control Board. The Mojave River Integrated Regional Water Quality Management Plan is the governing water quality plan for the region.

2. *California Water Code*

The California Water Code is the principal state law regulating water quality in California. Water quality provisions must be complied with as contained in numerous code sections including: 1) the Health and Safety Code for the protection of ground and surface waters from hazardous waste and other toxic substances; 2) the Fish and Game Code for the prevention of unauthorized diversions of any surface water and discharge of any substance that may be deleterious to fish, plant, animal, or bird life; 3) the Harbors and Navigation Code for the prevention of the unauthorized discharge of waste from vessels into surface waters; and 4) the Food and Agriculture Code for the protection of groundwater which may be used for drinking water supplies. The California Department of Fish and Wildlife (CDFW), through provisions of the Fish & Game Code (§§ 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW. (CA Legislative Info, n.d.)

Surface water quality is the responsibility of the Regional Water Quality Control Board (RWQCB), water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water. (CA Legislative Info, n.d.)



3. *California Toxics Rule (CTR)*

The California Toxics Rule (CTR) fills gap in California's water quality standards necessary to protect human health and aquatic life beneficial uses. The CTR criteria are similar to those published in the National Recommended Water Quality Criteria. The CTR supplements, and does not change or supersede, the criteria that EPA promulgated for California waters in the National Toxics Rule (NTR). The human health NTR and CTR criteria that apply to drinking water sources (those water bodies designated in the Basin Plans as municipal and domestic supply) consider chemical exposure through consumption of both water and aquatic organisms (fish and shellfish) harvested from the water. For waters that are not drinking water sources (e.g., enclosed bays and estuaries), human health NTR and CTR criteria only consider the consumption of contaminated aquatic organisms. The CTR and NTR criteria, along with the beneficial use designations in the Basin Plans and the related implementation policies, are the directly applicable water quality standards for toxic priority pollutants in California waters. (SWRCB, 2016, pp. 14-15)

4. *CDFG Code Section 1600 et seq. (Lake- or Streambed Alteration Agreement Program)*

Fish and Game Code § 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: (CDFW, n.d.)

- Substantially divert or obstruct the natural flow of any river, stream, or lake;
- Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- Deposit debris, waste or other materials that could pass into any river, stream, or lake.

It should be noted that "any river, stream or lake" includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. (CDFW, n.d.)

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when it determines that the activity, as described in a complete LSA Notification, may substantially adversely affect existing fish or wildlife resources. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify a project that would eliminate or reduce harmful impacts to fish and wildlife resources. Before issuing an LSA Agreement, CDFW must comply with CEQA. (CDFW, n.d.)

5. *Watershed Management Initiative (WMI)*

The State and Regional Water Boards are currently focused on looking at entire watersheds when addressing water pollution. The Water Boards adopted the Watershed Management Initiative (WMI) to further their goals. The WMI establishes a broad framework overlying the numerous federal and State mandated priorities. As such, the WMI helps the Water Boards achieve water resource



protection, enhancement and restoration while balancing economic and environmental impacts. (SWRCB, 2017) The integrated approach of the WMI involves three main ideas:

- Use water quality to identify and prioritize water resource problems within individual watersheds. Involve stakeholders to develop solutions.
- Better coordinate point source and nonpoint source regulatory efforts. Establish working relationships between staff from different programs.
- Better coordinate local, state, and federal activities and programs, especially those relating to regulations and funding, to assist local watershed groups. (SWRCB, 2017)

6. *Sustainable Groundwater Management Act (SGMA)*

The 2014 Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The DWR categorizes the priority of groundwater basins. For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline. The SGMA also requires local public agencies and Groundwater Sustainability Agencies (GSAs) in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. GSPs are detailed road maps for how groundwater basins will reach long term sustainability. (DWR, 2020; DWR, n.d.)

The Project site is within the Upper Mojave River Basin, which is categorized as a “Very-Low” priority basin by the DWR.

C. *Local Regulations*

1. *City of Victorville Municipal Code*

The City of Victorville Municipal Code identifies policies related to stormwater runoff management. The specific Municipal Code policy that is relevant to the Project is as follows:

Chapter 10.30 - Storm Water and Urban Runoff Management and Discharge Control. The purpose of this chapter is to ensure the health, safety and welfare of the residents of the city and to protect and enhance the water quality of receiving waters in a manner pursuant to and consistent with the CWA, the Porter-Cologne Act and the municipal NPDES permit by reducing pollutants in storm water discharges and by limiting non-storm discharges into the MS4 to the maximum extent practicable.

2. *Water Quality Control Plan for the Lahontan Region (Basin Plan)*

The Project site is within the Lahontan Region (Region 6) of the RWQCB and the *Water Quality Control Plan for the Lahontan Region (Basin Plan)* is the prevailing water quality plan. The Basin Plan identifies the regional differences in natural water quality, actual and potential beneficial uses, and



water quality problems associated with human activities in the region and identifies the basis for the RWQCB's regulatory program and sets forth water quality standards for the surface and ground waters of the region.

3. *Integrated Regional Water Management*

The Integrated Regional Water Management Region encompasses the entire Mojave Water Agency (MWA) service area, including the Mojave River Basin Area, El Mirage Basin Area, Lucerne Valley Area, Johnson Valley Basin Area, and Morongo Basin Area. The MWA was first established to improve management of declining groundwater levels in the MWA region. The *Mojave Integrated Regional Water Management Plan* (IRWM Plan) identifies current regional water resource management needs and issues, and evaluates strategies for addressing the Region's challenges. (MWA, 2014)

4.8.4 BASIS FOR DETERMINING SIGNIFICANCE

Section IX of Appendix G to the CEQA Guidelines addresses typical adverse effects to hydrology and water quality, and includes the following threshold questions to evaluate the Project's impacts on hydrology and water quality:

- a. *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;*
- b. *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;*
- c. *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:*
 - i. *Result in substantial erosion or siltation on- or off-site;*
 - ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
 - iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
 - iv. *Impede or redirect flood flows.*
- d. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.*
- e. *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*



4.8.5 METHODOLOGY

Information from the Project's Drainage Study (*Technical Appendices J1*), preliminary WQMP (*Technical Appendices J2*), the City of Victorville General Plan, and FEMA FIRM were utilized in the analyses of the Project's potential impacts to hydrology and water quality. The Project's Drainage Study evaluated 10- and 100-year storm events consistent with City of Victorville requirements.

4.8.6 IMPACT ANALYSIS

Threshold a: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The Project Applicant would be required to comply with Section 402 of the Clean Water Act, which authorizes the National Pollution Discharge Elimination System (NPDES) permit program that covers point sources of pollution discharging to a water body. The NPDES program also requires operators of construction sites one-acre or larger to prepare a Storm Water Pollution Prevention Plan (SWPPP) and obtain authorization to discharge stormwater under an NPDES construction stormwater permit. Additionally, the Project Applicant would be required to comply with the California Porter-Cologne Water Quality Control Act (Section 13000 et seq., of the California Water Code), which requires that comprehensive water quality control plans be developed for all waters within the State of California. The Project site is located within the jurisdiction of the Lahontan Regional Water Quality Control Board.

A. Construction Impacts

Construction of the proposed Project would involve clearing, grading, paving, and landscaping activities. Construction activities would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and solvents, and other chemicals with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to Chapter 10.30 – Storm Water and Urban Runoff Management and Discharge Control, the Project would be required to obtain coverage under the State's General Construction Storm Water Permit for construction activities (NPDES Permit). The Construction General Permit requires that non-storm water discharges from construction sites be eliminated or reduced to the maximum extent practicable, that a SWPPP be developed governing construction activities for the proposed project, and that routine inspections be performed of all storm water pollution prevention measures and control practices being used at the site, including inspections before and after storm events. As outlined in the SWPPP, each development project would be required to implement all construction BMPs to protect downstream properties and ensure compliance with the Construction General Permit. The BMPs that would be required to be implemented during construction activities to ensure that potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.



Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Additionally, pursuant to City of Victorville Municipal Code Section 10.30.210, the Project would be required to implement an erosion control plan to minimize water- and windborne erosion.

Pursuant to the City's Storm Water and Urban Runoff Management and Discharge Control Ordinance, incorporated as Municipal Code Section 10.30.200, proof of compliance with the Construction General Permit must be provided to the City Manager before the City will issue any grading, construction or similar permits applicable to such construction activity. Upon completion of the Project, the Project Applicant would be required to submit a Notice of Termination to the SWRCB to indicate that construction is completed.

Mandatory compliance with the SWPPP and the erosion control plan would ensure that implementation of the Project would not result in a violation of any water quality standards or waste discharge requirements during construction activities. Therefore, short-term water quality impacts associated with temporary construction activities would be less than significant.

B. Post-Development Water Quality Impacts

Pursuant to the City of Victorville Municipal Code Section 10.30.220, the Project Applicant would be required to implement a Water Quality Management Plan (WQMP) to demonstrate compliance with the City's NPDES municipal stormwater permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. The WQMP is a site-specific post-construction water quality management program designed to address the pollutants of concern of a development project via BMPs, implementation of which ensures the on-going protection of the watershed basin. The Project's Preliminary WQMP is included as *Technical Appendix J2* appended to this EIR. As identified in Project's Preliminary WQMP, the proposed Project is designed to include non-structural and structural source control BMPs. Non-structural source control BMPs would include education of property owners, tenants, and occupants on stormwater BMPs, activity restrictions, landscape management BMPs, BMP maintenance, local water quality ordinances, and spill contingency plan. Structural source control BMPs include storm drain system stenciling and signage, trash and waste storage areas, efficient irrigations systems and landscape design. Refer to Form 4.1-1 and Form 4.1-2 of the Project's preliminary WQMP (*Technical Appendix J2*) for the full list of non-structural and structural source control BMPs. Compliance with the WQMP would be required as a condition of Project approval pursuant to Municipal Code Section 10.30.220, and long-term maintenance of on-site BMPs would be required to ensure their long-term effectiveness. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

In addition to the WQMP, the NPDES program also requires certain land uses, including the proposed surface parking lot, to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. Based on the requirements of the NPDES Industrial General Permit, it is anticipated that the Project's mandatory



compliance with all applicable regulations would further reduce potential water quality impacts during long-term operation.

Based on the foregoing analysis, the Project would not violate any water quality standards or waste discharge requirements during long-term operation. Impacts would be less than significant.

Threshold b: 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?

Development of the Project would increase impervious surface coverage on the Project site, which would reduce the amount of water percolating down into the underground aquifer that underlies the Project site. Water captured by the proposed Project's landscaped areas would have the opportunity to percolate into the ground. Since the proposed Project would not include development of any structures, the only water demand would be the proposed landscaping surrounding the proposed detention basin. With buildout of the Project, the local groundwater levels would not be substantially adversely affected. Accordingly, buildout of the Project would not interfere substantially with groundwater recharge.

Because the main source of recharge is through infiltration from the Mojave River (80 percent) and over 90 percent of the basin groundwater recharge originates in the San Gabriel and San Bernardino Mountains, infiltration at the Project site is not a significant contributor to groundwater recharge.

According to the Project's Geotechnical Evaluation (*Technical Appendix F*), groundwater was not encountered during the explorations drilled to a maximum depth of 26 feet below ground surface. Published data by the California Department of Water Resources indicates groundwater is deeper than 100 feet below the ground surface. (GPI, 2023) The Project Applicant does not propose the use of any wells or other groundwater extraction activities. Therefore, the Project would not directly draw water from the groundwater table. Therefore, the Project would not directly extract groundwater resources.

For the reasons stated above, the Project would neither substantially deplete groundwater supplies nor interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant.



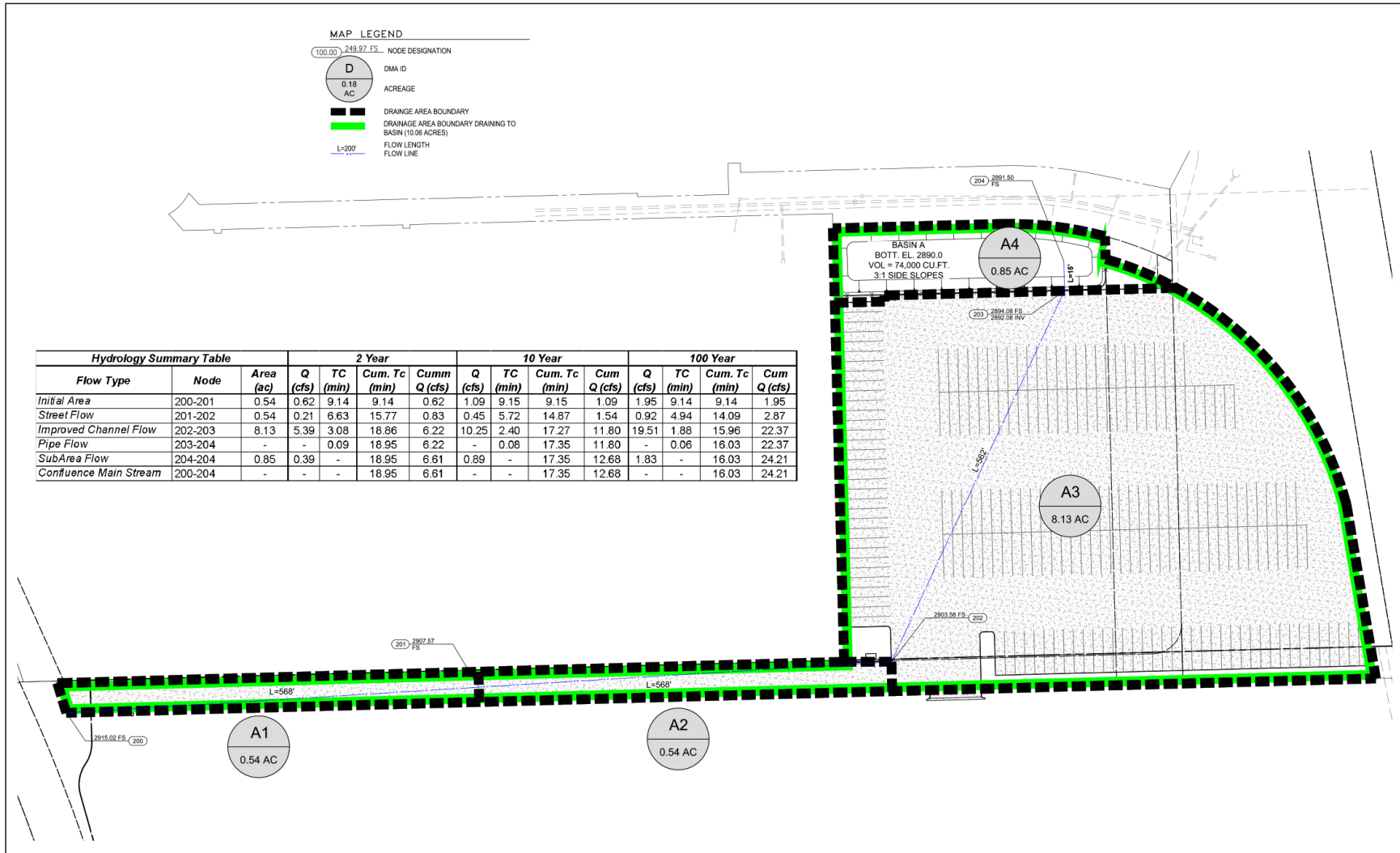
Threshold c: *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i. result in substantial erosion or siltation on- or off-site;*
- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
- iv. impeded or redirect flood flows?*

As discussed in Section 3.0, *Project Description*, under Project conditions and as shown on Figure 4.8-1, *Proposed Developed Conditions Hydrology Map*, the Project site's drainage area would be subdivided into four (4) subareas (A1 through A4). Drainage subarea A1 would encompass 0.54-acre of the western portion of the proposed driveway, drainage subarea A2 would encompasses 0.54-acre of the eastern portion of the proposed driveway, drainage subarea A3 would encompass 8.13 acres of the eastern portion of the Project site, and drainage subarea A4 would encompass 0.85-acre of the northern portion of the Project site. The proposed drainage pattern under Project conditions would follow the existing drainage pattern, where flows generally sheet flow north. The Project's on-site storm drain system would include one (1) detention/infiltration basin (drainage subarea A4) (refer to Figure 4.8-2, *Proposed WQMP Site Plan*) within the northern portion of the Project site to mitigate peak flows during 10-year and 100-year storm events and function for the purpose of water quality treatment during 2-year storm events. The proposed basin would include an outlet structure with an orifice at an elevation of 1.5 feet to convey stormwater to the existing 24-inch storm drain line located north of the Project site. As with existing conditions, under Project conditions, flows would ultimately drain to the existing off-site trapezoidal channel east of the Project site.

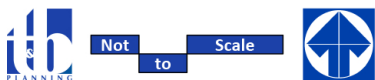
A. Erosion or Siltation On- or Off-Site

As discussed under Threshold a), mandatory compliance with the SWPPP and the erosion control plan would ensure that implementation of the Project would not result in a violation of any water quality standards or waste discharge requirements during construction activities. Impacts would be less than significant.



Source(s): David Evans and Associates Inc. (05-10-2023)

Figure 4.8-1



Proposed Developed Conditions Hydrology Map

Lead Agency: City of Victorville

SCH No. 2023070350



Although the Project would introduce impervious surfaces to the Project site, such changes would not result in substantial erosion or siltation on-or off-site. Under post-development conditions, a majority of the site would be covered with impervious surfaces and, therefore, the amount of exposed soils on the Project site would be minimized. As discussed under Threshold a), the Project would construct an integrated storm drain system on-site with BMPs to minimize the amount of water-borne pollutants carried from the Project site. The Project’s proposed BMPs are highly effective at removing sediment from stormwater runoff flows. Therefore, stormwater runoff flows leaving the Project site would not carry substantial amounts of sediment. Additionally, because stormwater runoff from the Project site would be discharged with a relatively low flow rate within the existing drainage facility, there is a low potential for the Project’s stormwater runoff to result in substantial erosion as it leaves the site. Impacts would be less than significant.

B. Runoff and Flooding On- or Off-Site

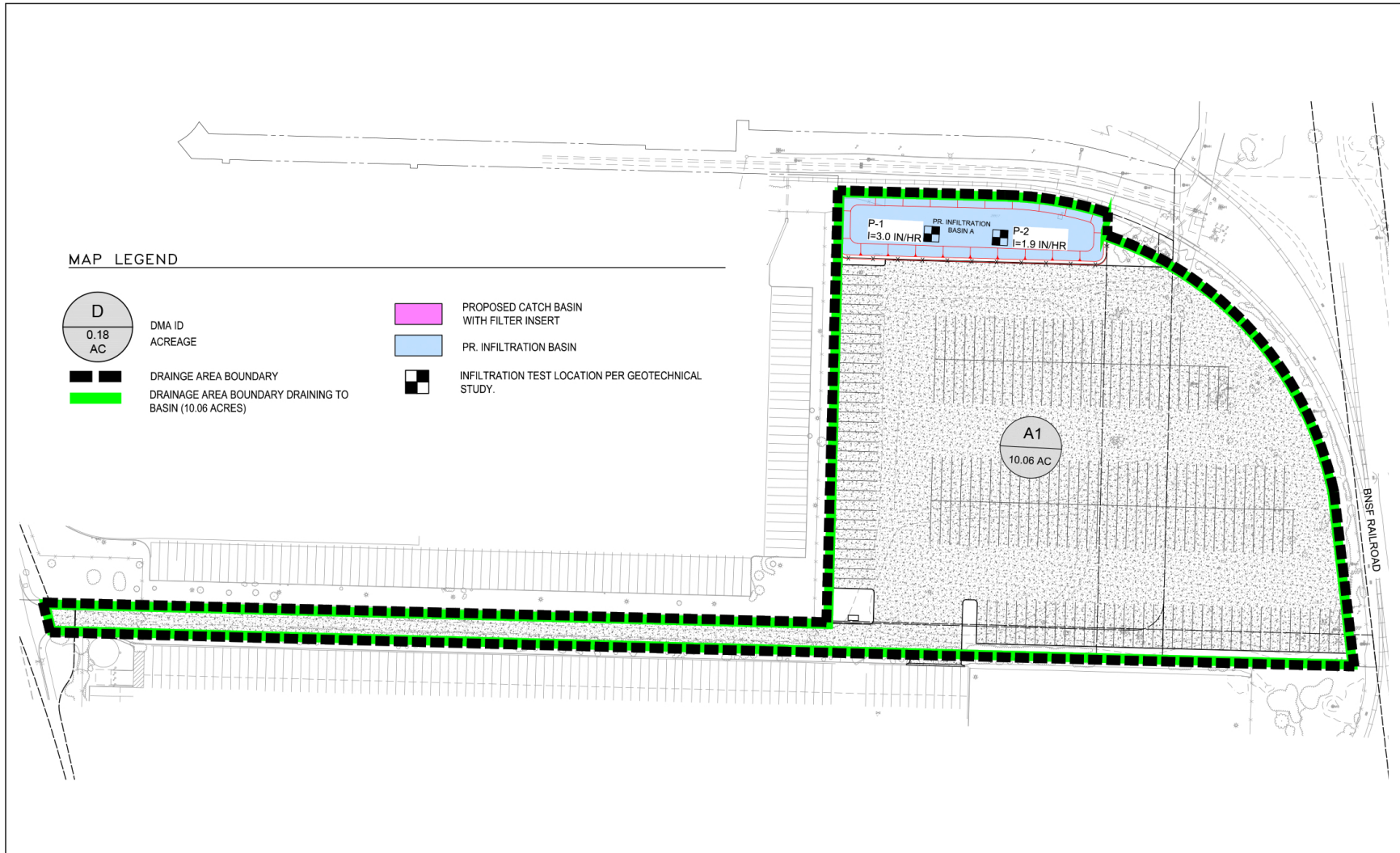
As shown in Table 4.8-2, *Existing vs. Proposed Hydrologic Conditions*, the results from the Hydrology Report demonstrate that the proposed drainage conditions would generate a higher peak runoff flowrate than the existing conditions of the Project site due to an increase in impervious area. Under existing conditions, the Project site’s 100-year 24-hour flow rate for the Project site is approximately 15.5 cfs. Under the proposed conditions, the Project site’s 100-year 24-hour flow rate for the Project site is approximately 24.0 cfs. The Project would construct storm drain inlet and underground storm drainpipes to convey the onsite drainage to the proposed detention/infiltration basin. With the proposed storm drain system, the 100-year 24-hour flow rate for the Project site would be approximately 7.1 cfs.

Therefore, the Project’s storm drain system demonstrates that it has sufficient volume to mitigate excess runoff and volume for the site. The proposed drainage facilities would convey storm water away from the Project site and ensure flooding does not occur on any critical infrastructure onsite. Based on the foregoing information, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

Table 4.8-2 Existing vs. Proposed Hydrologic Conditions

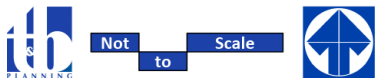
Acreage (ac)	Q _{100-yr 24-Hr} (cfs)	Vol _{100-year 24-Hr} (ac-ft)	Q _{10-Yr 24-hr} (cfs)	Vol _{10-Yr 24-Hr} (ac-ft)
Existing Condition				
10.06	15.5	2.0	7.4	1.0
Developed Condition without Storm Drain System				
10.06	24.0	2.6	12.8	1.5
Developed Condition with Storm Drain System				
10.06	7.1	2.6	4.7	1.5

Source: (DEA, 2023a)



Source(s): David Evans and Associates Inc. (May 2023)

Figure 4.8-2



Proposed WQMP Site Plan

Lead Agency: City of Victorville

SCH No. 2023070350



C. Storm Drain Systems and Polluted Runoff

The Project's storm drain system would be sized and designed in accordance with the area's master drainage plan to ensure that off-site flows that are conveyed through the Project site and flows originating off-site are discharged from the site at a volume and rate that can be accommodated by existing and planned downstream storm drain facilities.

As discussed under Thresholds a) and b) above, the Project Applicant would be required to comply with a future SWPPP and the Project's WQMP (*Technical Appendix J2*) which identify required BMPs to be incorporated into the Project's design and operation to ensure that near-term construction activities and long-term post-development activities of the proposed Project would not result in substantial amounts of polluted runoff. Therefore, with mandatory compliance with the Project's SWPPP and WQMP, the proposed Project would not create or contribute substantial additional sources of polluted runoff, and impacts would be less than significant.

D. Flood Flows

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C6485J, the Project site is located within "Zone X (unshaded)," which are areas with a 0.2% chance of annual flood (FEMA, 2023). The Zone X (unshaded) designation is considered to be an area of minimal flood hazard and is not considered a special flood hazard area. Accordingly, the Project site is not expected to be inundated by flood flows during the lifetime of the Project and the Project would not impede flood flows. No impact would occur.

Threshold d: *Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

The Pacific Ocean is located approximately 70 miles southwest of the Project site (Google Earth Pro, 2022); consequently, there is no potential for the Project site to be impacted by a tsunami. Potential threats of dam inundation to the Victorville Planning Area could occur if the dams at Silverwood or Arrowhead Lakes failed and emptied into the Mojave River through Deep Creek. However, due to the distance to the nearest developed areas, and precautions built into the holding basins below Lake Silverwood and in the Deep Creek area just before the water enters the Mojave River, the probability of extreme flood is unlikely and the risk of inundation by dam failure is low. Furthermore, as stated above under Threshold c), the Project is not located in a flood hazard zone. No impact would occur.

Threshold e: *Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

As discussed under Threshold a), the Project site is located within the Lahontan Region; therefore, Project-related construction and operational activities would be required to comply with the Basin Plan by preparing and adhering to a SWPPP and WQMP. The Project would not degrade water quality, cause the receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, the Project would not result in water quality impacts that would conflict



with the Basin Plan. Implementation of the Project would not conflict with or obstruct the Basin Plan. The RWQCB ensures compliance with the Basin Plan through its issuance of NPDES Permits, issuance of Waste Discharge Requirements (WDR), and Water Quality Certifications pursuant to Section 401 of the CWA. Impacts would be less than significant.

The Project site is within the Upper Mojave River Basin (Basin 6-042). As previously discussed, the Upper Mojave River Basin is classified as a “Very-Low” priority basin; thus, neither a groundwater sustainability agency nor a Groundwater Sustainability Plan (GSP) is required to manage the Upper Mojave River Basin. However, it should be noted that the Upper Mojave River Basin is within the service area of the MWA and is subject to the provisions of the *Mojave Integrated Regional Water Management Plan*. As discussed under Threshold b) above, the Project would not substantially decrease groundwater supplies nor interfere substantially with groundwater recharge and, therefore, is not expected to conflict with or obstruct a sustainable groundwater management plan, including the *Mojave Integrated Regional Water Management Plan*. As such, the Project’s construction and operation would not conflict with any sustainable groundwater management plan. Impacts would be less than significant.

4.8.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development in the Lahontan RWQCB and Upper Mojave River Basin.

A. Water Quality

Project construction and the construction of other projects in the cumulative study area would have the potential to contribute waterborne pollution, including erosion and siltation, to the Mojave River Basin. Pursuant to the requirements of the State Water Resources Control Board, all construction projects that disturb 1.0 or more acres of land area are required to obtain coverage for construction activities under the State’s General Construction NPDES Permit. In order to obtain coverage, an effective site-specific SWPPP is required to be developed and implemented. The SWPPP must identify potential on-site pollutants and identify an effective combination of erosion control and sediment control measures to reduce or eliminate discharge of pollutants to surface waters. In addition, the Project Applicant and all cumulative developments in the Mojave River Basin would be required to comply with the Lahontan Region Basin Plan, which establishes water quality standards for ground and surface waters of the region. Compliance with these mandatory regulatory requirements would ensure that development projects within the Mojave River Basin, including the proposed Project, would not contribute substantially to water quality impairments during construction.

Operational activities on the Project site would be required to comply with the Project’s WQMP to minimize the amount of waterborne pollution, including erosion and sediment, discharged from the site. Other development projects within the basin would similarly be required by law to prepare and implement site-specific WQMPs to ensure that runoff does not substantially contribute to water quality



violations. Accordingly, operation of the Project would not contribute to cumulatively-considerable water quality effects.

B. Groundwater Supplies and Management

Although the Project would increase impervious surface coverage on the site, the Project incorporates design features that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by applicable lead agencies to incorporate design features that facilitate percolation (e.g., through minimum landscaped/permeable area requirements, water quality/detention basins, infiltration basins). No component of the Project would obstruct with or prevent implementation of the applicable groundwater management plan and other development projects within the basin. Based on the lack of impacts to groundwater, the provision of design measures that would facilitate percolation, and compliance with applicable Lahontan Region Groundwater Basin management plans, cumulative development would not result in a considerable, adverse effect to local groundwater supplies.

C. Flooding

Construction of the Project and other development projects within the Mojave River Basin would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans in order to mitigate flood hazards both on- and off-site. Compliance with federal, State, and local regulations and applicable drainage plans would require development sites to be protected from flooding during peak storm events (i.e., 100-year storm) and also would not allow development projects to expose downstream properties to increased flooding risks during peak storm events. In addition, future development proposals within the Mojave River Basin would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the responsible City/County Engineer, to demonstrate that substantial on- and/or off-site flood hazards would not occur. As discussed under the response to Threshold “c,” the Project is designed to ensure that runoff from the Project site during peak storm events would be unchanged compared to existing conditions. Because the Project and all other developments throughout the Mojave River Basin, would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a substantial cumulative impact related to flood hazards would not occur.

Additionally, the Project site is not located within a special flood hazard area or in an area subject to inundation. Accordingly, development on the Project site would have no potential to impede or redirect flood flows and a cumulatively-considerable impact would not occur.

4.8.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Adherence to a SWPPP and WQMP is required as part of the Project’s implementation to address construction- and operational-related water quality.



Threshold b: Less-than-Significant Impact. The Project would not physically impact any of the major groundwater recharge facilities. The Project would decrease groundwater recharge by introducing impervious surfaces. However, the reduction of groundwater recharge is not anticipated to have a significant effect to domestic water supplies. Further, water captured in the proposed Project's landscaped areas would have the opportunity to percolate to the ground.

Threshold c: Less-than-Significant Impact. The Project Applicant would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Project would not create or contribute to increased flooding risks due to insufficient capacity of existing or planned stormwater drainage systems or and would not provide substantial additional sources of polluted runoff.

Threshold d: No Impact. The Project site would not be subject to inundation from tsunamis, seiches, or other hazards.

Threshold e: Less-than-Significant Impact. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.8.9 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.



4.9 NOISE

This Subsection addresses the environmental issue of noise, including existing noise levels in the Project area and the Project's potential to introduce new or elevated sources of noise. The analysis contained herein incorporates information contained in a technical report prepared by Urban Crossroads, Inc., titled, "Nisqualli Road Trailer Lot Expansion Noise and Vibration Analysis" dated, November 22, 2023 (Urban Crossroads, 2023e). The report is included as *Technical Appendix K* to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in the analysis presented in this Subsection.

4.9.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 21, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were made during the NOP comment period or during the EIR Scoping Meeting that pertains to noise.

4.9.2 ACOUSTICAL FUNDAMENTALS

A. Noise Definitions

Noise is simply defined as "unwanted sound." Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies which are audible to the human ear. (Urban Crossroads, 2023e)

B. Noise Descriptors

Environmental noise descriptors are generally based on averages, rather than instantaneous, noise levels. The most used metric is the equivalent level (L_{eq}). Equivalent sound levels are not measured directly but are calculated from sound pressure levels typically measured in A-weighted decibels (dBA). The equivalent sound level (L_{eq}) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period and is commonly used to describe the "average" noise levels within the environment.

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour may be disturbing if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level, is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections require the addition of 5 decibels to dBA L_{eq} sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 decibels to dBA L_{eq} sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time



periods during the evening and night hours when noise can become more intrusive. CNEL does not represent the actual sound level heard at any time, but rather represents the total sound exposure. The City of Victorville relies on the 24-hour CNEL level to assess land use compatibility with transportation related noise sources.

C. Noise Propagation

When sound propagates over a distance, it changes in level and frequency content. The way noise reduces with distance depends on the following factors.

1. Geometric Spreading

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.

2. Ground Absorption

The propagation path of noise from a highway to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective wave canceling adds to the attenuation associated with geometric spreading. Traditionally, the excess attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 ft. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the cylindrical spreading, the excess ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance from a line source.

3. Atmospheric Effects

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Sound levels can be increased at large distances (e.g., more than 500 feet) due to atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors such as air temperature, humidity, and turbulence can also have significant effects.

4. Shielding

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of



the object and the frequency content of the noise source. Shielding by trees and other such vegetation typically only has an “out of sight, out of mind” effect. That is, the perception of noise impact tends to decrease when vegetation blocks the line-of-sight to nearby residents. However, for vegetation to provide a substantial, or even noticeable, noise reduction, the vegetation area must be at least 15 feet in height, 100 feet wide and dense enough to completely obstruct the line-of-sight between the source and the receiver. This size of vegetation may provide up to 5 dBA of noise reduction. The Federal Highway Administration (FHWA) does not consider the planting of vegetation to be a noise abatement measure.

D. Noise Control

Noise control is the process of obtaining an acceptable noise environment for an observation point or receiver by controlling the noise source, transmission path, receiver, or all three. This concept is known as the source-path-receiver concept. In general, noise control measures can be applied to these three elements.

E. Noise Barrier Attenuation

Effective noise barriers can reduce noise levels by 10 to 15 dBA, cutting the loudness of traffic noise in half. A noise barrier is most effective when placed close to the noise source or receiver. Noise barriers, however, do have limitations. For a noise barrier to work, it must block the line-of-sight path of sound from the noise source.

F. Land Use Compatibility with Noise

Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches, and residences are more sensitive to noise intrusion than are commercial or industrial developments and related activities. As ambient noise levels affect the perceived amenity or livability of a development, so too can the mismanagement of noise impacts impair the economic health and growth potential of a community by reducing the area’s desirability as a place to live, shop and work. For this reason, land use compatibility with the noise environment is an important consideration in the planning and design process. The FHWA encourages State and Local government to regulate land development in such a way that noise-sensitive land uses are either prohibited from being located adjacent to a highway, or that the developments are planned, designed, and constructed in such a way that noise impacts are minimized.

G. Community Response to Noise

Community response to noise varies from no reaction to vigorous action for newly introduced noises averaging from 10 dB below existing to 25 dB above existing. A change of 3 dBA is considered barely perceptible, and changes of 5 dBA are considered readily perceptible.



H. Vibration

Vibration is the periodic oscillation of a medium or object. The rumbling sound caused by the vibration of room surfaces is called structure-borne noise. Sources of ground-borne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground-borne vibrations may be described by amplitude and frequency.

While not universally accepted, vibration decibel notation (VdB) is another vibration notation developed and used by the Federal Transit Authority (FTA) in their guidance manual to describe vibration levels and provide a background of common vibration levels and set vibration limits. (8) Decibel notation (VdB) serves to reduce the range of numbers used to describe vibration levels and is used in this report to describe vibration levels.

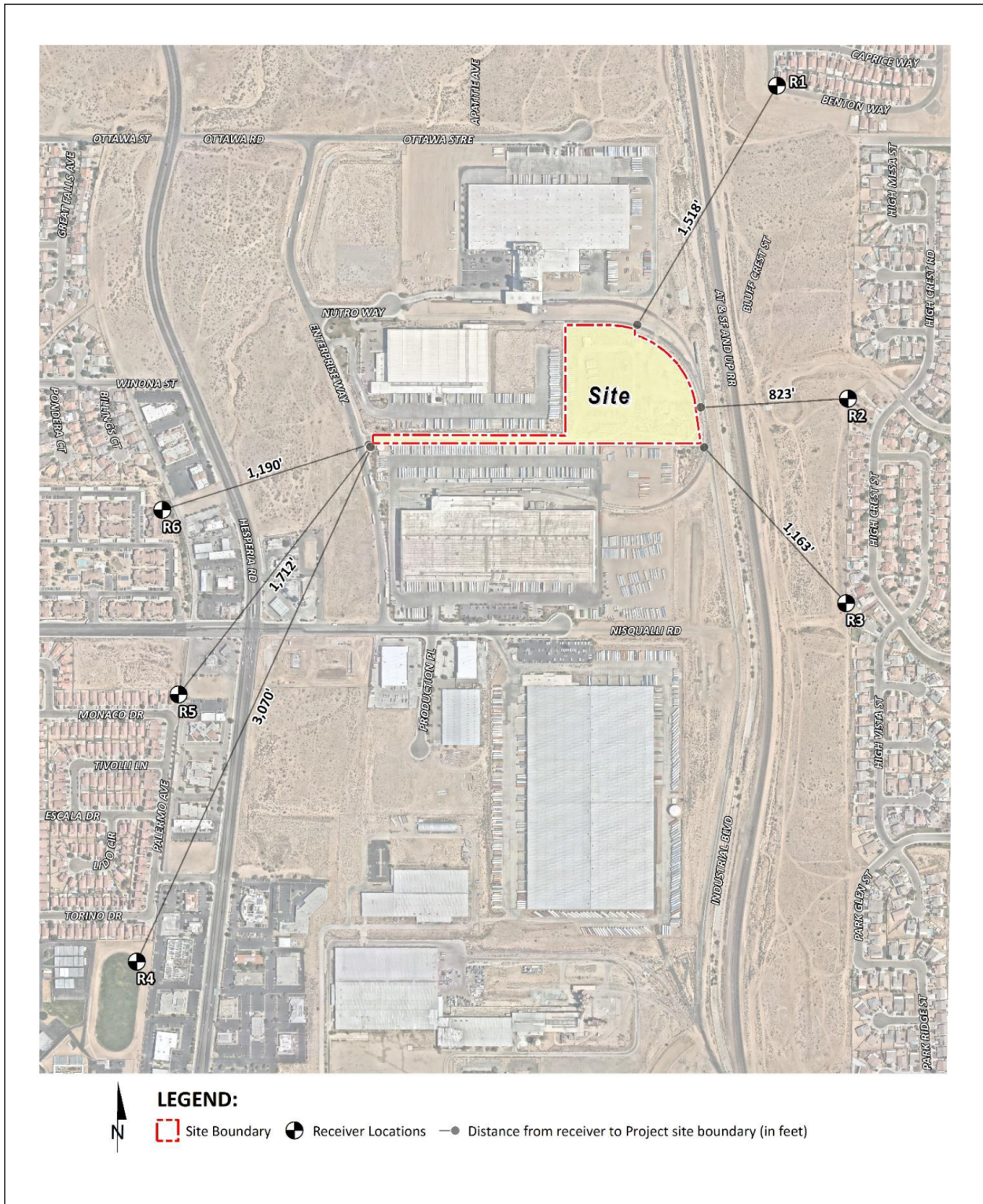
The background vibration-velocity level in residential areas is generally 50 VdB. Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

4.9.3 EXISTING CONDITIONS

A. Sensitive Receiver Locations

To assess the potential for long-term operational and short-term construction noise impacts, the following sensitive receiver locations, as shown on Figure 4.9-1, *Sensitive Receiver Locations*, were identified as representative locations for analysis. Six receiver locations in the vicinity of the Project site were identified. The selection of receiver locations was based on FHWA guidelines and was consistent with additional guidance provided by Caltrans and the FTA. Due to the additional attenuation from distance and the shielding of intervening structures, other sensitive land uses in the Project study area that are located at greater distances than those identified in this noise study will experience lower noise levels than those presented in this report due to the additional attenuation from distance and the shielding of intervening structures. Distance is measured in a straight line from the project boundary to each receiver location.

- R1: Location R1 represents the existing noise sensitive residence at 17540 Benton Way, approximately 1,518 feet northeast of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R1 is placed at the building façade. A 24-hour noise measurement was taken near this location, L1, to describe the existing ambient noise environment.



Source(s): Urban Crossroads (08-10-2023)

Figure 4.9-1



Not to Scale



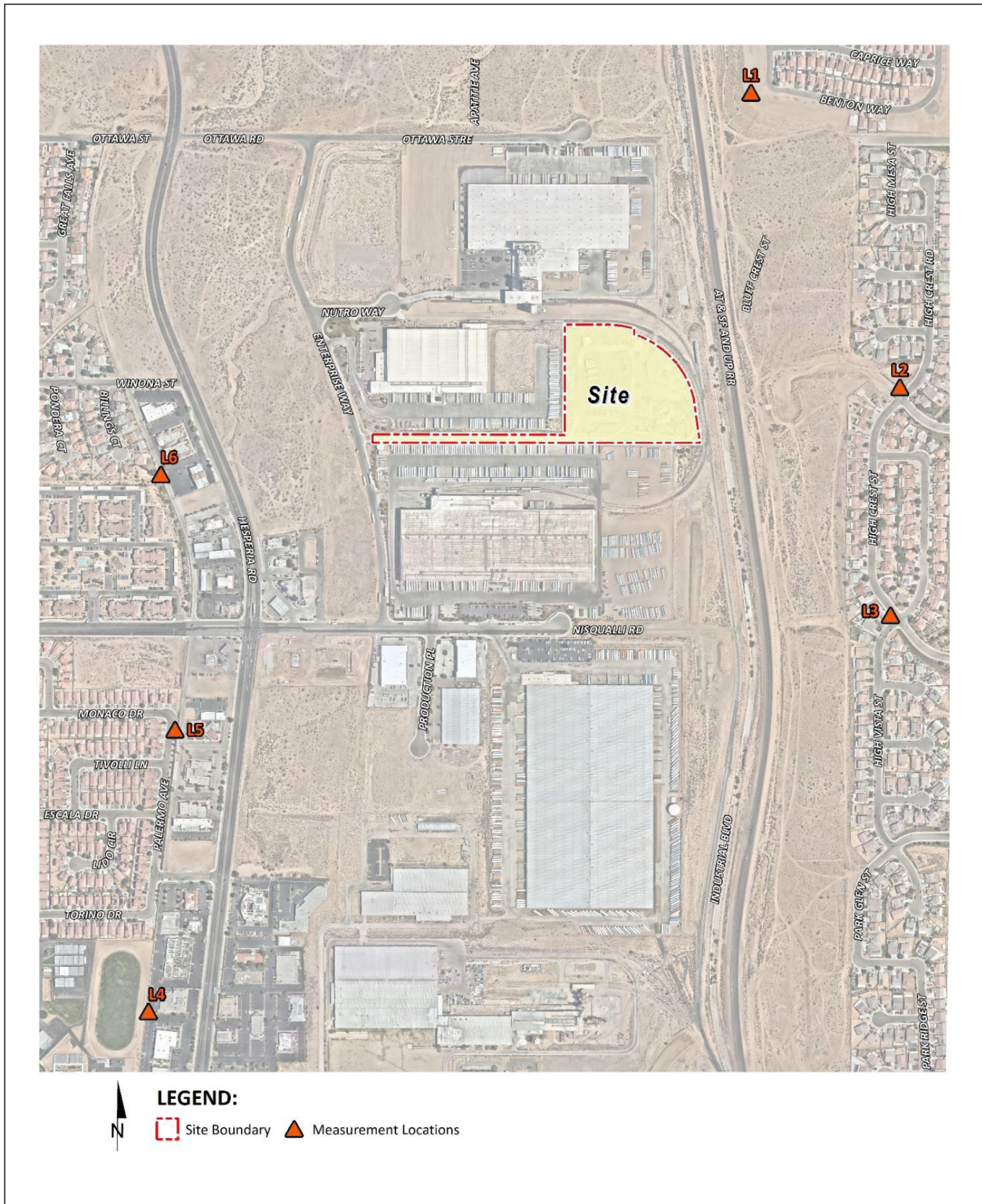
Sensitive Receiver Locations



- R2: Location R2 represents the existing noise sensitive residence at 13094 High Crest Street, approximately 823 feet east of the Project site. Receiver R2 is placed in the private outdoor living areas (backyard) facing the project site. A 24-hour noise measurement was taken near this location, L2, to describe the existing ambient noise environment.
- R3: Location R3 represents the existing noise sensitive residence at 12950 High Crest Street, approximately 1,163 feet southeast of the Project site. R3 is placed in the private outdoor living areas (backyard) facing the Project site. A 24-hour noise measurement was taken near this location, L3, to describe the existing ambient noise environment.
- R4: Location R4 represents the Lomitas Elementary School at 12571 1st Avenue, approximately 3,070 feet southwest of the Project site. R4 is placed near the outdoor track facing the Project site. A 24-hour noise measurement was taken near this location, L4, to describe the existing ambient noise environment.
- R5: Location R5 represents the existing noise sensitive residence at 17066 Monaco Drive, approximately 1,712 feet southwest of the Project site. R5 is placed in the private outdoor living areas (backyard) facing the Project site. A 24-hour noise measurement was taken near this location, L5, to describe the existing ambient noise environment.
- R6: Location R6 represents the existing noise sensitive residence at 16980 Nisqualli Road, approximately 1,190 feet west of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R6 is placed at the building façade. A 24-hour noise measurement was taken near this location, L6, to describe the existing ambient noise environment.

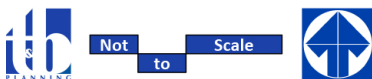
B. Existing Study Area Ambient Noise Considerations

Urban Crossroads took 24-hour noise level measurements at 6 locations on May 18, 2023. The receiver locations were selected to describe and document the existing noise environment within the Project study area. Figure 4.9-1, *Noise Measurement Locations* provides the boundaries of the Project study area and the noise level measurement locations. A description of the noise measurement locations and the noise measurements is provided in Table 4.9-1, *Ambient Noise Level Locations and Measurements*. The noise measurements presented in Table 4.9-1 focus on the equivalent or the hourly energy average sound levels (L_{eq}). The equivalent sound level (L_{eq}) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. Table 4.9-1 identifies the hourly daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise levels at each noise level measurement location.



Source(s): Urban Crossroads (08-10-2023)

Figure 4.9-2



Noise Measurement Locations



Table 4.9-1 Ambient Noise Level Locations and Measurements

Location ¹	Description	Energy Average Noise Level (dBA L _{eq}) ²		CNEL
		Daytime	Nighttime	
L1	Located northeast of the site near the residence at 17540 Benton Way	60.2	62.6	69.0
L2	Located east of the site near the residence at 13104 High Crest St.	60.1	54.3	62.4
L3	Located southeast of the site near the residence at 12922 High Vista St.	55.1	51.9	59.3
L4	Located southwest of the site near the residence at 17047 Torino Dr.	56.6	54.2	61.4
L5	Located southwest of the site near the residence at 17066 Monaco Dr.	55.2	52.7	59.9
L6	Located west of the site near the retail building at 13010 Hesperia Rd.	58.4	54.3	61.9

¹ See Figure 4.9-1 for the noise level measurement locations.

² Energy (logarithmic) average levels. The long-term 24-hour measurement worksheets are included in Appendix 5.2. of *Technical Appendix K*

"Daytime" = 7:00 a.m. to 7:00 p.m.; "Evening" = 7:00 p.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

Source: (Urban Crossroads, 2023e, Table 5-1)

C. Existing Groundborne Vibrations

There are no sources of perceptible groundborne vibration on the Project site under existing conditions.

D. Existing Airport Noise

The nearest airport to the Project site is the Southern California Logistics Airport (SCLA) located approximately 8.0 miles northwest with the potential to expose the Project site to aircraft-related exterior noise levels. The Project site is not within the SCLA 65 dBA CNEL noise level contour boundaries as shown in Figure 4.9-3, *SCLA Noise Contours*.

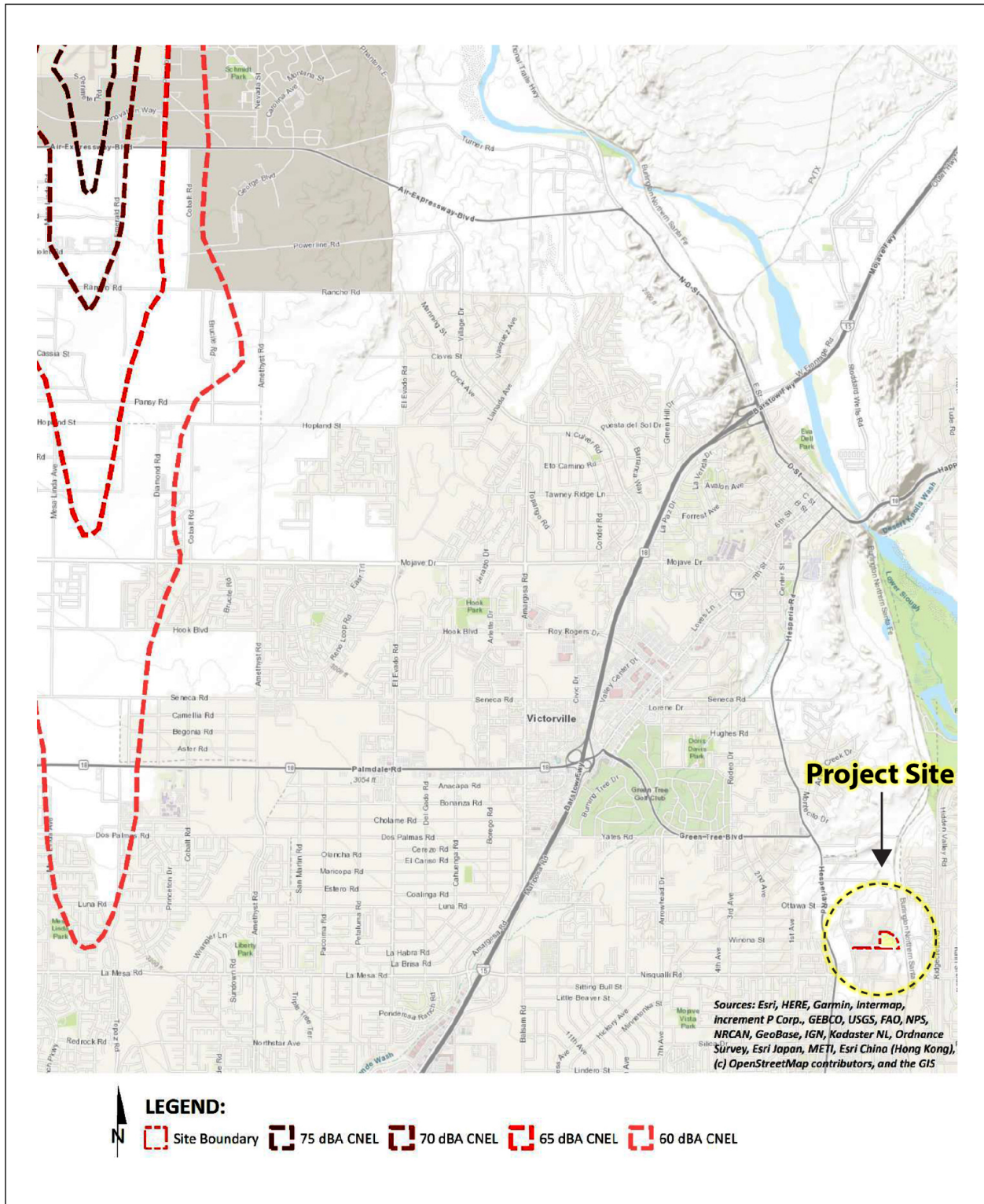
4.9.4 REGULATORY FRAMEWORK

The following is a brief description of the federal, State, and local environmental laws and related regulations related to noise.

A. Federal Regulations

1. Noise Control Act of 1972

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish



Source(s): Urban Crossroads (08-10-2023)

Figure 4.9-3



Not to Scale



SCLA Noise Contours



a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products. (EPA, 2022j)

While primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment. The Environmental Protection Agency (EPA) is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control. (EPA, 2022j)

2. Federal Transit Administration

The Federal Transit Administration (FTA) has published a Noise and Vibration Impact Assessment (NVIA), which provides guidance for preparing and reviewing the noise and vibration sections of environmental documents. In the interest of promoting quality and uniformity in assessments, the manual is used by project sponsors and consultants in performing noise and vibration analyses for inclusion in environmental documents. The manual sets forth the methods and procedures for determining the level of noise and vibration impact resulting from most federally-funded transit projects and for determining what can be done to mitigate such impact. (FTA, 2018, p. 1)

The NVIA also establishes criteria for acceptable ground-borne vibration, which are expressed in terms of root mean square (rms) velocity levels in decibels and the criteria for acceptable ground-borne noise are expressed in terms of A-weighted sound levels. As shown in Table 4.9-2, *Indoor Ground-Borne Vibration (GBV) and Ground-Borne Noise (GBN) Impact Criteria for General Vibration Assessment*, the FTA identifies three categories of land uses and provides Ground-Based Vibration (GBV) and Ground-Based Noise (GBN) criteria for each category of land use. (FTA, 2018, p. 126)

Table 4.9-2 Indoor Ground-Borne Vibration (GBV) and Ground-Borne Noise (GBN) Impact Criteria for General Vibration Assessment

Land Use Category	GBV Impact Levels (VdB re 1 micro-inch /sec)			GBN Impact Levels (dBA re 20 micro Pascals)		
	Frequent Events	Occasional Events	Infrequent Events	Frequent Events	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations.	65 VdB*	65 VdB*	65 VdB*	N/A**	N/A**	N/A**
Category 2: Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB	35 dBA	38 dBA	43 dBA
Category 3: Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB	40 dBA	43 dBA	48 dBA

* This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. For equipment that is more sensitive, a Detailed Vibration Analysis must be performed.
 ** Vibration-sensitive equipment is generally not sensitive to ground-borne noise; however, the manufacturer's specifications should be reviewed for acoustic and vibration sensitivity.

Source: (FTA, 2018, p. 126)



3. *Federal Highway Administration*

The Federal Highway Administration (FHWA) is the agency responsible for administering the Federal-aid highway program in accordance with Federal statutes and regulations. The FHWA developed the noise regulations as required by the Federal-Aid Highway Act of 1970 (Public Law 91-605, 84 Stat. 1713). The regulation, 23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, applies to highway construction projects where a State department of transportation has requested Federal funding for participation in the project. The regulation requires the highway agency to investigate traffic noise impacts in areas adjacent to federally-aided highways for proposed construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design. (FHWA, 2022)

The FHWA regulations for mitigation of highway traffic noise in the planning and design of federally aided highways are contained in Title 23 of the United States Code of Federal Regulations Part 772. The regulations require the following during the planning and design of a highway project:

- Identification of traffic noise impacts;
- Examination of potential mitigation measures;
- The incorporation of reasonable and feasible noise mitigation measures into the highway project; and
- Coordination with local officials to provide helpful information on compatible land use planning and control. (FHWA, 2022)

The regulations contain noise abatement criteria, which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway. (FHWA, 2022)

4. *Construction-Related Hearing Conservation*

The Occupational Safety and Health Administration (OSHA) hearing conservation program is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. Standard 29 CFR, Part 1910 indicates the noise levels under which a hearing conservation program is required to be provided to workers exposed to high noise levels. (OSHA, 2002) This analysis does not evaluate the noise exposure of construction workers within the Project site based on CEQA requirements, and instead, evaluates the Project-related construction noise levels at the nearby sensitive receiver locations in the Project study area. Further, periodic exposure to high noise levels in short duration, such as



Project construction, is typically considered an annoyance and not impactful to human health. It would take several years of exposure to high noise levels to result in hearing impairment.

B. State Regulations

1. State of California Noise Requirements

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city adopt a General Plan that includes a Noise Element which is to be prepared per guidelines adopted by the Governor’s Office of Planning and Research (OPR). The purpose of the Noise and Safety Element is to limit the exposure of the community to excessive noise levels. In addition, the California Environmental Quality Act (CEQA) requires that all known environmental effects of a project be analyzed, including environmental noise impacts.

2. Construction Vibration Standards

The City of Victorville Municipal Code does not identify specific vibration level limits. Therefore, Table 19 of the Caltrans *Transportation and Construction Vibration Guidance Manual*, vibration damage is used for purposes of analysis. The maximum acceptable continuous vibration level for older residential buildings is 0.3 peak particle velocity (PPV). (Caltrans, 2020)

3. OPR General Plan Guidelines

Though not adopted by law, the 2017 California General Plan Guidelines, published by the California Governor’s Office of Planning and Research (OPR), provides guidance for local agencies in preparing or updating General Plans. The Guidelines provide direction on the required Noise Element portion of the General Plans. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels. Local governments must “analyze and quantify” noise levels and the extent of noise exposure through actual measurement or the use of noise modeling. Technical data relating to mobile and point sources must be collected and synthesized into a set of noise control policies and programs that “minimizes the exposure of community residents to excessive noise.” Noise level contours must be mapped and the conclusions of the element used as a basis for land use decisions. The element must include implementation measures and possible solutions to existing and foreseeable noise problems. Furthermore, the policies and standards must be sufficient to serve as a guideline for compliance with sound transmission control requirements. The noise element directly correlates to the Land Use, Circulation, and Housing Elements. The Noise Element must be used to guide decisions concerning land use and the location of new roads and transit facilities since these are common sources of excessive noise levels. The noise levels from existing land uses, including mining, agricultural, and industrial activities, must be closely analyzed to ensure compatibility, especially where residential and other sensitive receptors have encroached into areas previously occupied by these uses. (OPR, 2017, pp. 131-132)



C. Local Regulations

1. City of Victorville General Plan Noise Element

The City of Victorville General Plan Noise Element is intended to limit exposure of the community to excessive noise levels. The City of Victorville General Plan Noise Element land use compatibility standards specify the noise levels allowable for new developments impacted by transportation noise sources. The Victorville Land Use Compatibility Standards, found on Table N-3 of the General Plan, identify the criteria. For the noise sensitive residential land use, exterior noise levels of less than 65 dBA CNEL are considered normally acceptable, conditionally acceptable with exterior noise levels between 65 to 70 dBA CNEL, and normally unacceptable with exterior noise levels above 70 dBA CNEL. For non-residential land use, exterior noise levels of less than 70 dBA CNEL are generally considered as normally acceptable.

2. City of Victorville Municipal Code

Section 13.01.030 of the City of Victorville Municipal Code establishes the noise level standards for stationary noise sources. For residential properties, the exterior noise level shall not exceed 65 dBA Leq during the daytime hours (7:00 a.m. to 10:00 p.m.) and 55 dBA Leq during the nighttime hours (10:00 p.m. to 7:00 a.m.). For commercial uses, exterior noise levels shall not exceed 70 dBA Leq at any time. For the industrial uses the exterior noise levels commercial uses shall not exceed 75 dBA Leq at any time.

Section 13.01.060.9 of the City of Victorville Municipal Code indicates that construction activity is considered exempt from the noise level standards on private properties that are determined by the director of building and safety to be essential to the completion of a project. However, neither the City of Victorville General Plan or Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers, which would allow for a quantified determination of what CEQA constitutes a substantial temporary or periodic noise increase. Therefore, a numerical construction threshold based on Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual is used for analysis of daytime construction impacts, as discussed below.

According to the FTA, local noise ordinances are typically not very useful in evaluating construction noise. They usually relate to nuisance and hours of allowed activity, and sometimes specify limits in terms of maximum levels, but are generally not practical for assessing the impact of a construction project. Project construction noise criteria should account for the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land use. Due to the lack of standardized construction noise thresholds, the FTA provides guidelines that can be considered reasonable criteria for construction noise assessment. The FTA considers a daytime exterior construction noise level of 80 dBA Leq as a reasonable threshold for noise sensitive residential land use with a nighttime exterior construction noise level of 70 dBA Leq.



4.9.5 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XIII of the CEQA Guidelines, the proposed Project would result in a significant impact to noise if the Project or any Project-related component would result in:

- a. *Generation of a substantial temporary or permanent increase in 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;*
- b. *Generation of excessive ground borne vibration or ground borne noise levels;*
- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.*

4.9.6 METHODOLOGY

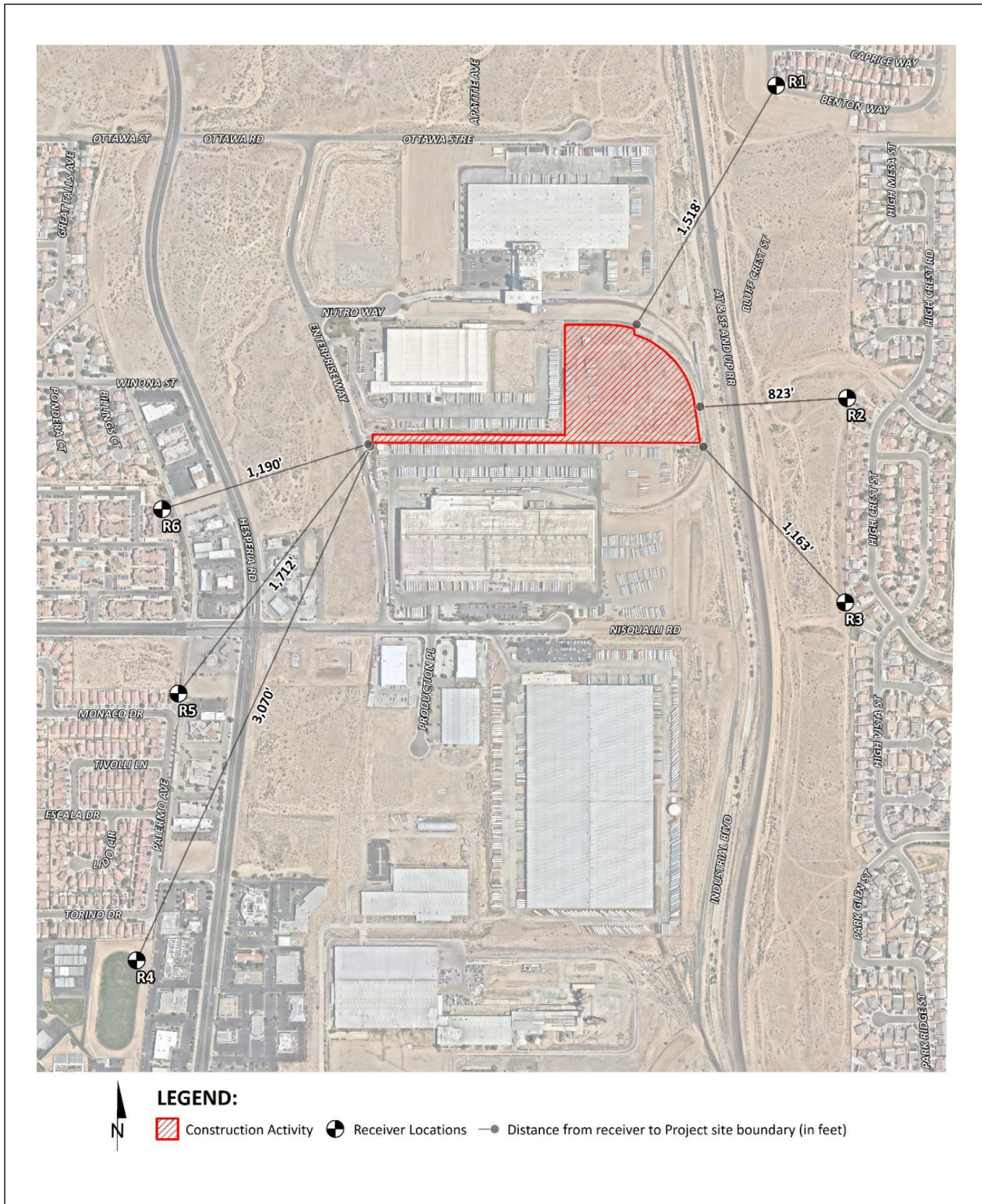
A. Construction Noise Analysis

To describe construction noise activities, the construction noise analysis within the Project's noise study was prepared using reference construction equipment noise levels from the Federal Highway Administration (FHWA), which includes a national database of construction equipment reference noise emission levels. Figure 4.9-2, *Construction Noise Source and Receiver Locations*, shows the construction noise source locations in relation to the nearest sensitive receiver locations.

Using the reference construction equipment noise levels and the CadnaA noise prediction model, calculations of the Project construction noise level impacts at the nearby sensitive receiver locations were completed. Consistent with FTA guidance for general construction noise assessment, Table 4.9-3, *Construction Reference Noise Levels*, presents the combined noise levels for the loudest construction equipment, assuming all equipment operates at the same time. To account for the dynamic nature of construction activities, the Project construction noise analysis models the equipment as multiple moving points within the construction area (Project site boundary). Construction impacts are based on the highest noise level calculated at each receiver location.

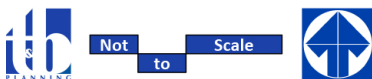
B. Operational Noise Analysis

To estimate the Project's operational noise impacts, reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the proposed Project. A detailed description of the reference noise level measurements is shown on Table 4.9-4, *Reference Noise Level Measurements*, and was used to estimate the Project's operational noise impacts. It should be noted that the projected noise levels assume the worst-case noise environment with the tractor trailer parking activity and truck movements all operating at the same time. These sources of noise activity will likely vary throughout the day.



Source(s): Urban Crossroads (08-10-2023)

Figure 4.9-4



Construction Noise Source and Receiver Locations



Table 4.9-3 Construction Reference Noise Levels

Construction Stage	Reference Construction Equipmnet ¹	Reference Noise Level @ 50 Feet (dBA L _{eq})	Composite Reference Noise Level (dBA L _{eq}) ²	Reference Power Level (dBA L _w) ³
Site Preparation	Tractor	80	84.0	115.6
	Backhoe	74		
	Grader	81		
Grading	Scraper	80	83.3	114.9
	Excavator	77		
	Dozer	78		
Building Construction	Crane	73	80.6	112.2
	Generator	78		
	Front End Loader	75		
Paving	Paver	74	77.8	109.5
	Dump Truck	72		
	Roller	73		
Architectural Coating	Man Lift	68	76.2	107.8
	Compressor (air)	74		
	Generator (<25kVA)	70		

¹ FHWA Road Construction Noise Model.

² Represents the combined noise level for all equipment assuming they operate at the same time consistent with FTA Transit Noise and Vibration Impact Assessment guidance.

³ Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings.

Source: (Urban Crossroads, 2023e, Table 10-1)

Table 4.9-4 Reference Noise Level Measurements

Reference Noise Source	Noise Source Height (Feet)	Min./ Hour ¹		Reference Noise Level (dBA L _{eq}) @ 50 Feet	Sound Power Level (dBA) ²
		Day	Night		
Tractor Trailer Parking Activity	8'	60	60	62.8	103.4
Truck Movements	8'	60	60	59.8	93.2

¹ Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site. "Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

² Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calculated using the CadnaA noise model at the reference distance to the noise source. Numbers may vary due to size differences between point and area noise sources.

Source: (Urban Crossroads, 2023e, Table 9-1)

The reference noise level measures presented were collected using Piccolo Type 2 integrating sound level meter and dataloggers. The Piccolo sound level meters were calibrated using a Larson-Davis calibrator, Model CAL 150. All noise meters were programmed in "slow" mode to record noise levels



in "A" weighted form. The sound level meters and microphones were equipped with a windscreen during all measurements. All noise level measurement equipment satisfies the American National Standards Institute (ANSI) standard specifications for sound level meters ANSI S1.4-2014/IEC 61672-1:2013. Figure 4.9-4, *Operational Noise Source Locations*, identifies the noise source locations used to assess the operational noise levels.

To evaluate the noise levels associated with truck idling, backup alarms, trailer movements, and storage activities, Urban Crossroads collected a reference noise level measurement at an existing parcel hub facility to describe the potential operational noise levels associated with Project operational activities.

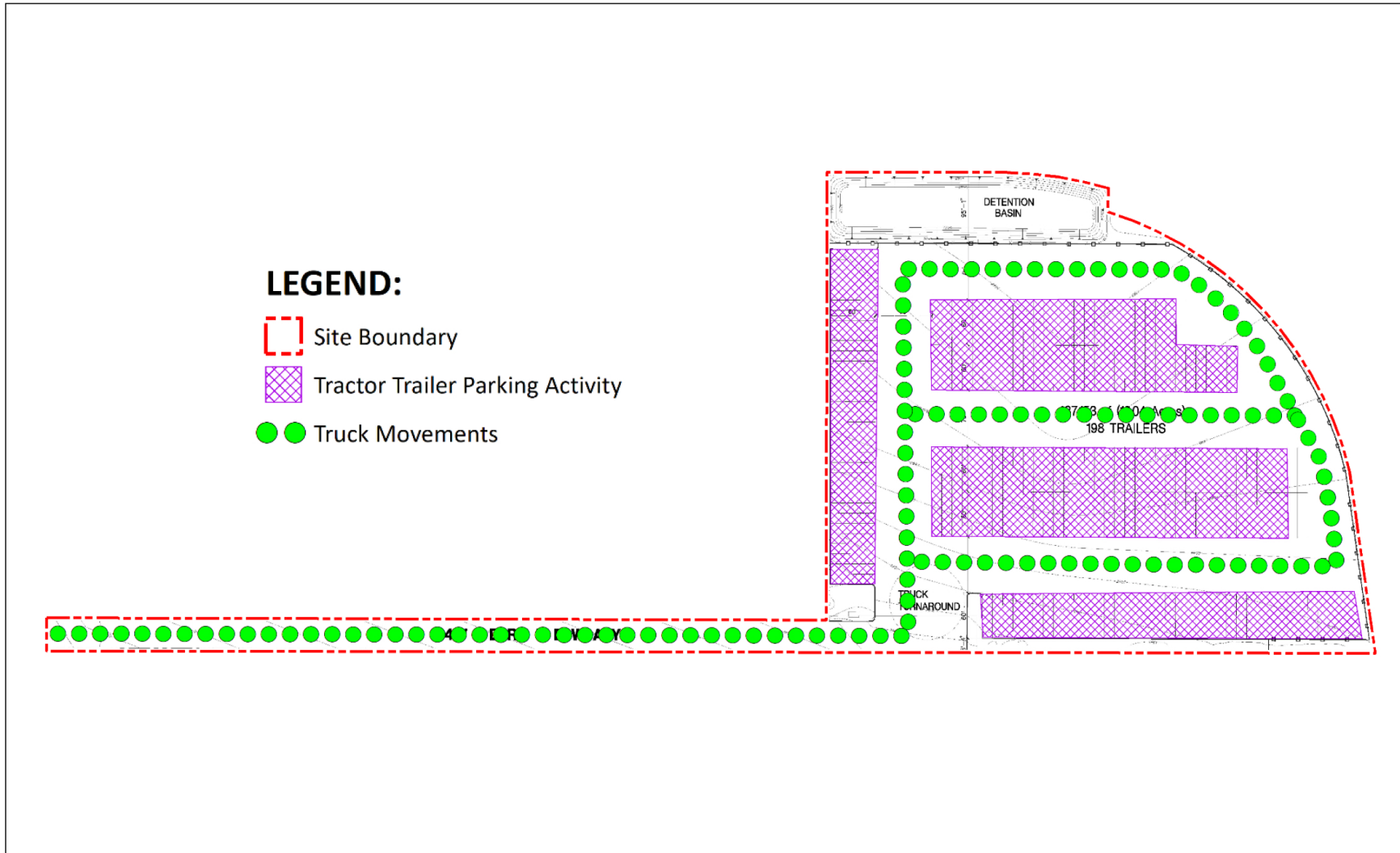
C. Vibration Analysis Methodology

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that ground-borne vibration from Project construction activities would cause only intermittent, localized intrusion. Ground-borne vibration levels resulting from typical construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA). However, while vehicular traffic is rarely perceptible, construction has the potential to result in varying degrees of temporary ground vibration, depending on the specific construction activities and equipment used. Ground vibration levels associated with various types of construction equipment are summarized on Table 4.9-5, *Vibration Source Levels for Construction Equipment*. Based on the representative vibration levels presented for various construction equipment types, it is possible to estimate the potential Project construction vibration levels using the following vibration assessment methods defined by FTA.

Table 4.9-5 Vibration Source Levels for Construction Equipment

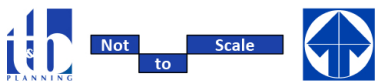
Equipment	PPV (in/sec) at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089
Vibratory Roller	0.210

Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual
Source: (Urban Crossroads, 2023e, Table 10-4)



Source(s): Urban Crossroads (08-10-2023)

Figure 4.9-5



Operational Noise Source Locations



4.9.7 IMPACT ANALYSIS

Threshold a: *Would the Project generate substantial temporary or permanent increase in 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?*

A. Construction Noise

Using the reference construction equipment noise levels and the CadnaA noise prediction model, calculations of the Project construction noise level impacts at the nearby sensitive receiver locations were completed. Consistent with FTA guidance for general construction noise assessment, Table 4.9-3 presents the combined noise levels for the loudest construction equipment, assuming all equipment operates at the same time. To account for the dynamic nature of construction activities, the Project construction noise analysis models the equipment as multiple moving points within the construction area (Project site boundary). Construction impacts are based on the highest noise level calculated at each receiver location. As shown on Table 4.9-6, *Construction Equipment Noise Level Summary*, the maximum construction noise levels are expected to range from 40.7 to 53.7 dBA L_{eq} at the nearby receiver locations.

Table 4.9-6 Construction Equipment Noise Level Summary

Receiver Location ¹	Construction Noise Levels (dBA L _{eq})		
	Highest Construction Noise Levels ²	Threshold ³	Threshold Exceeded? ⁴
R1	48.2	80	No
R2	53.7	80	No
R3	50.8	80	No
R4	40.7	80	No
R5	44.4	80	No
R6	45.8	80	No

¹ Construction noise source and receiver locations are shown on Figure 4.9-1.

² Highest construction noise level calculations based on distance from the construction noise source activity to the nearest receiver locations as shown on Table 4.9-4.

³ Construction noise level thresholds as shown on Table 4.9-3.

⁴ Do the estimated Project construction noise levels exceed the construction noise level threshold?

Source: (Urban Crossroads, 2023e, Table 10-3)

To evaluate whether the Project would generate potentially significant short-term noise levels at the nearest receiver locations, a construction-related daytime noise level threshold of 80 dBA L_{eq} is used to assess the daytime construction noise level impacts. The construction noise analysis shows that the nearest receiver locations will not exceed the daytime 80 dBA L_{eq} significance threshold during Project construction activities. Therefore, the noise impacts due to Project construction noise are considered less than significant at all receiver locations. (Urban Crossroads, 2023e)

B. On-Site Operational Noise

This operational noise analysis is intended to describe noise level impacts associated with the typical daytime and nighttime activities at the Project site. The on-site Project-related noise sources are expected to include tractor trailer parking activity and truck movement. To estimate the Project operational noise impacts, reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the proposed Project, which are described in Figure 4.9-4. The reference noise levels represent the worst-case noise environment with the tractor trailer parking activity and truck movements all operating at the same time. These sources of noise activity will likely vary throughout the day.

Operational source levels were calculated using the reference noise levels to represent the proposed Project operations that include tractor trailer parking activity and truck movements. Table 4.9-7, *Daytime Project Operational Noise Levels*, shows the Project operational noise levels during the daytime hours of 7:00 a.m. to 10:00 p.m. The daytime hourly noise levels at the off-site receiver locations are anticipated to range from 34.5 dBA L_{eq} to 47.8 dBA L_{eq} .

Table 4.9-7 Daytime Project Operational Noise Levels

Noise Source ¹	Operational Noise Levels by Receiver Location (dBA Leq)					
	R1	R2	R3	R4	R5	R6
Tractor Trailer Parking Activity	42.0	47.6	45.0	34.3	37.9	39.1
Truck Movements	28.7	34.1	31.3	21.4	25.2	26.8
Total (All Noise Sources)	42.2	47.8	45.2	34.5	38.1	39.3

¹ See Figure 4.9-4 for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of *Technical Appendix K*.

Source: (Urban Crossroads, 2023e, Table 9-2)

Table 4.9-8, *Nighttime Project Operational Noise Levels*, shows the Project’s operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. The nighttime hourly noise levels at the off-site receiver locations are expected to range from 34.5 dBA L_{eq} to 47.8 dBA L_{eq} . The minor differences between the daytime and nighttime noise levels are related to estimated duration of noise activity.

Table 4.9-8 Nighttime Project Operational Noise Levels

Noise Source ¹	Operational Noise Levels by Receiver Location (dBA Leq)					
	R1	R2	R3	R4	R5	R6
Tractor Trailer Parking Activity	42.0	47.6	45.0	34.3	37.9	39.1
Truck Movements	28.7	34.1	31.3	21.4	25.2	26.8
Total (All Noise Sources)	42.2	47.8	45.2	34.5	38.1	39.3

¹ See Figure 4.9-4 for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1 of *Technical Appendix K*.

To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds adjusted to reflect the ambient noise levels at the



nearest noise-sensitive receiver locations. Table 4.9-9, *Operational Noise Level Compliance*, shows the operational noise level associated with the Project will not exceed the daytime and nighttime exterior noise level standards. Therefore, the operational noise impacts are considered less than significant at the nearby noise-sensitive receiver locations.

Table 4.9-9 Operational Noise Level Compliance

Receiver Location ¹	Project Operational Noise Levels (dBA Leq) ²		Noise Level Standards (dBA Leq) ³		Noise Level Standards Exceeded? ⁴	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	42.2	42.2	65	55	No	No
R2	47.8	47.8	65	55	No	No
R3	45.2	45.2	65	55	No	No
R4	34.5	34.5	65	55	No	No
R5	38.1	38.1	65	55	No	No
R6	39.3	39.3	65	55	No	No

¹ See Figure 4.9-4 for the receiver locations.

² Proposed Project unmitigated operational noise levels as shown on Table 4.9-7 and Table 4.9-8.

³ Exterior noise level standards, as shown on Table 4-1 of *Technical Appendix K*.

⁴ Do the estimated Project operational noise source activities exceed the noise level standards?

"Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

Source: (Urban Crossroads, 2023e, Table 9-4)

To demonstrate the Project operational noise level increases, the Project’s operational noise levels are combined with the existing ambient noise levels measurements for the nearby receiver locations that may be potentially impacted by Project operational noise sources. Noise levels that would be experienced at receiver locations when Project-source noise is added to the daytime and nighttime ambient conditions are presented on Table 4.9-10, *Daytime Project Operational Noise Level Increases*, Table 4.9-11, *Nighttime Operational Noise Level Increases*, respectively. As identified in Table 4.9-10, the Project will generate a daytime operational noise level increase ranging from 0.0 to 0.4 dBA Leq at the nearest receiver locations. As identified in Table 4.9-11, the Project will generate a nighttime operational noise level increase ranging from 0.0 to 0.9 dBA Leq at the nearest receiver locations. Project-related operational noise level increases would not exceed the operational noise level increase significance criteria. Therefore, Project-related operational noise level increases at the sensitive receiver locations will be less than significant.



Table 4.9-10 Daytime Project Operational Noise Level Increases

Receiver Location ¹	Total Project Operational Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels ⁴	Combined Project and Ambient ⁵	Project Increase ⁶	Increase Criteria ⁷	Increase Criteria Exceeded?
R1	42.2	L1	60.2	60.3	0.1	5.0	No
R2	47.8	L2	60.1	60.3	0.2	5.0	No
R3	45.2	L3	55.1	55.5	0.4	5.0	No
R4	34.5	L4	56.6	56.6	0.0	5.0	No
R5	38.1	L5	55.2	55.3	0.1	5.0	No
R6	39.3	L6	58.4	58.5	0.1	5.0	No

¹ See Figure 4.9-1 for the receiver locations.

² Total Project daytime operational noise levels as shown on Table 4.9-7.

³ Reference noise level measurement locations as shown on Figure 4.9-5.

⁴ Observed daytime ambient noise levels as shown on Table 4.9-1.

⁵ Represents the combined ambient conditions plus the Project activities.

⁶ The noise level increase expected with the addition of the proposed Project activities.

⁷ Significance increase criteria as shown on Table 4-1 of *Technical Appendix K*.

Source: (Urban Crossroads, 2023e, Table 9-5)

Table 4.9-11 Nighttime Operational Noise Level Increases

Receiver Location ¹	Total Project Operational Noise Level ²	Measurement Location ³	Reference Ambient Noise Levels ⁴	Combined Project and Ambient ⁵	Project Increase ⁶	Increase Criteria ⁷	Increase Criteria Exceeded?
R1	42.2	L1	62.6	62.6	0.0	5.0	No
R2	47.8	L2	54.3	55.2	0.9	5.0	No
R3	45.2	L3	51.9	52.7	0.8	5.0	No
R4	34.5	L4	54.2	54.2	0.0	5.0	No
R5	38.1	L5	52.7	52.8	0.1	5.0	No
R6	39.3	L6	54.3	54.4	0.1	5.0	No

¹ See Figure 4.9-1 for the receiver locations.

² Total Project nighttime operational noise levels as shown on Table 4.9-8.

³ Reference noise level measurement locations as shown on Figure 4.9-5.

⁴ Observed daytime ambient noise levels as shown on Table 4.9-1.

⁵ Represents the combined ambient conditions plus the Project activities.

⁶ The noise level increase expected with the addition of the proposed Project activities.

⁷ Significance increase criteria as shown on Table 4-1 of *Technical Appendix K*.

Source: (Urban Crossroads, 2023e, Table 9-5)

C. Off-Site Operational Traffic Noise

The Project would develop the site to serve the existing Church & Dwight industrial warehouse building. The Project would generate 184 new net trips to and from the Project site; therefore, the Project would not substantially increase mobile-source noise emissions within the area. To assess the off-site transportation CNEL noise level impacts associated with development of the Project, noise contours were developed based on the Project's Traffic Analysis (*Technical Appendix L2* of this EIR). Noise contours were used to assess the Project's incremental 24-hour dBA CNEL traffic-related noise impacts at receiving land uses adjacent to roadways conveying Project traffic. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA CNEL noise levels. The noise contours do not consider the effect



of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area. The average daily trip volumes used in the Project's Noise Study are based on the following traffic conditions.

- Existing Without Project (2023)
- Existing With Project (E+P)
- Opening Year Cumulative (2024) Without Project
- Opening Year Cumulative (2024) With Project
- Horizon Year (2033) Without Project
- Horizon Year (2033) With Project

Tables 7-1 through 7-6 of *Technical Appendix K* of this EIR present a summary of the exterior traffic noise levels, without barrier attenuation for the eight study area roadway segments analyzed under each traffic condition.

1. Existing Project Traffic Noise Level Increases

The Existing without Project exterior noise levels are anticipated to range from 57.5 dBA CNEL to 73.9 dBA CNEL. The Existing with Project conditions exterior noise levels are anticipated to range from 57.7 dBA CNEL to 73.9 dBA CNEL. The Project's off-site traffic noise impacts are anticipated to range from less than 0.0 to 8.9 dBA CNEL. Based on the significance criteria identified in Table 4-1 of *Technical Appendix K* of this EIR for off-site traffic noise, land uses adjacent to the study area roadway segments would experience less than significant noise level impacts due to unmitigated Project-related traffic noise levels.

2. Project Opening Year Cumulative (2024) Traffic Noise Level Increases

The Background 2024 without Project exterior noise levels are anticipated to range from 58.1 dBA CNEL to 74.7 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. The Opening Year Cumulative 2024 with Project conditions exterior noise levels are anticipated to range from 61.7 dBA CNEL to 74.3 dBA CNEL. Project off-site traffic noise level increases are anticipated to range from less than 0.0 to 8.9 dBA CNEL. Based on the significance criteria identified in Table 4-1 of *Technical Appendix K* of this EIR for off-site traffic noise, land uses adjacent to the study area roadway segments would experience less than significant noise level impacts due to unmitigated Project-related traffic noise levels.

3. Project Horizon Year Traffic Noise Level Increases

The Horizon Year 2033 without Project exterior noise levels are anticipated to range from 58.8 dBA CNEL to 75.1 dBA CNEL without accounting for any noise attenuation feature such as noise barriers or topography. The Horizon Year 2033 with Project exterior noise level increases are anticipated to range from less than 0.0 dBA CNEL to 8.3 dBA CNEL. Based on the significance criteria identified



in Table 4-1 of *Technical Appendix K* of this EIR for off-site traffic noise, land uses adjacent to the study area roadway segments would experience less than significant noise level impacts due to unmitigated Project-related traffic noise levels.

4. Conclusion

Project off-site traffic noise level increases would result in less than significant impacts to existing noise sensitive uses under all traffic conditions.

Threshold b: Would the Project generate excessive groundborne vibration or groundborne noise levels?

A. Construction Analysis

Table 4.9-12, *Project Construction Vibration Levels*, presents the expected Project-related vibration levels at the nearby receiver locations. At distances ranging from 823 to 3,070 feet from Project construction activities, construction vibration velocity levels are estimated to be less than 0.00 PPV (in/sec). Based on maximum acceptable continuous vibration threshold of 0.30 PPV (in/sec), the typical Project construction vibration levels will fall below the thresholds at all the sensitive receiver locations. Therefore, the Project-related vibration impacts are considered less than significant during typical construction activities at the Project site.

Table 4.9-12 Project Construction Vibration Levels

Receiver ¹	Distance to Const. Activity (Feet) ²	Typical Construction Vibration Levels PPV (in/sec) ³						Thresholds PPV (in/sec) ⁴	Thresholds Exceeded? ⁵
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Vibratory Roller	Highest Vibration Level		
R1	1,518'	0.00	0.00	0.00	0.00	0.00	0.00	0.30	No
R2	823'	0.00	0.00	0.00	0.00	0.00	0.00	0.30	No
R3	1,163'	0.00	0.00	0.00	0.00	0.00	0.00	0.30	No
R4	3,070'	0.00	0.00	0.00	0.00	0.00	0.00	0.30	No
R5	1,712'	0.00	0.00	0.00	0.00	0.00	0.00	0.30	No
R6	1,190'	0.00	0.00	0.00	0.00	0.00	0.00	0.30	No

¹ Construction noise source and receiver locations are shown on Figure 4.9-1.

² Distance from receiver location to Project construction boundary (Project site boundary).

³ Based on the Vibration Source Levels of Construction Equipment (Table 10-4 of *Technical Appendix K*).

⁴ Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Table 19, p. 38.

⁵ Does the peak vibration exceed the acceptable vibration thresholds?

"PPV" = Peak Particle Velocity

Source: (Urban Crossroads, 2023e, Table 10-5)

B. Operational Analysis

Under long-term conditions, the operational activities of the Project would not include or require equipment, facilities, or activities that would result in perceptible ground-borne vibration. Trucks would travel to and from the Project site on surrounding roadways; however, vibration and groundborne noise levels for heavy trucks operating at the posted speed limits on smooth, paved surfaces, as is expected on the Project site and surrounding roadways is rarely perceptible. Accordingly,



Project operation would not generate excessive groundborne vibration or groundborne noise levels and impacts would be less than significant.

Threshold c: *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?*

The Project site is not within two miles of an airport or airstrip. The closest airport to the Project site is the SCLA located approximately 8.0 miles northwest. As such, the Project would not expose people residing or working in the Project area to excessive noise levels related to air travel. No impact would occur.

4.9.8 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development projects in the vicinity of the Project site and resulting from full General Plan buildout in the neighboring cities.

Construction activities associated with the Project, especially activities involving heavy equipment, would create intermittent periods of noise when construction equipment is in operation and cause a short-term increase in ambient noise levels. There are no known active, pending, or planned construction projects in the immediate vicinity of the Project Site that would overlap with the Project's proposed construction schedule. Accordingly, there is no potential for Project-related construction activities to contribute to cumulatively-considerable impacts to occupied sensitive receptor locations.

The analysis presented for Threshold "a" addresses the Project's contribution of noise to existing cumulative noise sources (i.e., ambient noise) in the Project area. The Project operation would result in a less than significant direct impacts under all traffic conditions. Accordingly, there is no potential for Project-related operation activities to contribute to cumulatively-considerable impacts to occupied sensitive receptor locations.

During construction, the Project's peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. During the non-grading phases of Project construction, when smaller pieces of equipment are used on-site, the Project's vibration would be minimal. Vibration effects diminish rapidly from the source; therefore, the only reasonable sources of cumulative vibration in the vicinity of the Project site could occur on properties abutting these sites. There are no known active or pending construction projects abutting the Project site that would overlap with the Project's proposed construction schedule. Accordingly, there is no potential for the Project to contribute to the exposure of persons to substantial temporary groundborne vibration or noise.

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project site. Trucks would travel to and from the Project site along local roadways; however, vibration levels for heavy trucks operating at the posted



speed limits on paved surfaces are not perceptible beyond the roadway. The Project would not cumulatively-contribute to the exposure of persons or structures to excessive groundborne vibration or noise levels during long-term operation.

The Project would not involve the construction, operation, or use of any public airports or public use airports. There are no conditions associated with implementation of the Project that would contribute airport noise or exposure of additional people to unacceptable levels of air travel related noise. Accordingly, the Project would have no potential to cumulatively contribute to impacts associated with excessive air travel related noise levels from a public airport, public use airport, or private airstrip. Accordingly, there is no potential for cumulative development to expose persons residing or working in the Project area to excessive air travel-related noise levels.

4.9.9 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less than Significant Impact. The Project would generate less than significant short-term construction and long-term on- and off-site operational noise levels impacts.

Threshold b: Less than Significant Impact. The Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.

Threshold c: No Impact. The Project site is not within two miles of an airport or airstrip. As such, the Project would not expose people residing or working in the Project area to excessive air travel-related noise levels.

4.9.10 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.



4.10 TRANSPORTATION

This Subsection is based, primarily, on a vehicle miles traveled report prepared by Urban Crossroads, titled “Nisqualli Road Trailer Lot Expansion Vehicle Miles Traveled (VMT) Screening Evaluation” dated November 22, 2023 (Urban Crossroads, 2023f); and traffic analysis prepared by Urban Crossroads titled “Nisqualli Road Trailer Lot Expansion Traffic Analysis” dated November 22, 2023 (Urban Crossroads, 2023g). These reports are included in this EIR as *Technical Appendix L1* and *Technical Appendix L2* respectively.

This Subsection assesses transportation impacts resulting from implementation of the Project. In accordance with Senate Bill (SB) 743, further discussed under Subsection 4.12.3 below, the California Natural Resources Agency (CNRA) adopted changes to the CEQA Guidelines in December 2018, which identify that starting on July 1, 2020, vehicle miles traveled (VMT) is the appropriate metric to evaluate a project’s transportation impacts. As of December 2018, when the revised CEQA Guidelines were adopted, automobile delay, as measured by “level of service” (LOS) and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Lead agencies in California are required to use VMT to evaluate project-related transportation impacts.

4.10.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on July 21, 2023, and an EIR Scoping Meeting was held on August 9, 2023. One comment was made during the EIR Scoping Meeting that pertains to transportation. The Planning Commissions requested confirmation that transportation impacts would be analyzed in the EIR.

4.10.2 ENVIRONMENTAL SETTING

The Project site is currently undeveloped, disturbed, and operates as a dirt lot truck trailer storage yard for the existing Church & Dwight industrial warehouse building. Under existing conditions, the Project site’s vehicle trips are associated with the existing Church & Dwight industrial building. The existing use generates a total of 242 two-way trip-ends per day. (Urban Crossroads, 2023f) The existing roadway system, truck routes, transit service, and pedestrian facilities are described below.

A. Existing Roadway System

The Project site is located on the northeast corner of Enterprise Way and Nisqualli Road. Existing traffic on nearby roadways consists of both passenger vehicles and trucks passing through the area and accessing nearby land uses. The primary regional vehicular travel route serving the Project area is Interstate 15 (I-15). The Project site is located approximately 2.8 roadway miles east of the Nisqualli Road on/off-ramp to the I-15.

B. Existing Truck Routes

The City of Victorville has designated truck routes. In the vicinity of the Project site, Hesperia Road, Nisqualli Road, and Bear Valley Road are designated truck routes. Trucks would be permitted on



Hesperia Road from Bear Valley Road to D Street and Nisqualli Road from Hesperia Road to I-15. (City of Victorville, 2016)

C. Existing Transit Services

The Project area is currently served by Victor Valley Transit Authority (VVTA) with bus service along Hesperia Road and Nisqualli Road. VVTA Route 55 could potentially serve the Project which currently runs along Hesperia Road to the south of Nisqualli Road and Nisqualli Road west of Hesperia Road. Transit service is reviewed and updated by VVTA periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate.

D. Bicycle and Pedestrian Facilities

There are no pedestrian facilities in close proximity to the Project site along Hesperia Road and limited pedestrian facilities along Nisqualli Road. Field observations indicated nominal pedestrian and bicycle activity near the Project vicinity.

4.10.3 REGULATORY FRAMEWORK

A. Senate Bill 743 and VMT-Based Analysis

Senate Bill 743, which was codified in Public Resources Code (PRC) Section 21099, required changes to the CEQA Guidelines regarding the analysis of transportation impacts. Pursuant to PRC Section 21099, the criteria for determining the significance of transportation impacts must “promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.” To that end, in developing the criteria, the Office of Planning and Research (OPR) proposed, and the CNRA certified and adopted changes to the CEQA Guidelines in December 2018, which entailed changes to the thresholds of significance for the evaluation of impacts to transportation.

B. SCAG Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is a regional agency established pursuant to California Government Code Section 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Project site is within SCAG’s regional authority. On September 3, 2020, SCAG’s Regional Council approved and fully adopted Connect SoCal (2020-2045 RTP/SCS) and the addendum to the Connect SoCal Program Environmental Impact Report. Connect SoCal is a long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. It charts a path toward a more mobile, sustainable and prosperous region by making connections between transportation networks, between planning strategies and between the people whose collaboration can improve the quality of life for



Southern Californians. Connect SoCal also recognizes the opportunities and challenges that come with goods movement and includes a focus on its rapidly changing nature. (SCAG, 2020a)

In April 2018, SCAG published Industrial Warehousing in the SCAG Region. According to the document, the SCAG region is a vibrant hub for international and domestic trade because of its large transportation base and extensive multimodal transportation system. The SCAG region's freight transportation system includes warehouses and distribution centers; the Ports of Los Angeles, Long Beach, and Hueneme; airports; rail intermodal terminals; rail lines, and local streets, state highways and interstates. Together the system enables the movement of goods from source to market, facilitating uninterrupted global commerce. The region is home to approximately 34,000 warehouses with 1.17 billion square feet of warehouse building space, and undeveloped land that could accommodate an additional 338 million square feet of new warehouse building space. These regions attract robust logistics activities and are a major reason why the region is a critical mode in the global supply chain. (SCAG, 2018)

C. Measure "I" Funds

In 2004, the voters of San Bernardino County approved the 30-year extension of Measure "I", a one-half of one percent sales tax on retail transactions, through the year 2040, for transportation projects including, but not limited to, infrastructure improvements, commuter rail, public transit, and other identified improvements. The Measure "I" extension requires that a regional traffic impact fee be created to ensure development is paying its fair share. A regional Nexus study was prepared by SBCTA and concluded that each jurisdiction should include a regional fee component in their local programs to meet the Measure "I" requirement. The regional component assigns specific facilities and cost sharing formulas to each jurisdiction and was most recently updated in September 2017. Revenues collected through these programs are used in tandem with Measure "I" funds to deliver projects identified in the Nexus Study.

While Measure "I" is a self-executing sales tax administered by San Bernardino County Transportation Authority (SBCTA), it bears discussion here because the funds raised through Measure "I" have funded in the past, and will continue to fund, new transportation facilities in San Bernardino County, including within the City of Victorville.

D. Fair Share Contribution

Project improvements may include a combination of fee payments to established programs, construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Improvements constructed by development may be eligible for a fee credit or reimbursement through the program where appropriate (to be determined at the City's discretion). When off-site improvements are identified with a minor share of responsibility assigned to proposed development, the approving jurisdiction may elect to collect a fair share contribution or require the development to construct improvements.



4.10.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to transportation and traffic if the Project or any Project-related component would:

- a. *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;*
- b. *Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);*
- c. *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);*
- d. *Result in inadequate emergency access.*

4.10.5 METHODOLOGY

CEQA Guidelines Section 15064.3(b) establishes criteria for evaluating a project's transportation impacts based on project type and using automobile VMT as the metric. As identified in Section 15064.3(b)(4) of the CEQA Guidelines, a lead agency has the discretion to choose the most appropriate methodology to evaluate a project's VMT. The Governor's Office of Planning and Research (OPR) released a Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR, 2018). Based on OPR's Technical Advisory, the City of Victorville adopted VMT Analysis Guidelines on June 2020, which documents the City's VMT analysis methodology and approved impact thresholds.

4.10.6 IMPACT ANALYSIS

Threshold a: Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

A. SCAG 2020-2045 RTP/SCS

The fundamental goals of SCAG's 2020-2045 RTP/SCS are to make the SCAG region a better place to live, work, and play for all residents regardless of race, ethnicity, or income class. Table 4.10-1, *SCAG Connect SoCal Goal Consistency Analysis* addresses the Project's consistency with the 2020-2045 RTP/SCS. As demonstrated through that analysis, implementation of the Project would be consistent with the goals and policies of SCAG's regional planning program, including the following goals related to vehicular and non-vehicular circulation: (SCAG, 2020a, p. 9)

- Improve mobility, accessibility, reliability and travel safety for people and goods;
- Enhance the preservation, security, and resilience of the regional transportation system;
- Increase person and goods movement and travel choices within the transportation system;



- Adapt to a changing climate and support integrated regional development pattern and transportation network;
- Leverage new transportation technologies and data-driven solutions that result in more efficient travel;
- Encourage development of diverse housing types in areas that are supported by multiple transportation options.

Table 4.10-1 SCAG Connect SoCal Goal Consistency Analysis

RTP/ SCS Goal	Goal Statement	Project Consistency Discussion
1	Encourage regional economic prosperity and global competitiveness.	No Conflict. The Project includes development of the Project site with a fenced and paved truck trailer and/or vehicle parking facility to supplement parking for the surrounding uses or serve as ancillary trailer or vehicle parking for the Church & Dwight Co., Inc warehouse and in proximity to the State highway system to improve the City’s economic competitiveness. The Project would support the existing Church & Dwight Co., Inc warehouse which would assist the City to meet its economic goal for fiscal strength and stability through business investment and employment generation. Accordingly, the Project would not conflict with this goal.
2	Improve mobility, accessibility, reliability, and travel safety for people and goods.	No Conflict. As discussed under Threshold c, the Project would not result in a substantial safety hazard. Additionally, the proposed truck trailer and/or vehicle parking facility would accommodate the movement of goods throughout the region, which would shorten the length of vehicular trips and increase the reliability of the movement of goods throughout the region. Accordingly, the Project would not conflict with this goal.
3	Enhance the preservation, security, and resilience of the regional transportation system.	No Conflict. The Project contributes to and would be consistent with planned land use and growth assumptions in the City of Victorville, as anticipated by the General Plan. The Project Applicant would pay applicable development impact fees to fund traffic improvements and maintenance of roadway infrastructure in the Project area. This policy provides guidance to the City of Victorville to monitor the transportation network and to coordinate with other agencies as appropriate. The Project would not conflict with the City’s transportation network or the City’s coordination with other agencies. Accordingly, the Project would not conflict with this goal.
4	Increase person and goods movement and travel choices within the transportation system.	No Conflict. The Project involves development of a fenced and paved truck trailer and/or vehicle parking facility to supplement parking for the surrounding uses or serve as



RTP/ SCS Goal	Goal Statement	Project Consistency Discussion
		ancillary trailer or vehicle parking for the Church & Dwight Co., Inc warehouse and in proximity to the State highway system, which would avoid or shorten truck-trip lengths on other roadways. Accordingly, the Project would not conflict with this goal.
5	Reduce greenhouse gas emission and improve air quality.	No Conflict. This goal would be implemented by cities and the counties within the SCAG region as part of comprehensive transportation planning efforts. The Project would entail the development of a fenced surface truck trailer parking lot that would serve the existing Church & Dwight Co. Inc. warehouse and surrounding area. The Project would serve to accommodate overflow parking and provide parking in proximity to the existing warehouse use. Additionally, the Project’s impacts were evaluated in Section 4.1, <i>Air Quality</i> , and Section 4.6, <i>Greenhouse Gas Emissions</i> , of this EIR. Greenhouse gas emissions were determined to not exceed SCAQMD thresholds and result in less than significant impacts. Nevertheless, the Project would comply with all applicable regulatory requirements related to reducing greenhouse gas emissions. Impacts would be reduced to the extent possible. Accordingly, the Project would not conflict with this goal.
6	Support healthy and equitable communities.	No Conflict. The Project is in an area zoned for industrial uses. The Project would serve the existing Church & Dwight Inc. warehouse and surrounding uses. Therefore, the proposed parking facility for the Project site, which is also surrounded by property zoned for industrial uses to the immediate north, south and west, with commercial uses to the west, on the opposite side of Enterprise way, would not interfere with the City’s ability to support healthy and equitable communities. Accordingly, the Project would not conflict with this goal.
7	Adapt to a changing climate and support an integrated regional development.	No Conflict. This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive transportation planning efforts. As indicated in EIR Subsection 4.6, <i>Greenhouse Gas Emissions</i> , the City’s Climate Action Plan (CAP) is not applicable to the Project. Additionally, Connect SoCal indicates that since the adoption of the previous <i>2016 RTP/SCS</i> , there have been significant drivers of change in the goods movement industry including emerging and new technologies, more complex supply chain strategies, evolving consumer demands and shifts in trade policies. The Project involves the development of a Project site with a surface truck trailer parking lot in proximity to existing warehouse uses. The Project is anticipated to serve the existing Church & Dwight Inc. warehouse thereby



RTP/ SCS Goal	Goal Statement	Project Consistency Discussion
		reducing travel distances for overflow parking. Accordingly, the Project would not conflict with this goal.
8	Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	No Conflict. Connect SoCal also indicates that the advancement of automation is expected to have considerable impacts throughout regional supply chains. Additionally, continued developments and demonstrations of electric-powered and automated truck technologies will alter the goods movement environment with far-reaching impacts ranging from employment to highway safety. The Project would not interfere with SCAG’s efforts to meet contemporary industry standards to support advancements in these and other transportation technologies. Accordingly, the Project would not conflict with this goal.
9	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	No Conflict. The Project is in an area designated for industrial uses and would not interfere with the City’s ability to encourage the development of diverse housing types that are supported by multiple transportation options in other parts of the City, as appropriate. Accordingly, the Project would not conflict with goal.
10	Promote conservation of natural and agricultural lands and restoration of habitats.	No Conflict. The Project site is not located within an area intended for conservation of natural or agricultural lands. Implementation of the Project would not interfere with the City’s ability to promote the conservation of natural and agricultural lands and the restoration of habitats. Additionally, the Project site does not include any land designated for agricultural uses. Accordingly, the Project would not conflict with this goal.

B. City of Victorville General Plan Circulation Element

Provided in Table 4.10-2, *Victorville General Plan Circulation Consistency Analysis*, is a discussion of the Project’s consistency with the objectives of the City of Victorville’s General Plan Circulation Element.

Table 4.10-2 Victorville General Plan Circulation Consistency Analysis

General Plan Policy	Consistency Analysis
Goal #1: Good Mobility – Provide a safe, efficient transportation system that enhances mobility for local residents and business, and facilitates regional travel for automobiles and trucks.	
Objective 1.1: Provide sufficient traffic capacity at intersections throughout the roadway network, to achieve level of service performance standards.	No Conflict. The development of the proposed Project is not anticipated to require the construction of any off-site improvements, however, there are improvement needs identified at Driveway 1 on Enterprise Way to facilitate site access. The Project would not exceed the City’s threshold of 5.0 seconds or more over the pre-
Policy 1.1.1: Maintain LOS “D” or better at intersections (as defined in the most current version of the Highway Capacity Manual), except in certain high	



General Plan Policy	Consistency Analysis
<p>activity areas designated by the Planning Commission, where a LOS E is acceptable</p> <p><u>Policy 1.1.2:</u> If a development project would worsen an intersection peak hour LOS to E or worse, it is considered a significant impact that must be mitigated. If a development project would worsen an already efficient intersection by two percent or more, it is considered a significant impact that must be mitigated.</p> <p><u>Policy 1.1.3:</u> Require new development and redevelopment projects to bear responsibility for traffic system improvements necessary to mitigate the project's significant impacts at affected intersections, concurrently with construction of such projects.</p> <p><u>Policy 1.1.4:</u> Complete deficiency plans to mitigate near-deficient and deficient intersections to an acceptable level of service or to prevent degrading to a worse level of service</p>	<p>project delay. Nonetheless, the Project would be required to pay fair share and participate in pre-existing fee programs that would be assigned to construction of the identified recommended improvements. The Project Applicant would be required to pay requisite fair share contributions and fee payments consistent with the County's requirements.</p> <p>Furthermore, although not significant under CEQA, a Traffic Analysis examining the Project's LOS was prepared and is attached as <i>Technical Appendix L2</i> of this Draft EIR. The Project would not result in impacts to study area intersections.</p>
<p><u>Objective 1.2:</u> Achieve and maintain mobility goals set forth in countywide CMP, on local CMP segments.</p> <p><u>Policy 1.2.1:</u> Support and cooperate with all aspects of the countywide CMP for maintaining levels of service for CMP segments located in the planning area.</p>	<p>No Conflict. The Project's study area as established in the Project's Transportation Analysis studied four intersections based on consultation with City of Victorville staff. None of the intersections that require improvements qualify as CMP intersections.</p>
<p><u>Objective 1.3:</u> Complete the planned highway improvements.</p> <p><u>Policy 1.3.1:</u> Participate with Caltrans and SANBAG on the environmental documents for the realignment of Highway 395 through the Planning Area</p> <p><u>Policy 1.3.2:</u> Complete the project approval and environmental document for the High Desert Corridor Project</p> <p><u>Policy 1.3.3:</u> Prioritize General Plan improvements for new interchanges, interchange modifications, new road constructions, and road widenings</p>	<p>No Conflict. The Project would not inhibit the City's ability to complete any of the planned highway improvements described in the City's General Plan or otherwise.</p>
<p><u>Objective 1.4:</u> Maintain smooth traffic flow, reduce and minimize traffic conflicts.</p> <p><u>Policy 1.4.1:</u> Restrict residential driveway access to arterial roadways to locations where a finding can be made that such access will not result in a significant safety problem, will not conflict with traffic movements, and will not result in a congestion impact.</p> <p><u>Policy 1.4.2:</u> Minimize through traffic in residential neighborhoods through a variety of land use controls,</p>	<p>No Conflict. The Project would not introduce residential driveway access, nor would it create substantial levels of congestion within residential neighborhoods. As described above, the City of Victorville has designated truck routes. In the vicinity of the Project site, Nisqualli Road, Hesperia Road, and Bear Valley Road are designated truck routes. Trucks would be permitted on Hesperia Road from Bear Valley</p>



General Plan Policy	Consistency Analysis
<p>traffic control devices, signs, traffic calming techniques, etc.</p> <p><u>Policy 1.4.3:</u> Support and participate in regional efforts to improve/expand freight movement via trucks and train services, without increasing conflicts with passenger car traffic and without increasing congestion on the highway and arterial roadway networks.</p> <p><u>Policy 1.4.4:</u> Continue to enforce truck route restrictions throughout the Planning Area.</p>	<p>Road to D Street and Nisqualli Road from Hesperia Road to I-15.</p>
<p><u>Objective 1.5:</u> Ensure adequate planning and programming of roadway improvements.</p> <p><u>Policy 1.5.1:</u> Review and prioritize Transportation Systems Management (TSM) measures and incorporate into Capital Improvement Programming (CIP) as appropriate.</p>	<p>No Conflict. After the City’s DIF fees are collected, they are placed in a separate restricted use account pursuant to the requirements of Government Code sections 66000 et seq. The timing to use the DIF fees is established through periodic capital improvement programs which are overseen by the City’s Public Works Department. Periodic traffic counts, review of traffic accidents, and a review of traffic trends throughout the City are also periodically performed by City staff and consultants. The City uses this data to determine the timing of the improvements and ensure that the improvements are constructed before the LOS falls below the LOS performance standards adopted by the City.</p>
<p>Goal #2: Efficient Multi-Modal Transportation Network – Meet diverse transportation needs of existing and future residents and business in the planning area through convenient, safe, multi-modal means.</p>	
<p><u>Objective 2.2:</u> Expand public transit in conjunction with population growth.</p> <p><u>Policy 2.2.1:</u> Require new development and redevelopment projects (public and private), to incorporate needed public transit facilities as identified by the Victor Valley Transit Authority (VVTA).</p>	<p>No Conflict. As stated above, the study area is currently served by Victor Valley Transit Authority (VVTA) with bus service along Hesperia Road and Nisqualli Road. VVTA Route 55 could potentially serve the Project which currently runs along Hesperia Road to the south of Nisqualli Road and Nisqualli Road west of Hesperia Road. Transit service is reviewed and updated by VVTA periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate.</p>
<p>Goal #3: Adequate Infrastructure – Develop and maintain infrastructure that supports the transportation and circulation needs of the community in a cost-effective and environmentally sensitive manner.</p>	
<p><u>Objective 3.1:</u> Meet multiple infrastructure needs within common public rights-of-way.</p> <p><u>Policy 3.1.1:</u> Planning and design of new roadways and expansion/completion of existing roadways shall include consideration of water, sewer, storm drainage,</p>	<p>No Conflict. The Project would utilize existing roadways and would not create a need for planning and design of new roadways.</p>



General Plan Policy	Consistency Analysis
communications, and energy facilities that can be co-located within the road right of way.	
<p><i>Objective 3.2: Design infrastructure that minimizes impacts to the environment.</i></p> <p><u>Policy 3.2.1:</u> Minimize or prohibit the use of landscape materials that require regular watering in the design of landscaping for public streets.</p> <p><u>Policy 3.2.2:</u> Include in the design specifications for public and private streets structural and non-structural techniques to filter storm water runoff prior to conveyance to storm drain inlets.</p>	<p>No Conflict. The Project’s impacts to stormwater runoff are discussed in EIR Section 4.8, <i>Hydrology and Water Quality</i>. As described therein, the Project has been designed to control and filter stormwater runoff prior to conveyance to storm drain inlets.</p>
<p><i>Objective 3.3: Provide adequate infrastructure improvements in conjunction with new development and redevelopment projects</i></p> <p><u>Policy 3.3.1:</u> Require private and public development projects to be responsible for constructing road improvements along all frontages abutting a public street right of way, in accordance with the design specifications for that roadway. Such road frontage improvements shall be constructed concurrently with and completed prior to opening of the project.</p>	<p>No Conflict. The Project would make the necessary improvements needed to accommodate site access. The Project would install a stop control for egress traffic at Driveway 1 on Enterprise Way in conjunction with development of the site in order to facilitate access. No site adjacent roadways are proposed other than driveway improvements needed at Driveway 1. Access to the site would be accommodated via a new 40-foot-wide driveway located between the two existing industrial buildings.</p>

Threshold b: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

The City Guidelines indicate that projects that result in a net increase of 1,285 daily vehicle trips or less may be presumed to have a less than significant impact based on their negligible impact on citywide VMT and resulting greenhouse gas emissions. Currently, the Project site is used as a dirt lot truck trailer storage yard that serves the existing Church & Dwight industrial warehouse. The Project proposes to develop the Project site with a paved and fenced parking lot that would continue to serve the existing Church & Dwight industrial warehouse. The Project would generate 184 net new trips to the Project area; thus, the Project would result in nominal VMT impacts (Urban Crossroads, 2023f). The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Threshold c: 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)?

The type of traffic generated by the Project (i.e., passenger cars and trucks) would be compatible with the type of existing traffic on Project area roadways, as the immediate surrounding area to the north, south, and west are either developed or planned to be developed with industrial land uses. In addition,



all proposed improvements within the public right-of-way would be installed in conformance with City design standards. The City of Victorville Public Works Department reviewed the Project's application materials and determined that no hazardous transportation design features would be introduced by the Project. Accordingly, the proposed Project would not create or substantially increase safety hazards due to a design feature or incompatible use. Impacts would be less than significant.

Threshold d: Would the Project result in inadequate emergency access?

The City of Victorville reviewed the Project's design and confirmed that the Project would provide adequate access to-and-from the Project site for emergency vehicles and also that development of the Project would not interfere with the circulation of emergency vehicles along public streets that abut the site. The City will require the Project Applicant to provide adequate paved access to-and-from the site as a condition of Project approval. Lastly, the City will review all future Project construction drawings to ensure that adequate emergency access is maintained along abutting public streets during construction activities. Based on the proposed Project design and with required adherence to City requirements for emergency vehicle access, impacts would be less than significant.

4.10.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development within the City.

As disclosed under Threshold a, the Project would not conflict with General Plan objectives and policies related to the transportation network, including LOS standards, on a cumulative basis.

As disclosed under the analysis of Threshold b, the Project would generate nominal VMT. Therefore, the Project is presumed to have less than significant impacts and no further VMT analysis is required. Since the Project was found to have a less than significant impact at the project level, it is considered to be less than significant cumulative impact as well.

The Project would not contribute to a significant cumulative impact under the topics discussed under Thresholds c) and d) because the Project would not cause or exacerbate existing transportation design safety concerns or adversely affect emergency access.

4.10.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project is consistent with the applicable adopted plans and policies.

Threshold b: Less-than-Significant Impact. The Project would not result in a significant VMT impact.

Threshold c: Less-than-Significant Impact. No significant transportation safety hazards would be introduced as a result of the proposed Project.



Threshold d: Less-than-Significant Impact. Adequate emergency access would be provided to the Project site during construction and long-term operation. The Project would not result in inadequate emergency access to the site or surrounding properties.

4.10.9 MITIGATION

Project impacts related to transportation would be less than significant; therefore, mitigation measures are not required.



4.11 TRIBAL CULTURAL RESOURCES

The analysis in this Subsection is based on the report titled “A Cultural Resources Study for the Nisqualli Road Trailer Lot Expansion Project,” (*Cultural Resources Study*) (*Technical Appendix D*) prepared by BFSA Environmental Services (BFSA) dated July 12, 2023.

Confidential information has been redacted from *Technical Appendix D* for the purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City of Victorville, and BFSA is considered confidential in respect to places that may have traditional tribal cultural significance (Government Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, the environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code Regulations Section 15120(d)).

4.11.1 NOP/SCOPING COMMENTS AND TRIBAL OUTREACH

A Notice of Preparation (NOP) for the Project was released for public review on July 21, 2023, and an EIR Scoping Meeting was held on August 9, 2023. No comments were made during the EIR Scoping Meeting that pertains to tribal cultural resources. One comment was received related to tribal cultural resources from the Native American Heritage Commission (NAHC) on July 20, 2023. The NAHC requested that the EIR adhere to the Native American consultation requirements pursuant to Senate Bill 18 and Assembly Bill 52.

As part of the AB 52 consultation process required by State law, the City of Victorville sent notification of the Project to Native American tribes with possible traditional or cultural affiliation to the Project area. On July 21, 2023, the City sent notified and invited consultation with the following Native American tribes: Cabazon Band of Mission Indians, Morongo Band of Mission Indians, Yuhaaviatam of San Manuel Nation (formerly known as San Manuel Band of Mission Indians), Twenty-Nine Palms Band of Mission Indians, and Chemehuevi Indian Tribe. During the course of the tribal consultation process, the Yuhaaviatam of San Manuel Nation responded and provided mitigation language to be included in the EIR and indicated no additional consultation is required. No other Native American tribes responded to the City’s invitation for consultation, nor provided the City with substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code section 21074, are present on the Project site or have been found previously on the Project site.

4.11.2 ENVIRONMENTAL SETTING

The information provided below is a summary of the Environmental Setting information provided in Section 4.3, *Cultural Resources*, and *Technical Appendix D*, of this EIR. Please refer to Section 4.3.1 for a detailed discussion of the Project area’s cultural setting as it applies to Native Americans.



A. Cultural Setting

The first Native American group to historically occupy the Mojave Desert was the Shoshoneans. This group was comprised of a broad band of people who spoke similar languages. These bands moved west from the Great Basin, a vast inland region of the Western United States, into the Mojave Desert. It is believed that these bands were well established 1200 to 1500 years ago and possibly as early as 3000 years ago.

The Project site straddles the traditional territory of multiple Native American groups including the Serrano and the Vanyume. Although there may be considered a range of cultural variations among these groups, they all have language derived from a base Uto-Aztecan language stock. The Vanyume and potentially the Serrano occupied the Project area. The territory of the Vanyume was covered by small and relatively sparse populations focused primarily along the Mojave River, north of the Serrano and southeast of the Kawaiisu. It is believed that the southwestern extent of their territory went as far as Cajon Pass and portions of Hesperia. In contrast to the Serrano, the Vanyume maintained friendly social relations with the Mohave and Chemehuevi to the east and northeast. As with the majority of California native populations, Vanyume populations were decimated around the 1820s by placement in Spanish missions and asistencias. It is believed that by 1900, the Vanyume had become extinct. However, given the settlement patterns reported for the Vanyume, it is more probable that the population was dispersed rather than completely wiped out.

The Serrano and Vanyume were primarily hunters and gatherers. Individual family dwellings were likely circular, domed structures. Vegetal staples varied with locality; acorns and piñon nuts were found in the foothills, and mesquite, yucca roots, cacti fruits, and piñon nuts were found in or near the desert regions. Diets were supplemented with other roots, bulbs, shoots, and seeds. Deer, mountain sheep, antelopes, rabbits, and other small rodents were among the principal food packages. Various game birds, especially quail, were also hunted. The bow and arrow were used for large game, while smaller game and birds were killed with curved throwing sticks, traps, and snares. Occasionally, game was hunted communally, often during mourning ceremonies. In general, manufactured goods included baskets, some pottery, rabbit-skin blankets, awls, arrow straighteners, sinew-backed bows, arrows, fire drills, stone pipes, musical instruments (rattles, rasps, whistles, bullroarers, and flutes), feathered costumes, mats, bags, storage pouches, and nets. Food acquisition and processing required the manufacture of additional items such as knives, stone or bone scrapers, pottery trays and bowls, bone or horn spoons, and stirrers. Mortars, made of either stone or wood, and metates were also manufactured. (BFSA, 2023)

4.11.3 REGULATORY FRAMEWORK

A. Federal Regulations

1. American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) requires each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to



accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies also are required to maintain the confidentiality of sacred sites. Each executive branch agency with statutory or administrative responsibility for the management of Federal lands are required to implement procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. (NOAA, n.d.)

2. *Native American Graves Protection and Repatriation Act (NAGPRA)*

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. (NPS, 2022c)

One major purpose of this statute is to require that federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s). (NPS, 2022c)

The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act. This NAGPRA requirement is likely to encourage the in-situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items. (NPS, 2022c)

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to



penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee. (NPS, 2022c)

3. *Federal Antiquities Act*

The Antiquities Act is the first law to establish that archaeological sites on public lands are important public resources. It obligates federal agencies that manage the public lands to preserve for present and future generations the historic, scientific, commemorative, and cultural values of the archaeological and historic sites and structures on these lands. It also authorizes the President to protect landmarks, structures, and objects of historic or scientific interest by designating them as National Monuments. (NPS, 2022d)

B. State Regulations

1. *California Administrative Code, Title 14, Section 4308*

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: “No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value.” (CCR, n.d.)

2. *California Code of Regulations Title 14, Section 1427*

California Code of Regulations Title 14, Section 1427 provides that: “No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found.” (NAHC, n.d.)

3. *Assembly Bill 52 (AB 52)*

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. (OPR, 2017a)

The Public Resources Code now establishes 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.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the



determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.) (OPR, 2017a)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015. (OPR, 2017a)

§ 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

- (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource. (OPR, 2017a)

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe. (OPR, 2017a)

4. State Health and Safety Code

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease “In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery...” until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. § 7051 specifies that the removal of human remains from “internment or a place of storage while awaiting internment” with the intent to sell them or to dissect them with “malice or wantonness” is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that “all California Indian human remains and cultural items are to be treated with dignity and respect.” It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims. (CA Legislative Information, n.d.)



5. California Code of Regulations Section 15064.5

The California Code of Regulations, Title 14, Chapter 3, § 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines § 15064.5, as follows: (OPR, 2022)

- *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).*
- *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:*
 - *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
 - *Is associated with the lives of persons important in our past;*
 - *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
 - *Has yielded, or may be likely to yield, information important in prehistory or history.*
- *The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.*



4.11.4 BASIS FOR DETERMINING SIGNIFICANCE

According to Section XVIII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to tribal resources if the Project or any Project-related component would:

- a. *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:*
 - i. *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*
 - ii. *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.*

4.11.5 METHODOLOGY

The analysis of tribal cultural resources is based on a cultural resources records search through SCCIC at CSU Fullerton, historic background research, a review of historic aerial photographs, and a survey of the Project site. In addition, this analysis is based on consultation between the City and interested Native American tribes pursuant to AB 52.

4.11.6 IMPACT ANALYSIS

Threshold a: *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: i) 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 ii) 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?*

The Project site is currently undeveloped, disturbed, and operates as a dirt lot truck trailer storage yard for the existing Church & Dwight industrial warehouse and has been subject to grading in areas where previous structures were located, in the southeast corner of the Project site. No sites, features, places, or landscapes were identified that are either listed or eligible for listing in the California Register of



Historic Places. To be eligible for the Register, (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852), a resource must include the following:

- (A) *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
- (B) *Is associated with the lives of persons important in our past;*
- (C) *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
- (D) *Has yielded, or may be likely to yield, information important in prehistory or history.*

As described in Section 4.3, *Cultural Resources*, of this EIR, no historic resources, as defined by CEQA Guidelines Section 15064.5, are present on the Project site.

As part of the mandatory AB 52 consultation process required by State law, the City sent notification to the Native American tribes with possible traditional or cultural affiliation to the area that previously requested consultation pursuant to AB 52 requirements. As stated previously, the City sent notification letters of the proposed Project to the following Tribes: Cabazon Band of Mission Indians, Morongo Band of Mission Indians, Yuhaaviatam of San Manuel Nation (formerly known as San Manuel Band of Mission Indians), Twenty-Nine Palms Band of Mission Indians, and Chemehuevi Indian Tribe. During the course of the tribal consultation process, the Yuhaaviatam of San Manuel Nation responded and provided mitigation language to be included in the EIR and indicated no additional consultation is required. No other Native American tribes responded to the City's invitation for consultation, nor provided the City with substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code section 21074, are present on the Project site or have been found previously on the Project site.

Because the Project site has not been identified as a location that is known to contain significant tribal cultural resources and due to the previously disturbed condition of the Project site, it can be reasonably assured that implementation of the Project would not affect tribal cultural resources. However, there is a remote potential that resources could be encountered during ground-disturbing construction activities that occur in native soil. Accordingly, there is a potential for significant impacts to occur if significant resources are discovered during the Project's construction process.

4.11.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development in the vicinity of the Project site.



Although other development projects in the traditional use area for City of Victorville and San Bernardino County may impact significant tribal cultural resources; impacts are generally site-specific resulting from ground disturbing activities. Furthermore, with implementation of Mitigation Measures MM 4.3-1, MM 4.11-1, and 4.11-2, Project impacts to tribal cultural resources would be less than significant. There is no potential for the proposed Project to contribute towards a significant cumulative impact to the significance of a tribal resource or a collection of resources pursuant to California Code or Regulations Section 15064.5. Other projects will also be required to comply with AB 52.

4.11.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project site does not contain any recorded, significant tribal cultural resource sites; therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources. Nonetheless, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried in native soils at the Project site.

4.11.9 APPLICABLE REGULATIONS, DESIGN REQUIREMENTS, AND MITIGATION

Applicable Regulations and Design Requirements

- In the event that human remains are uncovered during Project construction activities, the Project construction contractor shall comply with applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

Mitigation

Mitigation Measure MM 4.3-1 shall apply.

MM 4.11-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in Mitigation Measure MM 4.3-2, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, to provide Tribal input regarding significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.



MM 4.11-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

4.11.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less than Significant Impact with Mitigation Incorporated. Implementation of Mitigation Measures MM 4.3-1, MM 4.11-1, and MM 4.11-2 would ensure that any archaeological sites or resources identified during ground-disturbing activities are appropriately treated as directed by a qualified archaeologist. Implementation of the required mitigation would reduce the Project's potential impacts to subsurface archaeological sites or resources to below a level of significance.



5.0 OTHER CEQA CONSIDERATIONS

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a project that cannot be avoided if the proposed project is implemented (CEQA Guidelines § 15126[b]). As thoroughly described in Subsections 4.1 through 4.11 of this EIR, the Project would result in a significant and unavoidable direct and cumulatively-considerable impact related to the topics of a cumulatively-considerable impact related to greenhouse gas emissions. All other Project-related impacts (direct, indirect, and/or cumulatively-considerable), to the environment would either be less than significant or be reduced to below a level of significance due to mandatory compliance with applicable laws and regulations, and implementation of feasible mitigation measures that have a proportional nexus to the Project's impacts.

5.1 SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

The Project would not result in any significant effects which cannot be avoided if the Project is implemented. The Project would result in no impacts, less-than-significant impacts, and less-than-significant impacts with mitigation incorporated. Refer to the list of MMs applied to the Project in Subsection 4.1 through 4.11 of this EIR, and further documented in the Project's Mitigation Monitoring Reporting Program (MMRP; *Technical Appendix M* to this EIR).

5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved with the proposed action should it be implemented (CEQA Guidelines § 15126.2[c]). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy). Determining whether the Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them.

Natural resources, in the form of construction materials and energy resources, would be used in the construction of the Project. The consumption of these natural resources would represent an irreversible change to the environment. However, the development of the Project site as proposed would have no measurable adverse effect on the availability of such resources, including resources that may be nonrenewable (e.g., fossil fuels). Additionally, the Project is required by law to comply with the California Building Standards Code (CALGreen), which would minimize the Project's demand for energy, including energy produced from non-renewable sources. A more detailed discussion of energy consumption is provided in EIR Subsection 4.4, *Energy*.



Implementation of the Project would commit the Project site to a fenced and paved trailer parking and/or vehicle parking facility with 198 trailer stalls. As demonstrated in the analysis presented throughout EIR Section 4.0, *Environmental Analysis*, construction and long-term operation of the Project would be compatible with the existing and planned land uses that surround the Project site and would not result in significant physical environmental effects to nearby properties. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties.

EIR Subsection 4.7, *Hazards and Hazardous Materials*, provides an analysis of the Project's potential to transport or handle hazardous materials which, if released into the environment, could result in irreversible damage to the environment. As concluded in the analysis, compliance with federal, State, and local regulations related to hazardous materials would be required of all contractors working on the property during the Project's construction and of all users that occupy the Project site. As such, construction and long-term operation of the Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions.

Because no significant natural resources occur within the Project site, the Project would not reduce the availability of any natural resources associated with long-term operational activities. Also, as discussed under Subsection 4.4, *Energy*, the Project would not result in wasteful consumption of energy. Accordingly, the Project would not result in a significant, irreversible change to the environment related to energy use.

5.3 GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which the Project could be growth-inducing. The State CEQA Guidelines identify a project 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 (CEQA Guidelines § 15126.2[d]). New employees and new residential populations represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area, placing additional demands on public services and infrastructure systems, and in the generation of a variety of environmental impacts, which are addressed in the other sections of this EIR.

A project could indirectly induce growth at the local level by increasing the demand for additional goods, and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environs where population growth results in increased demand for service and commodity markets responding to the new population of residents or employees. Economic growth would likely take place because of the Project's operation as a parking facility and all other legally permitted uses. The Project's construction-related and operational-related employees would purchase goods and services in the region, but any secondary increase in employment associated with meeting these goods and services needs is expected to be marginal, accommodated by existing goods and service providers, and highly unlikely to result in any new physical impacts to the environment based on the amount of available



warehouse/distribution facilities available in areas near the Project site, including the cities of Apple Valley, Hesperia, and Adelanto. In addition, the Project would create jobs that likely would serve the housing units either already built or planned for development within San Bernardino County and/or the City of Victorville. Accordingly, the Project's employment generation would not induce substantial growth in the area because it is anticipated that the Project's future employees would already be living in the Victorville/San Bernardino County area.

Furthermore, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the City's General Plan and Development Code allow is speculative beyond the rule of reason; however, it should be noted that implementation of the Project would not result in the approval of parking facility uses on any other property outside of the Project site. CEQA does not require the analysis of speculative effects (State CEQA Guidelines § 151454). If any other property owner were to propose redevelopment of a property in the Project vicinity or in any part of the City, the redevelopment project would require evaluation under CEQA based on its own merits, including an analysis of direct and cumulatively considerable effects.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, the growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as Southern California Association of Governments (SCAG). Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way. The Project is consistent with the existing General Plan land use designation and Zoning classification for the Project site. Further, implementation of the Project would not require the construction or expansion of water and sewer infrastructure.

The operation and maintenance of the Project is not anticipated to generate any jobs but any potential growth-inducing impact of the employment of persons at the Project site was accounted for in the City's General Plan, as the Project would develop the Project site in compliance with the City's General Plan land use designation. Accordingly, the Project would not directly promote growth either at the Project site or at the adjacent and surrounding properties that were not accounted for in the City's General Plan.

In conclusion, it is unlikely, speculative, and not reasonably foreseeable that the Project would induce growth in the form of additional economic activity or employment that would result in measurable impacts on the physical environment.



5.4 IMPACTS CONSIDERED LESS THAN SIGNIFICANT

Section 15128 of the State CEQA Guidelines states that “an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” Based on a review of the Project and supporting technical studies, the City determined that the following environmental topical issues would result in no impact or less than significant impacts: Aesthetics, Agricultural Resources, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

5.4.1 AESTHETICS

Threshold a: Would the Project have a substantial adverse effect on a scenic vista?

The City of Victorville 2030 General Plan does not identify any designated scenic vistas within the Project site (City of Victorville, 2008). The viewshed experience from the public areas in the vicinity of the Project site predominantly reflects the industrial and warehouse uses of the surrounding properties. Under existing conditions, the Project site is undeveloped, disturbed, and currently used as a dirt lot truck trailer storage yard. Views from the public areas are obstructed by the surrounding properties and the Church & Dwight Warehouse. Furthermore, due to the extent of existing urbanization and the lack of scenic vistas in the Project area, no impact would occur.

Threshold b: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

According to the California Department of Transportation (Caltrans) State list of eligible and officially designated State Scenic Highways, the Project site is not within or adjacent to a designated or eligible State scenic highway (Caltrans, 2022). The nearest officially designated State scenic highway is SR-38, located approximately 34 miles southeast of the Project site. Therefore, no impacts to scenic resources within a State scenic highway are identified or anticipated.

Threshold c: Would the Project in non-urbanized 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 point.) If the project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

According to CEQA Guidelines Section 15387, urban areas mean a central city or group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. According to the 2010 Census Urbanized Area Reference Map, the Project is located within an urbanized area (US Census, 2012). The Project area is developed with industrial uses to the north and south, BNSF railroad to the east, and commercial uses to the west. The Project site is undeveloped, disturbed, and currently used as a dirt lot truck trailer storage yard for the Church & Dwight Warehouse.



Since the Project is within an urbanized area, visual impacts would occur if the Project conflicts with applicable zoning and other regulations governing scenic quality. Specifically, regulations governing scenic quality are established through the City’s Municipal Code and General Plan, as discussed below. The purpose of Title 16, Development Code, of the City of Victorville Municipal Code, is to “implement the Victorville General Plan and regulate development in order to protect and promote the public health, safety, prosperity and general welfare.” (City of Victorville, 2022).

The Project site is zoned M-2 and is therefore subject to the development standards stipulated in the City’s Municipal Code, Table 11-1 of Sec. 16-3.11.020. The proposed land use is consistent with the M-2 zoning designation which is intended to provide space in suitable locations for certain less restricted types of manufacturing and industrial uses. Table 5-1, *Zoning Development Standards Consistency Analysis* addresses the Project’s consistency with applicable development standards outlined in the Municipal Code.

Table 5-1 Zoning Development Standards Consistency Analysis

Applicable Development Standard	Project Consistency
Maximum Lot Coverage: 60%	Consistent. The proposed Project would result in the development of a fenced and paved trailer parking and/or vehicle parking facility with 198 trailer stalls to supplement parking for the surrounding area or serve as ancillary trailer or vehicle parking for the Church & Dwight Co., Inc. warehouse. No structures are proposed; therefore, the Project would not exceed the maximum lot coverage of 60%.
Minimum Net Lot Area: 10,000 sf	Consistent. The proposed Project would have a lot area of 437,153 sf.
Minimum Lot Width: 75 ft	Consistent. The proposed Project site lot width would exceed 75 ft.

Article 24, Section 16-3.24.030(d) of the City’s Municipal Code identifies landscape requirements for non-residential development to protect the visual and scenic quality of the City. The Project’s proposed landscaping would comply with applicable standards identified in Section 16-3.24.030(d). As demonstrated through the analysis presented above, the Project would not conflict with applicable development standards in the City’s Municipal Code established for the M-2 zone. Therefore, no impact would occur.

Threshold d: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The Project would introduce new light sources to the Project site as necessary for security, safety, and wayfinding. Lighting would provide illumination for security and safety of on-site areas and would be consistent with Section 16-3.11.060(e) of the City’s Municipal Code, which establishes general lighting standards. Further, lighting levels would not be needlessly intense or induce glare, would be



shielded from adjacent properties, would not utilize exposed bulbs, and would avoid unnecessary lighting.

Glare is caused by light reflections from pavement, vehicles, and building materials such as reflective glass and polished surfaces. During daylight hours, the amount of glare depends on intensity and direction of sunlight. Glare can create hazards to motorists and can be a nuisance for pedestrians and other viewers. The Project site is located away from public views on Enterprise Way and would not result in substantial glare that would affect day or nighttime views.

Implementation of the Project would not result in a significant source of light or glare that would adversely affect daytime or nighttime views. Accordingly, Project impacts would be less than significant.

5.4.2 AGRICULTURAL RESOURCES

Threshold a: *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?*

According to mapping information available from the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP), the Project site is designated as “Urban and Built-Up Land” and “Other Land.” The Project site does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. (CDC, 2022) The nearest area of any FMMP designated area of Farmland of significance is a relatively small area of Prime Farmland located within the Mojave Narrows Regional Park approximately 1.6 miles to the northeast. Given the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the FMMP, to non-agricultural use, no impact would result.

Threshold b: *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The Project site is currently zoned as M-2. The Project’s implementation will not require a zone change and will not result in a loss of land zoned for agriculture. There are no farming activities occurring at the site. The Project site is not located within any agricultural preserves, nor is the Project site subject to any Williamson Act Contracts (CDC, 2022). As a result, the Project will not result in conflicts with existing agricultural zoning or Williamson Act contracts. The Project would have no impact.

Threshold c: *Would the Project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?*

Under existing conditions, the Project site is located within the City of Victorville, has a zoning designation of M-2, and does not contain forest land, timberland or timberland zoned Timberland



Production. The Project does not propose an amendment to the zoning plan and would utilize the land in a manner which is consistent with the M-2 zone designation. Accordingly, no impact would occur.

Threshold d: Would the Project conflict result in the loss of forest land or conversion of forest land to non-forest use?

The Project site and surrounding areas do not consist of forest land. Therefore, the Project would not result in the loss of forest land or result in the conversion of forest land to non-forest use. Accordingly, no impact would occur.

Threshold e: Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The Project would not result in changes in the environment which, due to its location and nature, could result in conversion of forest land to non-forest use. Accordingly, no impact would occur.

5.4.3 LAND USE AND PLANNING

Threshold a: Would the Project physically divide an established community?

The proposed Project would result in the development of a fenced and paved trailer parking and/or vehicle parking facility with 198 trailer stalls to supplement parking for the surrounding area or serve as ancillary trailer or vehicle parking for the Church & Dwight Co., Inc. warehouse. The Project site is primarily surrounded by industrial development and the BNSF Railroad. As such, implementation of the Project represents a logical expansion of ancillary support of industrial land uses on the Project site. There are no residential structures located on-site or in proximity to the Project site. The nearest residential uses to the Project site are located 0.16-mile east on the opposite side of the BNSF Railroad. The Project would not physically divide an established community. Accordingly, no impact would occur.

Threshold b: 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?

The land use plans, policies, and regulations applicable to the Project for purposes of determining if the Project would cause a significant environmental effect due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect include the City's General Plan and City of Victorville Zoning and Municipal Code. The Project's compatibility with each of these plans, policies, and regulations is discussed below.



1. Analysis of Consistency with the City of Victorville General Plan

The Project seeks approval of a Site Plan (PLAN23-00011) to allow for the development of the site with a fenced and asphalt paved truck trailer parking lot consisting of 198 stalls to support the existing industrial use south of the Project site. During the City’s review of the Project’s application materials, the Victorville Planning Department reviewed the proposed development for consistency with all applicable policies of the General Plan and found that there would be no conflict with any applicable General Plan policies resulting from development of the Project site with the Project. According to the City’s General Plan, the Project site is designated as Heavy Industrial (HI). The HI designation refers to industrial and manufacturing uses that are more specialized in nature and require special consideration in terms of use of the property as well as impacts on adjacent properties. (City of Victorville, 2008) The Project’s proposed use would be consistent with the permitted uses allowed in the HI designation. Accordingly, the Project would not conflict with the City’s General Plan and would have a less than significant impact.

2. Analysis of Consistency with the City of Victorville Zoning and Municipal Code

The City of Victorville Zoning Map applies the “Heavy Industrial (M-2) District” to the entire Project site. According to the Victorville Municipal Code, the primary purpose of the “M-2” zoning district is to provide space in suitable locations for certain less restricted types of manufacturing and industrial uses (Victorville, 2022, § 16-3.11.010(b)(3)). The Project is consistent with the permitted uses allowed in the corresponding M-2 zone. Additionally, the Project’s application materials were reviewed by the City for conformance with the M-2 zone development standards, as set forth the City’s Zoning Code. Accordingly, the Project would not conflict with the City’s Zoning Code and would have a less than significant impact.

5.4.4 MINERAL RESOURCES

Threshold a: Would the Project result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

The Project does not conflict with California Legislature’s 1975 Surface Mining and Reclamation Act (SMARA), which provides guidelines of the classification and designation of mineral lands. Figure RE-1, Victorville Planning Area Mineral Land Classification Map, in the City’s General Plan shows the Project site designated as MRZ-3a. MRZ-3a is defined as areas containing known mineral occurrences of undetermined mineral resource significance. Further exploration work within these areas could result in the reclassification of specific localities into MRZ-2A or MRZ-2b categories. (Victorville, 2008). The California Department of Conservation does not show oil, gas, or geothermal fields underlying the Project site; and no oil or gas wells are recorded on or near the site in the Division of Oil, Gas, and Geothermal Resources (DOGGR) Well Finder (DOC, 2019). No mines, wells, or other resource extraction activity occurs on the Project site or is known to have ever occurred on the Project site. Accordingly, no impacts would occur.



Threshold b: *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?*

As discussed above, no known valuable mineral resources exist on or near the Project site, and no mineral resource extraction activities occur on the site. Thus, the proposed Project would not result in the loss of availability of locally-important mineral resources. Accordingly, no impacts would occur.

5.4.5 POPULATION AND HOUSING

Threshold a: *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)?*

The Project would not directly result in population growth because it does not propose any residential dwelling units. Typically, growth would be considered a significant impact pursuant to CEQA if it directly or indirectly affects the ability of agencies to provide needed public services and requires the expansion or new construction of public facilities and utilities. The current Zoning Classification for the Project site is Heavy Industrial (M-2). Because the Project would result in the development of a fenced and paved trailer parking and/or vehicle parking facility with 198 trailer stalls to supplement parking for the surrounding area or serve as ancillary trailer or vehicle parking for the Church & Dwight Co., Inc. warehouse, no employees are anticipated. As such, operation of the Project would not induce substantial unplanned population growth in the Project area, either directly or indirectly and would not exceed regional or local growth projections. Therefore, no impacts would occur.

Threshold b: *Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The Project site does not contain any residential units. Therefore, implementation of the Project would not displace a substantial number of existing housing, nor would it necessitate the construction of replacement housing elsewhere. No impacts would occur.

5.4.6 PUBLIC SERVICES

Threshold a: *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: 1) Fire protection?; 2) Police protection?; 3) Schools?; 4) Parks?; or 5) Other public facilities?*

Under existing conditions, the Project site is undeveloped, disturbed, and currently used as a dirt lot truck trailer storage yard. The Project Applicant proposes to develop the Project site with a fenced and



paved trailer parking and/or vehicle parking facility with 198 trailer stalls to supplement parking for the surrounding area or serve as ancillary trailer or vehicle parking for the Church & Dwight Co., Inc. warehouse.

A. Fire Protection

The Victorville Fire Department provides fire protection services to the Project area. There are five active fire stations currently operating within the City of Victorville:

- Fire Station 311 (16200 Desert Knoll Drive),
- Fire Station 312 (15182 El Evado Road),
- Fire Station 313 (13086 Amethyst Road),
- Fire Station 314 (17008 Silica Drive), and
- Fire Station 315 (12802 Eucalyptus Street)

The Project would be primarily served by Fire Station 314 which is located approximately 0.9 roadway mile south of the Project site. Because the Project is consistent with the General Plan and zoning and involves the construction and operation of trailer parking with a minimal increase in employees, development of the Project would not significantly impact fire protection services. Furthermore, the Project would be required to comply with the provisions of the Municipal Code Title 8 which adopts the 2019 California Fire Code (CFC) as amended therein. The Project would be required to comply with codes, ordinances, and standard conditions within the CFC regarding fire prevention and suppression measures relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems. In addition, the Project plans were routed to the Victorville Fire Department for review and comment on the impacts to providing fire protection services. The Victorville Fire Department did not indicate that the Project would result in the need for new or physically altered fire facilities in order to maintain acceptable service ratios, response times or other performance objectives.

Furthermore, the Project would be required to comply with the provisions of Municipal Code Chapter 16-5.01.080 which requires payment of the Development Impact Fee to assist the City in providing fire protection services. Payment of the Development Impact Fee would ensure that the Project provides fair share funds for the provision of additional public services, including fire protection services, which may be applied to fire facilities and/or equipment, to offset the incremental increase in the demand for fire protection services that would be created by the Project. Based on the above analysis, impacts related to fire protection are less than significant.

B. Police Protection

The Victorville Police Department provides community policing to the Project area via the Victorville Police Station located at 14200 Amargosa Road. Because the Project is consistent with the General Plan and zoning and involves the construction and operation of trailer parking with a minimal increase in employees, development of the Project would not significantly impact police protection services.



The Project would be required to comply with the provisions of Municipal Code Chapter 16-5.01.080 which requires payment of the Development Impact Fee to assist the City in providing public services, including police protection services. Payment of the Development Impact Fee would ensure that the Project provides its fair share of funds for additional police protection services, which may be applied to police facilities and/or equipment, to offset the incremental increase in the demand that would be created by the Project.

The Project incorporates safety features such as setbacks from the street and well-lit exterior spaces with visual exposure. The Project would not require the construction of a new police station or physical alteration of existing police protection facilities to maintain an adequate level of police protection service. Therefore, no physical impacts associated with the provision of fire protection services would occur. Based on the above analysis, impacts related to police protection are less than significant.

C. Schools

The Project does not propose any housing and would not directly create additional students to be served by the Victor Valley Union High School and Victor Elementary School District. Due to the nature of the proposed Project and its non-residential uses within the Heavy Industrial land use and Heavy Industrial zoning district, the proposed Project would not generate new residents or students. Based on the above analysis, impacts related to schools are less than significant.

D. Parks

The City's Department of Parks and Recreation operates and manages parks and park programs for the City of Victorville. As indicated above, due to the nature of the proposed Project, its proximity to nearby parks, and its non-residential uses within the Heavy Industrial land use and Heavy Industrial zoning district, the proposed Project would not generate new residents and no impacts to associated parks are anticipated.

E. Other Public Facilities

No new government services would be needed to implement the Project or service the Project.

5.4.7 RECREATION

Threshold a: Does the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The Project would not cause a substantial physical deterioration of any park facilities or would accelerate the physical deterioration of any park facilities because the Project does not propose residential dwelling units which would increase the population that would use parks. The payment of Development Impact Fees will reduce any indirect Project impacts related to recreational facilities.



Threshold b: Does the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

As noted in the response above, the Project does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment. In addition, no offsite parks or recreational improvements are proposed or required as part of the Project.

5.4.8 UTILITIES AND SERVICE SYSTEMS

Threshold a: 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 telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

The Project would include the construction of on-site water, wastewater, and electric power lines that would connect to existing facilities in the Project site's vicinity; however, the Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, electric power, natural gas, or telecommunication facilities which would cause significant environmental effects.

The Project would include the installation of an integrated, on-site system of underground storm drain pipes and the installation of a detention basin proposed at the northern boundary of the Project site against the property line. The storm water system is designed to capture on-site stormwater runoff flows, convey the runoff across the site, and treat the runoff to minimize the amount of water-borne pollutants transported from the Project site. As further discussed in EIR Section 4.8, *Hydrology and Water Quality*, the proposed storm drain system has sufficient capacity to adequately capture and treat on-site flows. Accordingly, with implementation of the Project's proposed storm drain system, flows discharging from the site would be reduced to existing conditions or less. Therefore, the Project would not require or result in the relocation of new or expanded storm water drainage facilities.

In summary, the installation of the utility and service system infrastructure improvements proposed by the Project Applicant would result in physical environmental impacts on the Project site inherent in the Project's construction process; however, these impacts have already been included in the analyses of construction-related effects presented throughout this EIR. In instances where the Project's construction phase would result in specific, significant impacts, mitigation measures are incorporated into the Project to reduce impacts to less than significant. The construction of infrastructure necessary to serve the Project would not result in any significant physical effects on the environment that are not already identified and disclosed elsewhere in this this EIR. Accordingly, impacts would be less than significant and additional mitigation measures beyond those identified throughout other subsections of this EIR would not be required.



Threshold b: Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?

Due to the nature of the Project, water demand generated at the Project site would be associated with landscaping maintenance. The 2020 UWMP estimated that commercial demands, which include industrial water use types, would increase by 690 AFY from 2020 to 2025. Since the completion of the 2020 UWMP, there have been several commercial and industrial projects that have been approved. With the recently approved commercial/industrial projects along with the Project's limited water demand, there is a remaining 77 AFY of projected demand growth. Therefore, there is sufficient water supplies available to serve the Project during average, single dry and five consecutive dry years throughout the planning period. Accordingly, impacts would be less than significant.

Threshold c: Would the project result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Due to the nature of the Project, wastewater is not anticipated to be generated on-site. Accordingly, no impact would occur and no further analysis of this topic is required.

Threshold d: 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?

Threshold e: Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Solid waste from the City is transported to the Victorville Landfill, which is currently operated by the County of San Bernardino. The Victorville Landfill has a permitted disposal capacity of 3,000 tons per day with a remaining capacity of 79,400,000 cubic yards. The average daily tonnage for the landfill as of July 2023 was 1,400 tons. As such, the landfill has an excess capacity of 1,600 tons. (CalRecycle, 2023)

1. Construction-Related Impacts

Waste generated during the construction phase of the Project would primarily consist of discarded materials from construction of the surface parking lot facility, as no structures are proposed to be demolished. The California Green Building Standards Code (Part 11, Title 24, California Code of Regulations; CalGreen) requires the diversion of 65 percent of construction materials generated during construction. The Project would be required to comply with CalGreen, reducing waste produced. The generation of construction debris would be minimal and temporary in nature.

The Project site would be served by the Victorville Landfill. According to the Cal Recycle Facility/Site Summary Details website accessed on May 10, 2023 (most current data available), Victorville Landfill is well below its maximum permitted daily disposal volume and demolition and construction waste



generated by the Project is not anticipated to cause the landfill to exceed its maximum permitted daily disposal volume (CalRecycle, 2023).. As such, the Victorville Landfill would have sufficient excess daily capacity to accept construction solid waste generated by the proposed surface parking lot.

2. Operational Related Impacts

The Project is anticipated to generate nominal amounts of solid waste due to the nature of the proposed Project. As such, 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. Accordingly, no impact would occur.

5.4.9 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire severity zones, would the project:

- Threshold a:** *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- Threshold b:** *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?*
- Threshold c:** *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?*
- Threshold d:** *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?*

The State Responsibility Area (SRA) is the land where the State of California is financially responsible for the preservation and suppression of wildfires. The SRA does not include lands within city boundaries or in federal ownership; therefore, the Project site does not have the potential to be in an SRA. According to CalFire’s Fire Hazard Severity Zone Map, the Project site is not listed in or near a state responsibility area or land classified as very high fire hazard severity zone (CalFire, 2022). Therefore, no impacts associated to wildfire are anticipated.



6.0 ALTERNATIVES

6.1 INTRODUCTION

CEQA Guidelines §15126.6(a) describes the scope of analysis that is required when evaluating alternatives to proposed projects, as follows:

“An EIR shall describe a range of reasonable alternatives to the project, or to the location of 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 alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selection of a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.”

Key provisions of the State CEQA Guidelines on alternatives (Sections 15126.6[b] – 15126.6[f]) are provided below to explain the foundation and requirements for the alternatives analysis in the EIR.

- The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objective, or would be more costly (Section 15126.6[b]).
- The specific alternative of ‘no project’ shall also be evaluated along with its impact (Section 15126.6[e][1]).
- The “no project” analysis shall discuss the existing conditions at the time the Notice of Preparation is published, and at the time the environmental analysis is commenced, as well as what would reasonably be 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 (Section 15126.6[e][2]).
- The range of alternatives required in an EIR is governed by the “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster



meaningful public participation and informed decision making. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent) (Section 15126.6[f]).

- For alternative locations, “only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR” (Section 15126.6[f][2][A]).
- If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR. For example, in some cases there may be no feasible alternative locations for a geothermal plant or mining project which must be in close proximity to natural resources at a given location (Section 15126.6[f][2][B]).
- An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative (Section 15126.6[f][3]).

6.1.1 PROJECT OBJECTIVES

The underlying purpose and goal of the Nisqualli Road Trailer Lot Expansion Project is to develop a fenced and paved surface truck trailer parking lot to serve an existing warehouse owned and occupied by Church & Dwight Co., Inc. in the City of Victorville in close proximity to the State highway system to improve the City’s economic competitiveness. The Project would achieve its underlying purpose and goal through the following objectives.

- A. To improve an existing dirt lot, currently used for truck trailer storage, with an improved fenced and paved parking facility to help meet the needs for ancillary parking of the existing Church & Dwight Co. Inc warehouse;
- B. To further alleviate truck traffic along Nisqualli Road and Enterprise Way and parking along Enterprise Way;
- C. To improve the water quality through the installation of an on-site detention basin.

6.1.2 SUMMARY OF THE PROPOSED PROJECT’S SIGNIFICANT IMPACTS

As discussed in Section 4.0, *Environmental Analysis*, of this EIR, the proposed Project would result in no impact, a less than significant impact, or less than significant impact with incorporation of applicable mitigation measures for each of the thresholds evaluated in this EIR. With incorporation of mitigation measures, no significant adverse environmental impacts would result.

Although the Project would not result in any significant and unavoidable impacts, Project-level mitigation measures are required to reduce potentially significant construction-related impacts to levels



considered less than significant for: Biological Resources (due to the potential to disturb burrowing owls and nesting birds) Cultural Resources (due to the potential to encounter buried cultural resources), Geology and Soils (due to the potential to encounter buried paleontological resources), Hazards and Hazardous Materials (due to the potential to encounter contaminated soils), and Tribal Cultural Resources (due to the potential to encounter buried tribal cultural resources). These potentially significant impacts are associated with construction activities, not operation of the Project.

6.2 ALTERNATIVES UNDER CONSIDERATION

CEQA Guidelines §15126.6(e) requires that an alternative be included that describes what would reasonably be expected to occur on the property in the foreseeable future if the proposed Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., “no project” alternative). For development projects that include a revision to an existing land use plan, the “no project” alternative is considered to be the continuation of the existing land use plan into the future. For projects other than a land use plan (for example, a development project on an identifiable property such as the proposed Project evaluated herein), the “no project” alternative is considered to be a circumstance under which the proposed Project does not proceed (CEQA Guidelines § 15126.6(e)(3)(A-B). For the alternatives’ analysis in this Draft EIR, the “No Project/No Development Alternative” was considered and the “No Project/Existing General Plan and Zoning Alternative” was rejected for the reasons described in Section 6.3.2.

6.2.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative considers no development on the Project site. As such, the approximately 10.04-acre Project site would continue to remain undeveloped and operate as a dirt truck trailer storage lot for the existing Church & Dwight Co. Inc, warehouse. Under this Alternative, no improvements would be made to the Project site and none of the Project’s parking, utility, and other infrastructure improvements would occur. This Alternative was selected by the City to compare the environmental effects of the project with an alternative that would leave the Project site in its existing condition.

6.3 ALTERNATIVES CONSIDERED AND REJECTED

An EIR is required to identify any alternatives that were considered by the City but were rejected as infeasible. Factors described by CEQA Guidelines § 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR include: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the proposed Project, CEQA Guidelines § 15126.6(f)(1) notes:

“Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional



boundaries...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site..."

In determining an appropriate range of alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because either: 1) they could not accomplish the basic objectives of the Project, 2) they would not have resulted in a reduction of significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. A summary of the alternatives that were considered but rejected are described below.

6.3.1 ALTERNATIVE SITE

The City considered but rejected an alternative that would develop the Project on an alternative site. In making the decision to include or exclude analysis of an alternative site the:

...key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR" (CEQA Guidelines §15126.6[f][2]).

To meet the Project objectives and implement the Nisqualli Road Trailer Lot Expansion Project, an Alternative Site for consideration in this analysis would include other sites designated as Heavy Industrial to support existing industrial development. For this alternative, any development within these areas would need to be consistent with the Project, Project objectives, and development anticipated in the area, as presented in the City of Victorville General Plan and zoning. There are 1,228 acres of land within the City designated as Heavy Industrial land use within the northeast, southeast, and central portions of the City; the intent of the Heavy Industrial land use is to permit industrial and manufacturing uses that are more specialized in nature and require special consideration in terms of use of the property as well as impacts on adjacent properties.

The Project proposes to develop an approximately 10.04-acre property adjacent to the existing Church & Dwight warehouse with a surface parking lot consisting of 198 truck trailer stalls. Because the Project is expected to serve the existing Church & Dwight Co. Inc. warehouse, the development of the Project on an alternative site would not serve the primary purpose of the Project to provide trailer parking near the Church & Dwight warehouse. Therefore, this alternative would not meet Project objective A and would result in increased operational impacts related to air quality, greenhouse gas, and VMT impacts due to an increase in travel distance.

6.3.2 NO PROJECT/EXISTING GENERAL PLAN AND ZONING ALTERNATIVE

The No Project/Existing General Plan and Zoning Alternative would consider the development of the Project site with a use that conforms to the existing land use and zoning standards for the Project site,



specifically the Heavy Industrial land use and Heavy Industrial zone. However, the existing use of the Project site already conforms with the existing General Plan and zoning standards. Additionally, any other allowed uses within the Heavy Industrial land use and zoning are expected to be higher intensity and create additional impacts compared to the Project. Therefore, this alternative was rejected from further consideration in the Draft EIR since it would not be substantially different from the proposed Project and would not substantially reduce environmental effects.

6.4 ANALYSIS OF ALTERNATIVES

The City has identified the following alternatives as a range of reasonable alternatives to the Project in accordance with CEQA Guidelines §15126.6. These alternatives are described in more detail and evaluated for their level of environmental effects, compared to the Project's environmental effects.

The following discussion compares the impacts of each alternative considered by the City with the impacts of the Project, as detailed in Section 4.0, *Environmental Analysis*, of this EIR. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), CEQA Guidelines §15126.6(d) requires that the discussion of alternatives focus on alternatives which are capable of avoiding or substantially lessening the significant effects of the Project. Therefore, the analysis provided herein focuses on a comparison of the Project's significant impacts to the level of impact that would occur under each evaluated alternative. The Project would not result in any significant and unavoidable impacts; all significant impacts are related to construction activities and would be mitigated to less than significant levels. Although the Project's less-than-significant impacts also are compared to the alternatives evaluated herein, the emphasis of the comparative discussion in this analysis relates to the significant impacts of the Project as required by CEQA. A conclusion is provided for each significant impact of the Project as to whether the alternative results in one of the following: (1) reduction or elimination of the Project's impact, (2) a greater impact than would occur under the Project, (3) the same impact as the proposed Project, or (4) a new impact in addition to the Project's impacts.

Table 6-1, *Comparison of Alternatives to the Project*, at the end of this Section compares the significant impacts of the Project with the level of impact that would be caused by the alternatives evaluated herein and identifies the ability of each alternative to meet the fundamental purpose and basic objectives of the Project, listed above under 6.1.1, *Project Objectives*.

6.4.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative considers no development at the Project site beyond what occurs on the site under existing conditions (as described in EIR Section 3.0). As such, the approximately 10.04-acre Project site would continue to consist of undeveloped land that operates as a dirt truck trailer storage lot. Under this alternative, no improvements would be made to the Project site and none of the Project's utility and other infrastructure improvements would occur. This alternative was selected by the City to compare the environmental effects of the proposed Project with an alternative that would leave the Project site undeveloped in its general existing conditions.



A. Air Quality

The No Project/No Development Alternative would avoid the introduction of new potential sources of short-term (construction) and long-term (operational) air pollutant emissions that would occur during the implementation of the Project. Accordingly, all of the Project's less-than significant short-term air quality impacts would be avoided under this alternative because no construction activities would occur. The Project site would continue to be used as a dirt truck trailer storage yard and operation-related air quality impacts would remain the same. Impacts associated with air quality under this alternative would be less than significant.

Although selection of the No Project/No Development Alternative would avoid the implementation of the Project, it would not necessarily prevent the Project or another project of its nature from being developed in another location in response to the demand for this use in the region. As such, it is possible that selection of the No Project/No Development Alternative would merely displace the Project's air pollutant emissions to another location in the Mojave Desert Air Basin (MDAB) resulting in the same or greater environmental effects to air quality.

B. Biological Resources

The No Project/No Development Alternative would leave the property in its existing condition. Under this alternative, the Project's less than significant impacts with mitigation incorporated would be avoided because the property would not be disturbed compared to the same degree as the permanent disturbance that would occur as the result of the Project's proposed development.

C. Cultural Resources

No known historic resources, archaeological resources, cultural resources, or human remains were identified as occurring within the Project site under existing conditions. Based on the Project-specific cultural resources study, there does not appear to be any potential to encounter archaeological deposits within the Project site. However, given the presence of previously-identified archaeological resources within the Project site's vicinity, there is a potential for the Project site to contain unidentified surface or subsurface archaeological resources. The No Project/No Development Alternative would avoid impacts associated with unearthing previously undiscovered archeological resources and human remains during the Project's grading operations; therefore, this alternative has no potential to impact archaeological resources that may exist in undisturbed soils beneath the ground surface. Accordingly, although the Project would result in less than significant impacts associated with cultural resources, this alternative would have no impact related to cultural resources.

D. Energy

Under the No Project/No Development Alternative, the Project site would remain undeveloped and used as a dirt truck trailer storage lot; therefore, the site would not require any additional near-term or long-term energy resources. Accordingly, although the Project would result in less than significant



impacts associated with energy, the No Project/No Development Alternative would have no impact related to energy use.

E. Geology and Soils

The No Project/No Development Alternative would result in no grading of the property; therefore, no impacts to geology or soils would occur. No known paleontological resources were identified as occurring within the Project site under existing conditions. However, the Pleistocene alluvium of the ancestral Mojave River can be considered to have a high potential to yield paleontological resources. The No Project/No Development Alternative would avoid potential construction-related impacts associated with unearthing previously undiscovered paleontological resources during the Project's grading operations; therefore, this alternative has no potential to impact subsurface resources that may exist in undisturbed soils beneath the ground surface. Accordingly, this alternative would eliminate the Project's potential paleontological resource impacts and no mitigation would be required.

F. Greenhouse Gas Emissions

Under the No Project/No Development Alternative, no development would occur on the Project site and the existing Church & Dwight Co., Inc. warehouse operations would continue to use the site for truck trailer storage, the operation of which generates GHG emissions. Therefore, there would be no new potential sources of near-term or long-term GHG emissions. However, impacts would be similar to proposed Project.

Although selection of the No Project/No Development Alternative would prevent the Project site from new development, it would not necessarily prevent the Project or another project of its nature from being developed in another location in response to the demand for an industrial use within the region. As such, it is possible that selection of the No Project/No Development Alternative would merely displace the Project's GHG emissions to another location in the MDAB resulting in the same or greater environmental effects related to GHG emissions.

G. Hazards and Hazardous Materials

Under the No Project/No Development Alternative, no development would occur on-site; thus, no impacts related to hazards or hazardous materials would occur. Project impacts were determined to be less than significant related to hazards and hazardous materials, including those associated with the routine transportation, storage, and use of common household chemicals during the operation of the Project. Similarly, this alternative would have no hazardous materials impacts and no mitigation would be required.

H. Hydrology and Water Quality

The No Project/No Development Alternative would result in no grading or development of the property; therefore, no impacts to hydrology or water quality would occur. However, no drainage improvements or water quality features would be installed and runoff would continue to flow south



across the site to the drain channel as it does under existing conditions. Additionally, development of the Project would increase impervious surface coverage on the Project site, which would, in turn, reduce the amount of water percolating down into the groundwater sub-basin that underlies the Project site. Since no water quality features would be constructed to treat runoff under this alternative, water quality impacts, including erosion and sedimentation, would be greater under this alternative. Accordingly, this alternative would result in greater impacts associated with hydrology and water quality when compared to the Project.

I. Noise

Under the No Project/No Development Alternative, no development would occur on-site; thus, no new sources of stationary noise and no new traffic trips would be generated; therefore, the No Project/No Development Alternative would not contribute to the less than significant incremental increase in area-wide noise levels that would occur under the Project. Additionally, under the No Project/No Development Alternative, the less than significant vibration impacts that would occur because of the Project would be avoided. Moreover, the Project site is not within two miles of an airport or public use airport; thus, no impacts would occur. Accordingly, although the Project would result in less than significant impacts associated with noise, the No Project/No Development Alternative would have no impact related to noise.

J. Transportation

Under the No Project/No Development Alternative, no new development would occur on the Project site and no new traffic would be generated at the Project site. Therefore, this alternative would have no impacts related to vehicle miles traveled or access. Although the Project would have less than significant impacts, implementation of this alternative would result in no impacts associated with transportation.

K. Tribal Cultural Resources

Under the No Project/No Development Alternative, no paving would occur on the Project site. It should be noted that there is potential that resources could be encountered during ground-disturbing construction activities in native soils. However, under this alternative, the Project site would be left in its existing condition; no additional grading or disturbance of native soil would occur. As such, this alternative would not result in impacts to undiscovered tribal cultural resources. Accordingly, implementation of this alternative would have no impacts related to tribal cultural resources.

L. Conclusion

1. Avoid or Substantially Lessen the Significant Impacts of the Project

The No Project/No Development Alternative would result in no physical improvements to the Project site. All the impacts of the Project would be eliminated or lessened by the selection of the No Project/No Development Alternative. However, this alternative would not benefit from the stormwater drainage and water quality filtration features that would be constructed by the Project.



2. *Attainment of Project Objectives*

The No Project/No Development Alternative would fail to meet all of the Project’s objectives, as described in Subsection 6.1.1.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of an environmentally superior alternative. CEQA Guidelines Section 15126.6(e)(2) states that, if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

The No Project/No Development Alternative has the least impact to the environment because it would not involve any construction activities or operations. While this alternative would avoid the significant effects of the Project, it would not receive any benefits from the stormwater drainage and water quality filtration features that would be constructed by the Project. Additionally, none of the Project objectives would be met.

Based on the analysis presented in Section 4.1 through 4.11 of this EIR, compliance with applicable regulations and implementation of Project-level mitigation measures (for potential impacts related to construction activities), the Project would not result in any significant and unavoidable impacts. Therefore, there is no need to further evaluate alternative development scenarios (reduced intensity, reduced development area, alternative site plan, alternative use, etc.) compared to the Project. Any alternative development scenario would have similar impacts as the Project related to construction activities, and the Project would not result in any significant operational impacts that would be avoided by an alternative. Therefore, there are no other alternatives evaluated in this EIR that would be considered environmentally superior to the Project.

As shown in Table 6-1, *Comparison of the No Project Alternative to the Project*, the No Project/No Development Alternative would avoid all the Project’s environmental impacts. The reduction in impacts is due to the fact that no physical improvements would occur on the Project site and there would be no increase in operations.

Table 6-1 Comparison of the No Project Alternative to the Project

Impact Area	Project	No Project/ No Development
Air Quality		
Construction	LTS	No Impact (less)
Operation	LTS	No Impact (less)
Biological Resources	LTS/M	No Impact (less)
Cultural Resources	LTS/M	No Impact (less)
Energy	LTS	No Impact (less)
Geology and Soils	LTS/M	No Impact (less)



Impact Area	Project	No Project/ No Development
GHG Emissions	LTS	No Impact (less)
Hazards and Hazardous Materials	LTS/M	No Impact (less)
Hydrology and Water Quality	LTS	No Impact (greater)
Construction	LTS	No Impact (less)
On-site Operations	LTS	No Impact (less)
Off-site Traffic-Related	LTS	No Impact (less)
Transportation	LTS	No Impact (less)
Tribal Cultural Resources	LTS/M	No Impact (less)
Project Objectives		No Project/ No Development
A. To efficiently develop a predominantly vacant and underutilized property, currently used for truck trailer storage, with a fenced and paved parking facility to help meet the needs for ancillary parking of the existing Church & Dwight Co. Inc warehouse.		Not met
B. To make efficient use of a property in the City of Victorville by maximizing its buildout potential		Not met
C. To improve the water quality through the installation of an on-site detention basin.		Not met

LTS = Less than Significant; LTS/M = Less than Significant with Mitigation; SU = Significant and Unavoidable



7.0 REFERENCES

7.1 PERSONS CONTRIBUTING TO EIR PREPARATION

7.1.1 CITY OF VICTORVILLE, PLANNING DEPARTMENT

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7.1.3 TECHNICAL REPORT CONSULTANTS

Altec Testing & Engineering, Inc.
Phase I Environmental Site Assessment, Soil Management Plan
Lynn A. Laborde, Senior Environmental Engineer
Patrick Adams, President

Brian F. Smith and Associates, Inc.
Phase I Cultural Resources Study
Andrew J. Garrison M.A., RPA

Paleontological Assessment
Todd A. Wirths, M.S., Senior Paleontologist

David Evans and Associates, Inc.
Preliminary Hydrology and Hydraulics Report, Preliminary Water Quality Management Plan
Bret Jensen Thorpe, P.E., P.M.



Geotechnical Professionals Inc.

Geotechnical Investigation
Patrick McGervey, P.E., Project Engineer
Paul R. Schade, G.E., Principal

Glenn Lukos Associates, Inc.

Biological Technical Report
David Smith, Wildlife Biologist

Urban Crossroads

Air Quality, Energy, Greenhouse Gas Analysis
Haseeb Qureshi, Principal
Shannon Wong, Environmental Analyst

Health Risk Assessment
Haseeb Qureshi, Principal
Michael Tirohn, Environmental Scientist

Noise Impact Analysis
Bill Lawson, PE, INCE

Traffic Analysis
Aric Evatt, PTP
Charlene So, PE
Alex So, Senior Associate

7.2 DOCUMENTS APPENDED TO THIS EIR

The following reports, studies, and supporting documentation were used in preparing the Nisqualli Road Trailer Lot Expansion Project EIR and are bound separately as *Technical Appendices*. A copy of the *Technical Appendices* is available for review at the City of Victorville Planning Department located at 14343 Civic Dr, Victorville, CA 92392.

- A: Notice of Preparation (NOP) and NOP Comment Letters
- B1: Air Quality Impact Analysis
- B2: Mobile Source Health Risk Assessment
- C: Biological Resources Technical Report
- D: Phase I Cultural Resources Assessment
- E: Energy Impact Analysis
- F: Geotechnical Engineering Report
- G: Paleontological Assessment
- H: Greenhouse Gas Analysis
- I1: Phase I Environmental Site Assessment



- I2: Soil Management Plan
- J1: Preliminary Hydrology Study
- J2: Water Quality Management Plan
- K: Noise Impact Analysis
- L1: Vehicle Miles Traveled (VMT) Analysis
- L2: Traffic Analysis
- M: Mitigation Monitoring and Reporting Program

7.3 DOCUMENTS INCORPORATED BY REFERENCE

The following reports, studies, and supporting documentation were used in the preparation of this EIR and are incorporated by reference within this EIR. A copy of the following reports, studies, and supporting documentation is a matter of public record and is available to the public at the location listed below.

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