FINAL

Environmental Impact Report

Mojave Industrial Park Project

State Clearinghouse No. 2023110478

JUNE 2024

Prepared for:

CITY OF VICTORVILLE, DEVELOPMENT DEPARTMENT
14343 Civic Drive
Victorville, California 92392
Contact: Travis Clark, Senior Planner

Prepared by:

DUDEK

605 Third Street
Encinitas, California 92024
Contact: Ronelle Candia

Printed on 30% post-consumer recycled material.

Table of Contents

SECTION **PAGE NO.**

TABLE

APPENDIX

INTENTIONALLY LEFT BLANK

1 Introduction

1.1 Introduction

This Final Environmental Impact Report (EIR) was prepared for the Mojave Industrial Park Project (Project) in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000–21177).

Project Overview

The Project includes the construction and operation of three industrial/warehouse buildings and associated improvements on approximately 81.1 acres of vacant land. The Project would provide a total of 1,351,400 square feet of industrial/warehouse space. Building 1, the southeast building, would be approximately 100,300 square feet; Building 2, the southwest building, would be approximately 91,100 square feet; and Building 3, the northern building, would be approximately 1,160,000 square feet. The Project would also include associated improvements, such as loading docks, trailer parking stalls, passenger vehicle parking spaces, stormwater detention basins, and landscape area. The Project would also include several off-site utility and public street improvements, including improvements along Onyx Road, Mojave Drive, Cactus Road/Tawney Ridge Lane, and Topaz Road, including frontage landscaping and pedestrian improvements. These would be public roads once constructed. There would also be installation of or upsizing of water and sewer lines within road rights-of-way in the immediate vicinity of the Project site. A detailed description of the Project is contained in the Draft EIR in Chapter 3, Project Description. As described below, the Draft EIR is incorporated herein as part of the Final EIR but provided under a separate cover.

Contents and Use of a Final EIR

As described in CEQA and the CEQA Guidelines, public agencies are charged with the duty to avoid or substantially lessen significant environmental effects, with consideration of other conditions, including economic, social, technological, legal, and other benefits. As required by CEQA, this Final EIR assesses the significant direct and indirect environmental effects of the Project, as well as the significant cumulative impacts that could occur from implementation of the Project. This Final EIR is an informational document only, the purpose of which is to identify the significant effects of the Project on the environment; to indicate how those significant effects could be avoided or significantly lessened, including feasible mitigation measures; to identify any significant and unavoidable adverse impacts that cannot be mitigated to less than significant; and to identify reasonable and feasible alternatives to the Project that would avoid or substantially lessen any significant adverse environmental effects associated with the Project and achieve the fundamental objectives of the Project.

Before approving a project, CEQA requires the lead agency to prepare and certify a Final EIR. The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, as follows:

1. The draft EIR or a revision of the draft.
2. Comments and recommendations received on the draft EIR either verbatim or in summary.
3. A list of persons, organizations, and public agencies commenting on the draft EIR.
4. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

5. Any other information added by the Lead Agency.

In accordance with the above-listed requirements, this Final EIR for the Project incorporates the publicly circulated Draft EIR, which is provided under a separate cover, and consists of the following:

1. All agency and public comments received during the public review comment period for the Project.
2. Changes to the Draft EIR since it was circulated for public review.
3. Responses to public comments.
4. The Project's Mitigation Monitoring and Reporting Program.

This Final EIR in combination with the Draft EIR, as amended by text changes, constitute the EIR that will be considered for certification by the City of Victorville (City) and may be used to support approval of the proposed Project, either in whole or in part, or one of the alternatives to the Project discussed in the Draft EIR.

As required by Sections 15090(a)(1)–(3) of the CEQA Guidelines, a lead agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the lead agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the lead agency's independent judgment and analysis.

As required by Section 15091 of the CEQA Guidelines, no public agency can approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale for each finding, supported by substantial evidence in the record. The possible findings are as follows:

1. Changes or alterations have been required in or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a lead agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the action. The Statement of Overriding Considerations must be supported by substantial evidence in the lead agency's administrative record.

The Draft Findings of Fact and Statement of Overriding Considerations are provided as a separate document that may be considered for adoption by the City at the time at which the Project is considered.

1.2 Contents and Organization

The Final EIR will be used by the City as an informational document for the proposed Project. The Final EIR, in compliance with Section 15132 of the CEQA Guidelines, is organized as follows:

Chapter 1, Introduction. This chapter provides general information on, and the procedural compliance of, the proposed Project and the Final EIR.

Chapter 2, Changes to the Draft Environmental Impact Report. This chapter contains a summary of changes made to the document since publication of the Draft EIR as a result of comments received. Revisions clarify information presented in the Draft EIR, and only minor technical changes or additions have been made. These text changes provide additional clarity in response to comments received on the Draft EIR, but do not change the significance of the conclusions presented in the Draft EIR. Changes are signified by strikeout text (i.e., ~~strikeout~~) where text was removed and by underlined text (i.e., underline) where text was added.

Chapter 3, Response to Comments. This chapter includes a list of public agencies and individuals who provided comments on the Draft EIR during the public review period. Appendix A includes the comment received on environmental issues raised during the public review process for the Draft EIR and the City's response to this comment are in Chapter 3. The comment letter is numbered and presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the number of the comment letter appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Responses to specific comments have binomials that correspond to the bracketed comments.

Chapter 4, Mitigation Monitoring and Reporting Program. This chapter provides the Mitigation Monitoring and Reporting Program for the proposed Project. The Mitigation Monitoring and Reporting Program is presented in table format and identifies mitigation measures for the proposed Project, the party responsible for implementing the mitigation measures, the timing of implementing the mitigation measures, and the monitoring and reporting procedures for each mitigation measure. Project design features that were identified in the EIR are also included in this chapter to verify that these features are incorporated within the Project.

Draft EIR (Under Separate Cover). This Final EIR incorporates the Draft EIR as circulated during public review. The Draft EIR includes a detailed description of the Project, an analysis of the Project's environmental impacts, and a discussion of alternatives to the Project. The Draft EIR is available for review on the City's website at https://www.victorvilleca.gov/government/city-departments/development/planning/environmental-review-notices. Copies of the Draft EIR are also available for public review at the following locations:

City of Victorville, Development Department
14343 Civic Drive
Victorville, California 92392

Victorville City Library
15011 Circle Drive
Victorville, California 92395

1.3 California Environmental Quality Act Review

In accordance with Section 15082 of the CEQA Guidelines, the City released an Initial Study and Notice of Preparation on November 17, 2023, for the required 30-day review period to interested agencies, organizations,

and individuals. The purpose of the Notice of Preparation is to provide notification that an EIR for the Project was being prepared, as well as to solicit guidance on the scope and content of the document. The Notice of Preparation was sent to the State Clearinghouse at the California Governor's Office of Planning and Research. The State Clearinghouse assigned a state identification number (SCH No. 2023110478) to the Project. The Notice of Preparation was also posted at the County Clerk's office and on the City's website at https://www.victorvilleca.gov/government/city-departments/development/planning/environmental-review-notices. Copies of the Notice of Preparation were distributed to all applicable agencies and tribes on the City's noticing list, as well as surrounding property owners within 300 feet of the Project site. Hard copies of the Initial Study and Notice of Preparation were made available for review at both the City's Development Department, located at 14343 Civic Drive, Victorville, California 92392, and at the Victorville City Library, located at 15011 Circle Drive, Victorville, California 92395. A public scoping meeting was held on December 13, 2023, at City of Victorville City Hall to gather additional public input on the scope of the environmental document. During the scoping meeting, the City did not receive any substantive comments on the scope of the environmental analysis to be included in the Draft EIR.

The 30-day public scoping period ended on December 18, 2023. Comments received during the 30-day public scoping period were considered during preparation of the Draft EIR. Copies of the comment letters received in 2023 are provided in Appendix A of the Draft EIR, and included comments from the following:

- Native American Heritage Commission
- Office of Attorney General Department of Justice
- Californians Allied for Responsible Economy (CARE CA)
- San Gorgonio Chapter Mojave Group of the Sierra Club

Comments focused on potential impacts and issues related to the aesthetics, air quality, biological resources, cultural and tribal cultural resources, greenhouse gas emissions, noise, and transportation. Issues, concerns, and potential impacts raised in comment letters received during the 2023 public scoping period were discussed and addressed in the Draft EIR, and no further response to these comments is needed in this Final EIR.

A Notice of Availability of the Draft EIR was sent to agencies and interested parties on April 26, 2024, and the Draft EIR was circulated for a public review period from April 26, 2024, through June 10, 2024. The Notice of Availability was also posted at the County Clerk's office and both the Notice of Availability and Draft EIR were posted on the City's website. Copies of the Notice of Availability were distributed to all applicable agencies and tribes on the City's noticing list, as well as surrounding property owners within 300 feet of the Project site. Hard copies of the Draft EIR were made available for review at both the City's Development Department, located at 14343 Civic Drive, Victorville, California 92392, and at the Victorville City Library, located at 15011 Circle Drive, Victorville, California 92395.

The City received one comment letter during the 2024 Draft EIR public review period. The details of the comment received and responses to that comment are included in Chapter 3 of this Final EIR. Appendix A contains a copy of the comment letter received.

Per CEQA Guidelines Section 15088, responses to comments submitted by public agencies are required to be provided to the commenting agency at least 10 days prior to the public hearing at which the EIR and Project will be considered. As such the City has distributed a Notice of Availability of a Final EIR to all parties that commented on the Draft EIR. The City has also posted this Final EIR on the City's website. Hard copies of the Final EIR were made available for review at the City's Development Department, located at 14343 Civic Drive, Victorville, California 92392.

2 Changes to the Draft Environmental Impact Report

2.1 Introduction

As provided in Section 15088(c) of the California Environmental Quality Act (CEQA) Guidelines, responses to comments may take the form of a revision to a Draft Environmental Impact Report (EIR) or may be a separate section in the Final EIR. This chapter complies with the latter option and provides changes to the Draft EIR in this chapter shown as strikethrough text (i.e., ~~strikethrough~~) signifying deletions and underlined text (i.e., underline) signifying additions. These changes are meant to provide clarification, corrections, or minor revisions made to the Draft EIR initiated by the lead agency, City of Victorville; reviewing agencies; the public; and/or consultants based on their review. Text changes are presented in the section and page order in which they appear in the Draft EIR. None of the corrections or additions constitutes significant new information or substantial project changes that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

2.2 Changes to the Draft Environmental Impact Report

2.2.1 Section 4.2, Air Quality

Air Quality Mitigation Measures

Location: Section 4.2.6, Mitigation Measures and Level of Significance After Mitigation (pp. 4.2-47 through 4.2-50)

Explanation for Change and Discussion:

Since circulation of the Draft EIR, consideration was given to ways in which mitigation measures could be strengthened and/or improved. These measures are aimed at reducing both construction and operational emissions. The developer has requested that the suggested measures be included within the Draft EIR as mitigation measures and tracked within the Mitigation Monitoring and Reporting Program. As such, **Mitigation Measure (MM)-AQ-1**, **MM-AQ-2**, **MM-AQ-3**, **MM-AQ-6**, and **MM-AQ-7** have been modified below.

Changes:

MM-AQ-1 Construction Measures. The Project shall implement the following measures to reduce construction air pollutant emissions to the extent feasible:

- ~~On days when the hourly average wind speed for the City of Victorville exceeds 20 miles per hour, additional dust control measures shall be implemented, such as increased surface watering.~~ All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour (mph) per Antelope Valley Air Quality Management District (AVAQMD) guidelines in order to limit fugitive dust emissions, or water shall be applied to the soil nor more than 15 minutes prior to moving such soil to limit Visible Dust Emissions (VDE)

to 20 percent opacity. ~~Grading and excavation shall be prohibited when sustained wind speed exceeds 30 miles per hour.~~

- Require all generators, and all diesel-fueled off-road construction equipment greater than 75 horsepower, to be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (asset forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. If the operator lacks Tier 4 Interim or cleaner equipment, and it is not available for lease or short-term rental within 50 miles of the project site, Tier 3 or cleaner off-road construction equipment may be utilized subject to City approval. ~~An exemption from these requirements may be granted by the City of Victorville in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment (for example, another piece of equipment can be replaced with a zero emission equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Final standards). Before an exemption may be considered by the City, the applicant shall be required to demonstrate that at least two construction fleet owners/operators in the San Bernadino Region were contacted and that those owners/operators confirmed Tier 4 Final or better equipment could not be located within the San Bernardino Region. To ensure that Tier 4 Final construction equipment or better would be used during the proposed Project's construction, the applicant shall include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground disturbing and construction activities.~~
- The construction Contractor shall ensure, to the extent feasible, that off-road diesel construction equipment used during grading activities, complied with EPA/Tier 4 emissions standard or equivalent and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.
- Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology, vehicles, and equipment that will be operating onsite during construction. Necessary infrastructure may include the physical (e.g. needed footprint), energy and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks. ~~Provide infrastructure for zero-emission off-road construction equipment if the contractors selected to construct the Project plan to use zero-emission off-road construction equipment.~~
- Provide electrical hook ups to the power grid, rather than diesel-fueled generators, for contractors' electric construction tools, such as saws, drills and compressors. In applicable bid documents and contracts with contractors selected to construct the Project, include language requiring all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers, etc.) used during Project construction to be electric.
- Ensure that the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment by requiring ~~Require~~ construction equipment to be turned off when not in use.
- Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11.

- To reduce volatile organic compounds (VOC) during construction of the Project, during construction activities, the Construction Contractor shall ensure that "Super-Compliant" low VOC paints be utilized that have been reformulated to exceed the regulatory VOC limits put forth by AVAQMDs Rule 1113. Super-Compliant low VOC paints shall be no more than 10 grams per liter (g/L) of VOC. ~~Use paints, architectural coatings, and industrial maintenance coatings for all interior painting that have volatile organic compound levels of less than 10 grams per liter (g/L).~~
- Require for the building owner to provide a Green Cleaning Products and Paint Education Program available to the building tenant, to keep at the building's office, break room, leasing space, or on an accessible website.
- The idling of heavy construction equipment for more than 5 minutes shall be prohibited. Signage shall be posted throughout the construction site informing construction personnel of the idling time limit. Idling time limits shall be noted in construction specifications. Subject to all other idling restrictions, heavy construction equipment shall not be left in the "on position" for more than 10 hours per day.
- All haul trucks entering the Project construction site during the grading and building construction phases shall meet California Air Resources Board model year 2014 or later engine emission standards. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022.
- The Project's construction manager shall maintain on the construction site construction logs detailing the following:
  - An inventory of construction equipment, maintenance records, and datasheets, including design specifications and emission control tier classifications
  - Verification that construction equipment operators have been advised of idling time limits and photographic evidence that signage with idling time limits have been posted around the construction site
  - Evidence that construction contractors have been provided with transit and ridesharing information for construction workers

  Construction logs shall be made available in the event that local, regional, or state officials (e.g., officials from the City of Victorville, Mojave Desert Air Quality Management District, or California Air Resources Board) conduct an inspection at the Project site.

MM-AQ-2 Haul Trucks. The Project shall implement the following measures in order to reduce operational mobile source air pollutant emissions to the extent feasible:

- Only haul trucks meeting California Air Resources Board (CARB) model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site. The tenant shall be required to maintain records of haul trucks trips to and from the site, and make such records available for review by the City approving the project upon request.

MM-AQ-3 Zero-Emissions Off-Road Equipment. All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and landscaping equipment) shall be non-diesel, if more than one piece of cargo handling equipment is required by the building user, the equipment shall be zero-emission vehicles. The Project shall include the necessary charging stations or other

necessary infrastructure for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.

MM-AQ-6 Electric Vehicle Infrastructure and Zero Emission Vehicles. The following shall be incorporated into the Project:

- Prior to certificate of occupancy, install conduit and infrastructure for Level 2 (or faster) electric vehicle charging stations on site for employees for the percentage of employee parking spaces commensurate with Title 24 requirements, or to serve at least 25 percent of the employee parking spaces, whichever is greater. All charging stations shall be quipped with Level 2 or faster chargers. ~~in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By 2030 install Level 2 (or faster) electric vehicle charging stations for 25% of the employee parking spaces required.~~
- Conduit shall be installed to tractor trailer parking areas in logical locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of electric truck charging stations at such time this technology becomes commercially available. The charging station location(s) are to be located inside the gated and secured truck courts.
- In anticipation of a transition to zero emissions truck fleets during the lifetime of the Project, install at least four heavy-duty truck vehicle charging stations on site by 2030.
- ~~Require all heavy duty vehicles engaged in drayage to or from the Project site to be zero emission beginning in 2030, as feasible.~~
- Require tenants to use zero-emission light- and medium-duty vehicles as part of business operations, ~~as~~ when economically feasible.
- Require the use of the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. This requirement shall apply to equipment such as forklifts, handheld landscaping equipment, yard trucks, office appliances, etc.

MM-AQ-7 Operational Measures. The following measures shall be incorporated into the Project:

- Provide meal options on site or shuttles between the facility and nearby meal destinations, as feasible.
- Post signs at every truck exit driveway providing directional information to the truck route.
- Improve and maintain vegetation and tree canopy for residents in and around the Project area in accordance with the approved landscaping plan.
- Include contractual language in tenant lease agreements requiring that any facility operator shall:
  - The Developer shall submit a Transportation Demand Management (TDM) plan prepared by a qualified transportation consultant acceptable by the City approving the project to reduce the Project's vehicles miles traveled. The TDM plan shall be approved by the City prior to the issuance of the first occupancy permit. The TDM plan shall apply to Project tenant(s) through tenant leases. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking

~~For occupants with more than 250 employees, require the establishment of a transportation demand management program~~ to reduce employee commute vehicle emissions;

- Place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and (3) telephone numbers of the building facilities manager and CARB to report violations. Prior to the issuance of an occupancy permit, the City of Victorville shall conduct a site inspection to ensure that the signs are in place;
- Ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at CARB-approved courses (such as the free, one-day Course #512);
- Ensure that site enforcement staff in charge maintains, replaces, and repairs the legible, durable, weatherproof signs that were installed at initial building occupancy placed at the truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations.
- Be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. The building manager or their designee shall be responsible for enforcing these requirements;
- Be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Train staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request;
- Enroll in the U.S. Environmental Protection Agency's SmartWay program, and if tenant owns, operates, or hires trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers, as feasible.

2.2.2 Section 4.3, Biological Resources

Biological Resources Mitigation Measures

Location: Section 4.3.5, Mitigation Measures and Level of Significance After Mitigation (pp. 4.3-37 through 4.3-38)

Explanation for Change and Discussion:

Since circulation of the Draft EIR, consideration was given to ways in which mitigation measures could be strengthened and/or improved, the developer has requested that the suggested measure be revised within the Draft EIR and tracked within the Mitigation Monitoring and Reporting Program. As such, **MM-BIO-10** has been modified below.

Changes:

MM-BIO-10 Pre-Construction Burrowing Owl Survey and Avoidance. One pre-construction burrowing owl survey shall be completed no more than 14 days ~~before initiation of site preparation or grading activities~~ prior to any ground disturbance, and a second survey shall be completed within 24 hours of the start of ~~site preparation or grading~~ ground disturbing activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be re-surveyed. The pre-construction survey shall include the area of proposed distance plus a 500-foot buffer (if access is available). Surveys for burrowing owl shall be conducted in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation prepared by the California Department of Fish and Game (now CDFW) in 2012 or current version.

If burrowing owls are detected, the Burrowing Owl Relocation Plan shall be implemented in consultation with CDFW. As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers will be established around occupied burrows as determined by a qualified biologist. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed.

Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone if there is a threat to the surface or subterranean burrow structure by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. The Project area shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the CDFW 2012 Staff Report on Burrowing Owl Mitigation or current version.

~~Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow.~~ Once the burrow is determined to be unoccupied, as verified by site monitoring, the burrow shall be closed by a qualified biologist who shall excavate the burrow using hand tools. Prior to excluding an owl from an active burrow, a receptor burrow survey shall be conducted to confirm that at least two potentially suitable unoccupied burrows are within approximately 688 feet prior to installation of the one-way day. If two natural receptor burrows are not located, one artificial burrow shall be created for every burrow that would be closed. If an active burrow is observed outside the breeding season (i.e., September 1 to January 31) and it can be avoided, the Biologist shall determine an appropriate protective buffer for the burrow based on CDFW guidelines. The buffer shall range from 160 feet to 1,640 feet depending on the level of impact and the time of year. The designated buffer will be clearly marked in the field and will be mapped as an ESA on construction plans. The Developers or their designee shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows.

If an active burrow is observed during the breeding season (i.e., February 1 to August 31), the active burrow shall be protected until nesting activity has ended (i.e., all young have fledged from the

burrow). The Biologist shall determine the appropriate protective buffer for the burrow based on CDFW guidelines. The buffer shall range from 650 to 1,640 feet depending on the level of impact and the time of year. The designated buffer will be clearly marked in the field and will be mapped as an ESA on construction plans. The Developers or their designee shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows. Construction shall be allowed to proceed when the qualified biologist has determined that all fledglings have left the nest.

Upon completion of the pre-construction burrowing owl survey, a Letter shall be prepared and submitted to CDFW documenting the results of the survey within two weeks of completion of the survey effort. If active burrow is observed, the Letter shall include a description of the protective buffer that has been designated and a summary of any additional correspondence with the CDFW.

If time lapses of greater than 30 days occur during construction in a particular portion of the work area, an additional survey shall be conducted by a qualified biologist within 24 hours prior to vegetation clearing and/or ground disturbance in that area. If any new burrowing owl burrows are observed, the conditions above shall be applied.

In the event the burrowing owl receives protections under CESA prior to the commencement of grading, the requirements of any permits or authorizations received by the Developers for the species pursuant to CESA shall take precedence over any incompatible provisions of this measure.

Mitigation for direct impacts to 76.47 acres of occupied habitat shall be fulfilled through conservation of suitable burrowing owl habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 76.47 acres.

2.2.3 Section 4.7, Greenhouse Gas Emissions

Greenhouse Gas Emissions Mitigation Measures

Location: Section 4.7.5, Mitigation Measures and Level of Significance After Mitigation (pp. 4.7-32 through 4.7-33)

Explanation for Change and Discussion:

Since circulation of the Draft EIR, consideration was given to ways in which mitigation measures could be strengthened and/or improved, the developer has requested that the suggested measures be included within the Draft EIR as mitigation measures and tracked within the Mitigation Monitoring and Reporting Program. As such, **MM-GHG-2** has been modified below.

Changes:

MM-GHG-2 Rooftop Solar. The Project shall provide rooftop solar array that has the capacity to provide on-site solar generation sufficient to accommodate the Project's total operational energy requirements from

within the building envelope at maximum peak. However, the rooftop solar system will not be designed or constructed to exceed the annual energy consumption of the Project facilities.

- Be required and identify the responsible party to maintain, replace, and upgrade rooftop solar panels per the manufacturer's recommendations for the life of the lease. Should the capacity for solar connections increase, additional solar panels shall be required to be added to the building.

3 Response to Comments

This chapter of the Final Environmental Impact Report (EIR) for the Mojave Industrial Park Project (Project) includes the details of the comment letter that was submitted during the public review period for the Draft EIR, along with responses to the comments raised by the commentor in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15088. The comment letter submitted during the public review period for the Draft EIR is in Appendix A. The 45-day review period for the Draft EIR began on April 26, 2024, and ended on June 10, 2024.

The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the Project unrelated to its environmental impacts) are noted for the record. Where text changes in the Draft EIR are warranted based on comments received, updated Project information, or other information provided by City staff, those changes are noted in the response to comment and the reader is directed to Chapter 2, Changes to the Draft EIR, of this Final EIR.

These changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required.

The details of the comment received on the Draft EIR are listed in Table 3-1. All comment letters received on the Draft EIR have been coded with a number to facilitate identification and tracking. The comment letter was reviewed and divided into individual comments, with each comment containing a single theme, issue, or concern. Individual comments and the responses to them were assigned corresponding numbers (e.g., 1-1, 1-2, 1-3). To aid readers and commenters, the electronically bracketed comment letter has been reproduced in this document is included as Appendix A; the corresponding responses are provided below.

Table 3-1. Comments Received on the Draft EIR

Comment Letter	Commenter	Date
1	California Air Resources Board	May 29, 2024

The following responses were prepared to address the comments that were received during the public review period.

Response to Comment Letter 1

California Air Resources Board
Mathew O'Donnell, Chief, Risk Reduction Branch
June 5, 2024

1-1 The commenter expresses appreciation for the opportunity to comment on the Mojave Industrial Park Project (Project) Draft Environmental Impact Report (EIR) and provides a summary of the Project's building square footage and estimated daily vehicle and truck trips.

The City acknowledges the comment as an introduction to comments that follow. No further response is required or necessary.

1-2 The commenter states that the California Air Resources Board (CARB) is concerned with the Project's potential to expose nearby communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site from construction and operation. The commenter notes the location of the closest residences to the project site (within 100 feet) and elementary schools that are located within 1,500 feet. These concerns were addressed in the Draft EIR, Section 4.2 (Air Quality) and Section 4.6 (Greenhouse Gases). Long-term criteria air pollutant emissions (oxides of nitrogen [NO_x] and coarse particulate matter [PM_{10}]) and GHGs were determined to be significant and unavoidable, even after implementation of feasible mitigation. However, impacts associated with DPM exposure during construction were determined to be less than significant and DPM exposure during operations were determined to be less than significant after implementation of mitigation. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The City will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary.

1-3 The comment summarizes Executive Order N-79-20 and states that CARB staff urges the City to plan for the use of zero-emission technologies within the Project area. This is an introductory comment. Specific CARB recommendations and responses are detailed in Response to Comment 1-6.

1-4 The commenter states that the City must provide more meaningful mitigation measures to reduce the Project's significant and unavoidable impacts on air quality. The commenter provides a summary of the Draft EIR's air quality impact conclusions regarding exceedances of the Mojave Desert Air Quality Management District's thresholds of significance for NO_x and PM_{10} and **Mitigation Measure (MM) AQ-1** through **MM-AQ-7**. The commenter restates the City's conclusion that the air quality impacts would remain significant and unavoidable after implementation of mitigation measures. The comment restates information contained in the Draft EIR and does not raise an environmental issue within the meaning of CEQA. The City will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. No further response is required or necessary

1-5 The commenter restates **MM-AQ-2**'s requirement for haul trucks during operation to meet CARB's 2010 emission standards and notes that CARB's Truck and Bus Regulation requires trucks by law to meet have 2010 or newer model years by January 1, 2023, and since that date has passed, **MM-AQ-2** does not represent mitigation. The City notes that **MM-AQ-2** was included as a tracking mechanism to ensure compliance with regulations and acknowledges that compliance with regulations is not "mitigation"

within the scope of CEQA. The City will make this notation in the Final EIR. The revision to the Draft EIR represents a clarification and does not constitute significant new information. In accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required.

The following revision is made to the Draft EIR, Page 4.2-37

> Most criteria air pollutants associated with the Project are generated by diesel-fueled off-road cargo handling equipment and on-road vehicles The proposed Project would comply with CARB's Truck and Bus Regulation which requires haul trucks transporting materials to and from the Project site to meet CARB's model year 2010 emission standards, which would serve to reduce criteria air pollutants from the primary source of emissions. Although not considered "mitigation" under CEQA, MM-AQ-2 has been incorporated into the Project as a tracking mechanism for ensuring compliance with this regulatory measure. The proposed Project proposes mitigation to reduce operational criteria air pollutants from ~~those two sources~~ the next major source of emissions. Specifically, ~~MM-AQ-2 (Haul Trucks) and~~ **MM-AQ-3** (Zero-Emissions Off-Road Equipment) would reduce criteria air pollutant emissions through the provision of ~~cleaner than average hauling trucks and~~ zero-emissions cargo handling equipment~~, respectively~~.

1-6 The comment praises many aspects of the Project, including proposed mitigation measures that would require the installation of electric vehicle charging stations to power on-site employee vehicles and heavy-duty trucks and for requiring the use of zero-emission on-site cargo handling equipment. The comment also expresses happiness to see the inclusion of **MM-AQ-6** in the Draft EIR that requires all heavy-duty vehicles engaged in drayage to or from the Project site to be zero emission beginning in 2030 and requires tenants to use zero-emission light- and medium-duty vehicles as part of business operations but takes exception to the inclusion of "as feasible" to the mitigation measure. The commenter states that feasibility determinations should be made prior to project approval.

MM-AQ-6 was written to provide the City with flexibility in implementing mitigation to transition to cleaner vehicles in compliance with CARB's regulations. In consideration of CARB's comments, **MM-AQ-6** was revisited to determine feasibility. Under CEQA, feasibility involves the consideration of the following aspects:

- **Economic Feasibility:** Whether the project can be funded and financially supported.
- **Environmental Feasibility:** The potential environmental impacts and whether they can be mitigated to an acceptable level.
- **Legal Feasibility:** Compliance with relevant laws, regulations, and legal requirements.
- **Social Feasibility:** The project's acceptability to the community and its social implications.
- **Technological Feasibility:** Availability and practicality of the required technology to carry out the project.

The pathway to carbon neutrality requires a shift from fossil fuel usage to electricity usage, which in 2045 is anticipated to have a carbon intensity value of zero because of the renewables portfolio standard requirements. It is acknowledged that electrifying or otherwise converting California heavy-duty truck fleet to zero emissions is a key component in CARB's scoping plan strategy to achieve AB

1279 GHG reduction goals. However, there are considerable constraints to transitioning heavy duty trucks to zero emissions between now and 2045, with critical feasibility concerns in the near-term, as discussed in detail below.

Although all-electric trucks may be physically available, albeit not in sufficient quantity, there are further economic and infrastructure related constraints that make including such mitigation measure proposed by CARB—requiring all trucks accessing the Project site to be zero emissions—infeasible today and the project's anticipated buildout year (2026), and likely well into the future, based on (1) electric grid capacity and charging infrastructure constraints, (2) logistics challenges, (3) zero-emission trucks costs and commercial availability, and (4) sourcing material is scarce and may result in environmental effects. These factors are discussed in detail below.

The first key issue that makes requiring all trucks accessing the Project site to be zero-emissions infeasible for the project's buildout year of 2026, is that there is currently not enough electrical grid power to sustainably charge these trucks and there are considerable challenges related to sufficient charging infrastructure. A 2023 PepsiCo project in Sacramento, California, had to connect to a separate substation to secure the 3 megawatts (MW) of power required to fast-charge its 22 Tesla semi-trucks (St. John 2023). PepsiCo's director of transformation and strategy noted the incredible amount of lead time and legwork that was necessary to engage the utility, secure the availability, permit and deliver construction, and erect the hardware itself, followed by commissioning, testing, and interoperability (St. John 2023). The PepsiCo project began in 2017 with its order to Tesla for its semi-trucks. Two officials from the Sacramento Municipal Utility District explained that the process for bringing 3 MW of new electrical service to the facility took three years (Wang 2023). In a May 2023 report by Resources for the Future, titled Medium- and Heavy-Duty Vehicle Electrification: Challenges, Policy Solutions, and Open Research Questions, the report states that medium- and heavy-duty electric vehicles (MHDEV) charging (which may exceed several MWs of electricity demand for large fleets) could destabilize electricity distribution systems (Spiller et al. 2023). Therefore, significant investments into the grid, transmission system, and generation capacity are required (Spiller et al. 2023). If the Project requires every truck entering the facility to be zero-emissions, it will put a significant strain on California's power grid; one the grid cannot handle in the short-term, much less sustain in the long run. The American Transportation Research Institute noted that state mandates would result in California having to generate 57.2% more electricity than today's output of 197,000 gigawatt hours (GWh), which is insufficient to meet present demand (ATRI 2023). Currently, California must now import 50,000 GWh to provide the state with adequate electricity supplies (ATRI 2023). If California's EV plans are met, the state will need to consume 57.2% more electricity than it does today (ATRI 2023).

The lack of available electricity prohibits the widespread development of hub charging. Hub charging works best on large parcels, which are difficult to find in highly urban areas resulting in a potential for charging dead zones. Often, geographies where large parcels are available lack the infrastructure and power distribution to serve large charging stations. The availability of power dictates when and where charging stations can be built. In speaking with industry stakeholders, many have experienced considerable challenges when requesting necessary power for charging infrastructure from California public utility providers including transmission line costs. Owners of truck fleets that are not yet mandated to be ZEV may be hesitant to invest in on-site charging infrastructure until they can purchase zero emission trucks, which as described below, are not commercially available in quantities to replace the Southern California truck fleet. In addition, the future is unknown regarding the prevailing

alternative heavy-duty truck technology, so the owners and operators of truck fleets are not clear on what technology to invest in. Electric trucks could be difficult for long haul due to charging time and weight restrictions. Hydrogen is being explored as an alternative for longer distances due to being lighter and faster to refill; however, hydrogen also requires substantial refueling infrastructure (e.g., pipes or additional trucks to supply hydrogen).

The "chicken-and-egg" problem with zero emission trucks and charging infrastructure supports that for-profit hub-charging is essential to facilitate reaching a zero-emission truck future. The beta version of the Medium-and Heavy-Duty Zero Emission Vehicle Charging and Hydrogen Infrastructure dashboard (CEC 2024a) presents an optimistic number of estimated MDHD charging and hydrogen ZEV fueling positions, but not all charging infrastructure locations appear to be built; many appear to be planned and not currently available today. In addition, charging infrastructure is not available in every city and along every freeway, unlike diesel fueling availability, and the number of available ZEV fueling pales in comparison to traditional diesel fuel truck charging stations in California. Based on a March 2023 news article, it is estimate that there were approximately 2,500 commercial diesel stations in Southern California (CEC 2024b), but only two public charging stations for heavy-duty electric trucks, which were both installed at the Port of Long Beach (Pettersson 2023). Based on conversations with warehouse developers, currently, due to the current lack of available charging infrastructure, no company would send an electric truck on a route unless the truck can make it to its destination and back to its origin on one full charge. As such, the lack of electricity and associated hug charging greatly limits available routes and range of distribution of materials via trucks. An example of a route where electric trucks trips may be successful today is from the Port of Los Angeles and Port of Long Beach to the Inland Empire region; however, often one leg of a truck trip associated with a warehouse is from the Port (e.g., origin of materials to warehouse destination), while the second leg of a truck trip (e.g., from the warehouse to a retail store or another warehouse) may occur in all directions from the warehouse where charging infrastructure may not be developed yet. As such, local and state electrical infrastructure cannot sustain fully electric trucks as there is not currently enough electrical power to power the state's truck fleet.

The logistical and operational barriers of using such trucks is also anticipated to be prohibitive in the near-term and substantial process and change needs to occur to achieve logistical feasibility. To gain widespread use, MHDEVs must be comparable to diesel vehicles in model options, range, recharge time, payloads, and maintenance (Pettersson 2023). However, MHDEVs generally have ranges below 200 miles, versus more than 1,000 miles for diesel vehicles (Pettersson 2023). Additionally recharge times are substantially longer than diesel refueling. For example, a diesel truck can spend 15 minutes fueling anywhere in the country and then travel about 1,200 miles before fueling again (ATA 2023). In contrast, today's long-haul battery electric trucks have a range of about 150–330 miles and can take up to 10 hours to charge (ATA 2023). Moreover, fleets without a charging depot will need to rely on public charging stations as noted above. It is anticipated that significant investment must first be made before widespread public charging is feasible (Spiller et al. 2023). Lastly, weight of MHDEVs is also a significant issue that will lead to increased operational barriers. Battery-electric trucks, which run on two approximately 8,000-pound lithium ion batteries, are heavier than diesel trucks (ATA 2023). Because trucks are subject to strict federal and state weight limits, as seen by weighing stations throughout California and the United States, requiring zero-emission battery electric trucks will significantly decrease the payload of each truck, thus requiring more trucks to be in the road and potentially increasing both traffic congestion and road dust and break and tire wear emissions (ATA

2023). Currently, truck drivers are primarily paid by vehicle mile driven so the wait time for electric truck charging results in a disruption to the standard trucking business model. While not an insurmountable challenge, the business model needs to change to account for time spent charging (or decouple miles driven and pay) or some other solution. While this is just one example of the necessary change that can be successfully accomplished, change takes time.

In addition to the barriers described above, zero-emission trucks are currently anticipated to be cost prohibitive for most fleet owners. A new, clean-diesel long-haul tractor typically costs in the range of $180,000 to $200,000 (ATA 2023). Meanwhile, a comparable battery-electric tractor—with a quarter of the range and thus requiring frequent and long hours of charging—costs upwards of $480,000 (ATA 2023). While it is estimated that operating costs could be 22% to 33% lower for electric trucks than diesel or gasoline by 2030 and incentives are available to transition fleets, capital costs are still an initial hurdle for small business owners resulting in potential economic inequities.

This $300,000 upcharge is cost prohibitive for the majority of truck carriers as it is estimated that nationally, more than 95% of trucking companies are small businesses operating 10 trucks or fewer (ATA 2023). According to the Department of Motor Vehicles, California is home to more than 668,000 owner-operators (those with just one vehicle) and nearly 82,000 fleets with two to 50 vehicles. Approximately 99% of California fleets have fewer than 50 vehicles (Arellano 2024). Enacting the mitigation that requires zero-emission trucks has the potential to push many small truck carriers out of business, tighten capacity, and potentially cause severe price inflation for all goods (Arellano 2024). Installation of a charging station, which can exceed $100,000, could also pose a financial burden for small business (Spiller et al. 2023). As stated previously, many small trucking businesses will thus be required to use public charging stations, in which the infrastructure for such charging is not widely available (Smith 2023).

Finally, there is an anticipated constraint in sourcing enough raw minerals needed to produce the lithium-ion batteries uses in these zero-emission trucks, which affects commercial availability. For example, tens of millions of tons of cobalt, graphite, lithium, and nickel will need to be produced (ATA 2023). It is estimated that it could take up to 35 years to acquire all the minerals needed to generate enough truck batteries for current levels of global production (ATA 2023). Based on discussions with various warehouse developers, there is currently a 12–24 month long waiting list for new electric trucks; the 12-month waitlist is for large companies, and smaller companies face greater lead times to acquire new electric trucks.

Although no one is certain, it is estimated that it will take several decades to reach a point where zero-emission trucks are fully feasible. CARB's regulation to require all trucks entering a California port to be zero-emission by 2035, and for 'last-mile' delivery trucks and vans to be zero-emission by 2040. acknowledges the time necessary to make the transition (CARB 2020). By setting these dates, which are 12 and 17 years in the future, it is reasonable to infer that current infrastructure and costs make requiring exclusively zero-emission trucks is likely infeasible in the next decade. Significant investment in public charging, battery size, battery sourcing, battery range, and electric grid capacity must begin now, to meet the goals set by CARB.

Regarding light- and medium-duty vehicles, there are also concerns with economic and technological feasibility. While the operational costs of zero emission vehicles are generally lower, the initial investment and potential need for new infrastructure can offset these savings, making the transition

economically challenging. Although more developed than heavy-duty truck charging infrastructure, the charging infrastructure for light and medium-duty vehicles is still developing, driving range issues may be a concern depending on business needs, supply chain constraints for critical material such as lithium may affect production capacity. As part of CARB's Advanced Clean Cars II regulations, all new passenger cars, trucks, and SUVs sold in California will be zero-emission vehicles by 2035 which points to the need to transition vehicle fleets gradually.

Based on the preceding, there are not only economic feasibility concerns, but more importantly, technological concerns which makes the requirement of all zero-emission trucks and light- and medium-duty vehicles infeasible by the opening year. Accordingly, **MM-AQ-6** will be revised to include only feasible measures.

This revision to the Draft EIR represents a clarification and does not constitute significant new information as the prior impact determinations remain unchanged. In accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not required.

The following revision is made to the Draft EIR, Page 4.2-49

MM-AQ-6 Electric Vehicle Infrastructure and Zero Emission Vehicles. The following shall be incorporated into the Project:

- Prior to certificate of occupancy, install conduit and infrastructure for Level 2 (or faster) electric vehicle charging stations on site for employees for the percentage of employee parking spaces commensurate with Title 24 requirements , or to serve at least 25 percent of the employee parking spaces, whichever is greater. All charging stations shall be quipped with Level 2 or faster chargers. ~~in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By 2030 install Level 2 (or faster) electric vehicle charging stations for 25% of the employee parking spaces required.~~
- Conduit shall be installed to tractor trailer parking areas in logical locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of electric truck charging stations at such time this technology becomes commercially available. The charging station location(s) are to be located inside the gated and secured truck courts.
- In anticipation of a transition to zero emissions truck fleets during the lifetime of the Project, install at least four heavy-duty truck vehicle charging stations on site by 2030.
- ~~Require all heavy duty vehicles engaged in drayage to or from the Project site to be zero emission beginning in 2030, as feasible.~~
- Require tenants to use zero-emission light- and medium-duty vehicles as part of business operations~~, as~~ when economically ~~feasible~~.
- Require the use of the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. This requirement shall apply to

equipment such as forklifts, handheld landscaping equipment, yard trucks, office appliances, etc.

Based on the response above, all feasible mitigation has been incorporated into the Project. This comment is noted and forwarded to the decision-makers for their consideration; however, the EIR's analysis is adequate as provided and no further response is required.

1-7 The commenter suggests that the City require the use of zero-emission trucks beginning at the start of Project operations (2026) instead of 2030 as written in **MM-AQ-6** in the Draft EIR. The commenter also notes that the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035 and states that based on CARB's review of the zero-emission trucks listed in the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program, there are commercially available electric trucks that can meet the freight transportation needs of individual industrial uses under the proposed Project today. The commenter also provides a summary of regulations that CARB has implemented or is developing that will require the use of zero-emission trucks.

As discussed in Response to Comment 1-6, although all-electric trucks may be physically available, albeit not in sufficient quantity, there are further economic and infrastructure related constraints that make including such mitigation measures proposed by CARB—requiring all trucks accessing the Project site to be zero emissions at the start of operations—wholly infeasible.

1-8 The commenter notes that with the implementation of the regulations noted in their comment letter and specifically the Advanced Clean Truck Regulation, tenants at the proposed development must begin the transition from diesel trucks and vans to zero-emission trucks. The commenter states that the City should include contractual language in tenant lease requirements requiring the inclusion of zero-emission trucks at the start of Project operation to protect air quality at the residences near the Project. **MM-AQ-6** was developed in consideration of the need to transition to zero emission truck fleets site. The measure includes the requirement to provide conduit at tractor trailer parking areas and the provision of at least four heavy-duty truck vehicle chargers. The feasibility of requiring zero emission trucks is addressed in Response to Comment 1-6.

1-9 The commenter provides concluding remarks once again applauding the City for including mitigation measures that promote the use of zero-emission on-site equipment, vehicles, and trucks and expressing concern that the Project's operation may negatively impact air quality in the surrounding community. The commenter once again urges the City to require the use of zero-emission trucks at the start of Project operations.

The Draft EIR disclosed the Project's potential significant and unavoidable air quality impacts in Section 4.2 Air Quality. The comment does not raise an environmental issue within the meaning of CEQA. The City will include the comment as part of the Final EIR for review and consideration by the decision-makers prior to a final decision on the project. Regarding requiring the Project to incorporate zero-emission trucks at the start of Project operations, the feasibility of this measure has been addressed in Response to Comment 1-6.

1 -10 The comment expresses CARB's appreciation for the opportunity to comment on the Draft EIR and notes that due to limited staff resources and the breadth and scope of projects subject to CEQA review, CARB's substantive comments have been prioritized. The commenter notes that CARB's deliberate

decision to substantively comment on some issues does not constitute an admission or concession that the agency substantively agrees with the lead agency's findings and conclusions on any issues for which CARB did not provide substantive comments. The does not raise an environmental issue within the meaning of CEQA. The comment is noted for the record.

1-11 The commenter notes that CARB can provide staff to assist with zero-emission technologies and emission reduction strategies as needed, requests that CARB be included on the list of selected state agencies to receive the Final EIR and provides the contact information for the Air Pollution Specialist who may address any questions via email. The comment is noted and CARB will be provided a copy of the Final EIR.

3.1 References

Arellano, K. 2024. "How Cal Fleet Advisor Benefits California Fleets." https://calstart.org/how-cal-fleet-advisor-benefits-california-fleets/.

ATA (American Trucking Associations). 2023. "A Heavy Dose of Reality for Electric-Truck Mandates" [Blog Post]. April 19, 2023. https://www.trucking.org/news-insights/heavy-dose-reality-electric-truck-mandates.

ATRI (American Transportation Research Institute). 2023. "Is California Ready for an Electric Vehicle Future." https://truckingresearch.org/wp-content/uploads/2023/12/ATRI_CAEVFuture.pdf.

CARB (California Air Resources Board). 2020. "California Takes Bold Step to Reduce Truck Pollution." June 25, 2020. https://ww2.arb.ca.gov/news/california-takes-bold-step-reduce-truck-pollution.

CEC (California Energy Comission). 2024a. "Medium-and Heavy-Duty Zero Emission Vehicle Charging and Hydrogen Infrastructure" [GIS Dashboard]. https://experience.arcgis.com/experience/f951c1433f804daea7f4c33c271aa935/.

CEC. 2024b. "California Retail Fuel Outlet Annual Reporting (CEC-A15) Results." https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-retail-fuel-outlet-annual-reporting.

Pettersson, E. 2023. "Move to Green Trucks at California Ports Faces Gaping Infrastructure Void." *Courthouse News Service*. March 10, 2023. https://www.courthousenews.com/move-to-green-trucks-at-california-ports-faces-gaping-infrastructure-void/.

Smith, J. 2023. "Charging Forward with Electric Truck Charging Stations." *CCJ*. August 29, 2023. https://www.ccjdigital.com/alternative-power/battery-electric/article/15545697/charging-forward-with-electric-truck-charging-stations.

Spiller, B., N. Lohawala, and E. DeAngeli. 2023. *Medium- and Heavy-Duty Vehicle Electrification: Challenges, Policy Solutions, and Open Research Questions*. May 2023. https://media.rff.org/documents/Report_23-03_v3.pdf.

St. John, J. 2023. "Electric Big Rigs Are Going Farther and Charging Faster." *Canary Media.* September 25, 2023. https://www.canarymedia.com/articles/electric-vehicles/electric-big-rigs-are-going-farther-and-charging-faster.

Wang, B. 2023. "Detailed Electrification Requirements and Plans for Electric Truck Fleets." *Next Big Future.* September 20, 2023. https://www.nextbigfuture.com/2023/09/detailed-electrification-requirements-and-plans-for-electric-truck-fleets.html.

4 Mitigation Monitoring and Reporting Program

4.1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an environmental impact report (EIR), "the public agency shall adopt a reporting or monitoring program for the changes made to the Project or conditions of Project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during Project implementation" (PRC Section 21000–21177).

This Mitigation Monitoring and Reporting Program was developed in compliance with Section 21081.6 of the California Public Resources Code and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000–15387 and Appendices A–L.), and includes the following information:

- A list of mitigation measures
- The timing for implementation of the mitigation measures
- The party responsible for implementing or monitoring the mitigation measures
- The date of completion of monitoring

The City of Victorville must adopt this Mitigation Monitoring and Reporting Program, or an equally effective program, if it approves the proposed Project with the mitigation measures that were adopted or made conditions of Project approval.

4.2 Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Air Quality				
MM-AQ-1 Construction Measures. The Project shall implement the following measures to reduce construction air pollutant emissions to the extent feasible: ▪ All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 miles per hour (mph) per Antelope Valley Air Quality Management District (AVAQMD) guidelines in order to limit fugitive dust emissions, or water shall be applied to the soil nor more than 15 minutes prior to moving such soil to limit Visible Dust Emissions (VDE) to 20 percent opacity. ▪ Require all generators, and all diesel-fueled off-road construction equipment greater than 75 horsepower, to be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. If the operator lacks Tier 4 Interim or cleaner equipment, and it is not available for lease or short-term rental within 50 miles of the project site, Tier 3 or cleaner off-road construction equipment may be utilized subject to City approval. ▪ The construction Contractor shall ensure, to the extent feasible, that off-road diesel construction equipment used during grading activities, complied with EPA/Tier 4 emissions standard or equivalent and shall ensure that all construction equipment is tuned and maintained in accordance with the manufacturer's specifications.	During construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology, vehicles, and equipment that will be operating onsite during construction. Necessary infrastructure may include the physical (e.g. needed footprint), energy and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks. ▪ Provide electrical hook ups to the power grid, rather than diesel-fueled generators, for contractors' electric construction tools, such as saws, drills and compressors. In applicable bid documents and contracts with contractors selected to construct the Project, include language requiring all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers, etc.) used during Project construction to be electric. ▪ Ensure that the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment by requiring construction equipment to be turned off when not in use. ▪ Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11. ▪ To reduce volatile organic compounds (VOC) during construction of the Project, during construction activities, the Construction Contractor shall ensure that “Super-Compliant” low VOC paints be utilized that have been reformulated to exceed the regulatory VOC limits put forth by AVAQMDs Rule 1113. Super-Compliant low VOC paints shall be no more than 10 grams per liter (g/L) of VOC. ▪ Require for the building owner to provide a Green Cleaning Products and Paint Education Program available to the building tenant, to keep at the building’s office, break room, leasing space, or on an accessible website.				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ The idling of heavy construction equipment for more than 5 minutes shall be prohibited. Signage shall be posted throughout the construction site informing construction personnel of the idling time limit. Idling time limits shall be noted in construction specifications. Subject to all other idling restrictions, heavy construction equipment shall not be left in the "on position" for more than 10 hours per day. ▪ All haul trucks entering the Project construction site during the grading and building construction phases shall meet California Air Resources Board model year 2014 or later engine emission standards. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022. ▪ The Project's construction manager shall maintain on the construction site construction logs detailing the following: - An inventory of construction equipment, maintenance records, and datasheets, including design specifications and emission control tier classifications - Verification that construction equipment operators have been advised of idling time limits and photographic evidence that signage with idling time limits have been posted around the construction site - Evidence that construction contractors have been provided with transit and ridesharing information for construction workers Construction logs shall be made available in the event that local, regional, or state officials (e.g., officials from the City of Victorville, Mojave Desert Air Quality Management District, or California Air Resources Board) conduct an inspection at the Project site.				
MM-AQ-2 Haul Trucks. The Project shall implement the following measures in order to reduce operational mobile source air pollutant emissions to the extent feasible:	During construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ Only haul trucks meeting California Air Resources Board (CARB) model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site. The tenant shall be required to maintain records of haul trucks trips to and from the site, and make such records available for review by the City approving the project upon request.				
MM-AQ-3 Zero Emissions Off-Road Equipment. All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and landscaping equipment) shall be non-diesel, if more than one piece of cargo handling equipment is required by the building user, the equipment shall be zero-emission vehicles. The Project shall include the necessary charging stations or other necessary infrastructure for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.	During construction	City of Victorville		
MM-AQ-4 Stationary Source Equipment. All diesel-fueled emergency generators shall be equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors.	During Project operation	City of Victorville		
MM-AQ-5 Provision of Information. Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City of Victorville demonstrating that the occupants of the Project site have been provided: ▪ Information regarding energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs ▪ Information regarding and a recommendation to use cleaning products that are water-based or containing low quantities of volatile organic compounds.	Prior to tenant occupancy	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ Information regarding and a recommendation to use electric or alternatively fueled sweepers with high efficiency particulate air (HEPA) filters. ▪ Documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.				
MM-AQ-6 Electric Vehicle Infrastructure and Zero Emission Vehicles. The following shall be incorporated into the Project: ▪ Prior to certificate of occupancy, install conduit and infrastructure for Level 2 (or faster) electric vehicle charging stations on site for employees for the percentage of employee parking spaces commensurate with Title 24 requirements, or to serve at least 25 percent of the employee parking spaces, whichever is greater. All charging stations shall be quipped with Level 2 or faster chargers. ▪ Conduit shall be installed to tractor trailer parking areas in logical locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of electric truck charging stations at such time this technology becomes commercially available. The charging station location(s) are to be located inside the gated and secured truck courts. ▪ In anticipation of a transition to zero emissions truck fleets during the lifetime of the Project, install at least four heavy-duty truck vehicle charging stations on site by 2030. ▪ Require tenants to use zero-emission light- and medium-duty vehicles as part of business operations, when economically feasible. ▪ Require the use of the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. This requirement shall apply to equipment such as forklifts, handheld landscaping equipment, yard trucks, office appliances, etc.	During construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
MM-AQ-7 Operational Measures. The following measures shall be incorporated into the Project: ▪ Provide meal options on site or shuttles between the facility and nearby meal destinations, as feasible. ▪ Post signs at every truck exit driveway providing directional information to the truck route. ▪ Improve and maintain vegetation and tree canopy for residents in and around the Project area in accordance with the approved landscaping plan. ▪ Include contractual language in tenant lease agreements requiring that any facility operator shall: - The Developer shall submit a Transportation Demand Management (TDM) plan prepared by a qualified transportation consultant acceptable by the City approving the project to reduce the Project's vehicles miles traveled. The TDM plan shall be approved by the City prior to the issuance of the first occupancy permit. The TDM plan shall apply to Project tenant(s) through tenant leases. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking to reduce employee commute vehicle emissions; - Place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and (3) telephone numbers of the building facilities manager and CARB to report violations. Prior to the issuance of an occupancy permit, the City of Victorville shall conduct a site inspection to ensure that the signs are in place;	Prior to commencement and during Project operations	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
- Ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at CARB-approved courses (such as the free, one-day Course #512); - Ensure that site enforcement staff in charge maintains, replaces, and repairs the legible, durable, weatherproof signs that were installed at initial building occupancy placed at the truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations. - Be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. The building manager or their designee shall be responsible for enforcing these requirements; - Be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation. - Train staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request; - Enroll in the U.S. Environmental Protection Agency's SmartWay program, and if tenant owns, operates, or hires trucking carriers with more than 100 trucks to use carriers that are SmartWay carriers, as feasible.				
Biological Resources				
MM-BIO-1 Western Joshua Tree Fee Payment Mitigation for direct impacts to 100 western Joshua trees will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA)	Prior to issuance of grading permits	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Incidental Tak Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. In conformance with the reduced fee schedule prescribed for the project area, mitigation will consist of payment of $1,000 for each western Joshua tree five meters or greater in height, $200 for each western Joshua tree less than five meters but greater than 1 meter in height; and $150 for each western Joshua tree less than 1 meter in height. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit, if received. Other local regulations (i.e., City of Victorville Municipal Code, Chapter 13.33 and San Bernardino County Development Code Chapter 88.01) also require permitting or notification prior to removal of western Joshua trees. Therefore, the project must also receive written consent from the City of Victorville's Director of Parks and Recreation prior to the removal or relocation of western Joshua trees in accordance with City of Victorville Municipal Code, Chapter 13.33, Preservation and Removal of Joshua Trees. Additionally, the project applicant shall submit an application for a Tree or Plant Removal Permit for all western Joshua trees to be removed in compliance with San Bernardino County Development Code Chapter 88.01.050 prior to the issuance of grading permits.				
MM-BIO-2 Relocation of Desert Native Plants. Prior to the commencement of project activities, the project applicant shall apply for a permit with the City of Victorville for removal of protected native desert plants as required under California Desert Native Plants Act (Food and Agricultural Code, Division 23). The project shall comply with any conditions of approval imposed by the applicable review authority upon issuance of the permit. The permit application form shall specify information outlined in the California Desert Native Plant Act Section 80114, which includes but is not limited to, the number and species of native plants to be removed, a description of the real property from which the plants are	Prior to issuance of grading permits and during ground clearing activities	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
to be removed, and in the case that relocation is required, the destination of the native plants and the manner in which the plants are to be salvaged. Pursuant to the California Desert Native Plants Act, tags or seals issued by the County must be attached to the native plants at the time of harvesting and before transporting to their permanent relocation site(s) and must remain attached to the plant until transplanted into its ultimate destination. Transport of salvaged plants will occur as prescribed by the County. If relocation is required by the applicable review authority, the following actions shall also be implemented to ensure successful relocation of desert native plants: ▪ Salvaged plants shall be transplanted expeditiously to either their final on-site location or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s). ▪ Plants designated for relocation shall be marked on their north facing side prior to excavation. Transplanted plants shall be planted in the same orientation as they currently occur on the project site, with the marking on the north side of the trees facing north at the relocation site(s). Transplanted plants shall be watered prior to and at the time of transplantation. Watering of the transplanted plants shall continue under the guidance of qualified tree expert and desert native plant expert(s) until it has been determined that the transplants have become established in the permanent relocation site(s) and no longer require supplemental watering.				
MM-BIO-3 Designated Biologist Authority. The designated biologist shall have authority to immediately stop any activity that does not comply with the biological resources mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree or other sensitive biological resources.	During construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
MM-BIO-4 Compliance Monitoring. The designated biologist shall be on site daily when impacts occur. The designated biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; ensure that signs, stakes, and fencing are intact; and ensure that impacts are only occurring within the direct impact footprint. Weekly written observation and inspection records that summarize oversight activities, compliance inspections, and monitoring activities required by the Incidental Take Permit shall be prepared.	During construction	City of Victorville		
MM-BIO-5 Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project site shall be administered before impacts occur. The WEAP shall consist of a presentation from the designated biologist that includes a discussion of the biology and status of western Joshua tree, burrowing owl, loggerhead shrike, desert tortoise, desert kit fox, and Crotch's bumble bee, along with other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-speaking workers shall be provided, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.	During construction	City of Victorville		
MM-BIO-6 Construction Monitoring Notebook. The designated biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The notebook will include a sign-off date page for the designated biologist to sign and date each construction date for which the Project is in compliance. The permittee shall	During construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the CDFW.				
MM-BIO-7 Delineation of Property Boundaries. Before beginning activities that would cause impacts, the contractor shall, in consultation with the designated biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which the impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.	Prior to construction	City of Victorville		
MM-BIO-8 Hazardous Waste. The applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.	During construction	City of Victorville		
MM-BIO-9 Herbicides. The applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.	During construction	City of Victorville		
MM-BIO-10 Pre-Construction Burrowing Owl Survey and Avoidance. One pre-construction burrowing owl survey shall be completed no more than 14 days prior to any ground disturbance, and a second survey shall be completed within 24 hours of the start of ground disturbing activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be re-surveyed. The pre-construction survey shall include the area of proposed distance plus a 500-foot buffer (if access is available). Surveys for burrowing owl shall be conducted in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation prepared by the California Department of Fish and Game (now CDFW) in 2012 or current version.	**First survey** No more than 14 days before initiation of any ground disturbance **Second Survey** Within 24 hours of the start of ground disturbing activities	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ If burrowing owls are detected, the Burrowing Owl Relocation Plan shall be implemented in consultation with CDFW. As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers will be established around occupied burrows as determined by a qualified biologist. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed. ▪ Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone if there is a threat to the surface or subterranean burrow structure by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. The Project area shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the CDFW 2012 Staff Report on Burrowing Owl Mitigation or current version.				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ Once the burrow is determined to be unoccupied, as verified by site monitoring, the burrow shall be closed by a qualified biologist who shall excavate the burrow using hand tools. Prior to excluding an owl from an active burrow, a receptor burrow survey shall be conducted to confirm that at least two potentially suitable unoccupied burrows are within approximately 688 feet prior to installation of the one-way day. If two natural receptor burrows are not located, one artificial burrow shall be created for every burrow that would be closed. If an active burrow is observed outside the breeding season (i.e., September 1 to January 31) and it can be avoided, the Biologist shall determine an appropriate protective buffer for the burrow based on CDFW guidelines. The buffer shall range from 160 feet to 1,640 feet depending on the level of impact and the time of year. The designated buffer will be clearly marked in the field and will be mapped as an ESA on construction plans. The Developers or their designee shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows. ▪ If an active burrow is observed during the breeding season (i.e., February 1 to August 31), the active burrow shall be protected until nesting activity has ended (i.e., all young have fledged from the burrow). The Biologist shall determine the appropriate protective buffer for the burrow based on CDFW guidelines. The buffer shall range from 650 to 1,640 feet depending on the level of impact and the time of year. The designated buffer will be clearly marked in the field and will be mapped as an ESA on construction plans. The Developers or their designee shall contact CDFW to determine whether a reduced buffer can be accommodated without adversely impacting occupied burrows. Construction shall be allowed to proceed when the qualified biologist has determined that all fledglings have left the nest.				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ Upon completion of the pre-construction burrowing owl survey, a Letter shall be prepared and submitted to CDFW documenting the results of the survey within two weeks of completion of the survey effort. If active burrow is observed, the Letter shall include a description of the protective buffer that has been designated and a summary of any additional correspondence with the CDFW. ▪ If time lapses of greater than 30 days occur during construction in a particular portion of the work area, an additional survey shall be conducted by a qualified biologist within 24 hours prior to vegetation clearing and/or ground disturbance in that area. If any new burrowing owl burrows are observed, the conditions above shall be applied. ▪ In the event the burrowing owl receives protections under CESA prior to the commencement of grading, the requirements of any permits or authorizations received by the Developers for the species pursuant to CESA shall take precedence over any incompatible provisions of this measure. ▪ Mitigation for direct impacts to 76.47 acres of occupied habitat shall be fulfilled through conservation of suitable burrowing owl habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 76.47 acres.				
MM-BIO-11 Pre-Construction Nesting Bird Survey and Avoidance. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31), to reduce any potential significant impact to birds that may be nesting on the survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird	Within 72 hours prior to the start of construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which will be determined by the biologist based on the species' sensitivity to disturbance. The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall also be conducted when construction occurs in close proximity to an active nest buffer. No project activities may encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined the nestlings have fledged and the nest is no longer considered active.				
MM-BIO-12 Pre-Construction Crotch Bumble Bee Survey and Avoidance. A pre-construction survey for Crotch bumble bee shall be conducted within the construction footprint prior to the start of initial vegetation removal or initial grading activities occurring during the Crotch bumble bee nesting period (February 1 through October 31). The survey shall ensure that no nests for Crotch bumble bee are located within the construction area. The pre-construction survey shall include 1) a habitat assessment and 2) focused surveys, both of which will be based on recommendations described in the "Survey Considerations for CESA (California Endangered Species Act) Candidate Bumble Bee Species," released by the CDFW on June 6, 2023, or the most current at the time of construction. The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat onsite including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and man-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. If nesting resources are present in the impact area, focused surveys will be conducted.	Prior to the initiation of site preparation or grading activities	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
The focused survey will be performed by a biologist with expertise in surveying for bumble bees and include at least three (3) survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch bumble bee). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys will not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors will wait at least 1 hour following rain. Optimal surveys are when there are sunny to partly sunny skies that are greater than 60 degrees Fahrenheit. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes). Identification will include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation if able. The bee will be photographed using a macro lens from various angles to ensure				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
recordation of key identifying characteristics. If bumble bee identifying characteristics cannot be adequately captured in the container due to movement, the container will be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly. If Crotch bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources. A written survey report will be submitted to the City of Victorville (City) and CDFW within 30 days of the pre-construction survey. The report will include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch bumble bee nest sites or				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
individuals observed. The survey report will include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers, detailed habitat assessment, and photo vouchers. If Crotch bumble bee nests are observed, the survey report will also include recommendations for avoidance, and the location information will be submitted to the California Natural Diversity Database (CNDDB) at the time of, or prior to, submittal of the survey report. If the above measures are followed, it is assumed that the project shall not need to obtain authorization from CDFW through the CESA Incidental Take Permit process. If the nest resources cannot be avoided during the nesting period, as outlined in this measure, the project applicant will consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch bumble bee may supersede measures provided in this CEQA document and shall be incorporated into the habitat mitigation and monitoring plan. In the event an Incidental Take Permit is needed, mitigation for direct impacts to Crotch bumble bee will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a project-specific Property				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record will consider all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.				
MM-BIO-13 Pre-Construction Mojave Desert Tortoise Clearance Survey and Avoidance. Two consecutive pre-construction clearance survey in accordance with current U.S. Fish and Wildlife Service (USFWS) protocol shall be conducted to reevaluate locations of potential Mojave Desert tortoise burrows within the project limits so take of Mojave desert tortoise can be avoided. The first pre-construction clearance survey shall be conducted in areas supporting potentially suitable habitat 14 to 21 days prior to the start of construction activities and a second survey shall be repeated within 72 hours prior to the start of construction activities; or alternatively, pre-construction clearance surveys may be conducted at any time following construction of a desert tortoise–proof fence encompassing the project site that would ensure that tortoises cannot enter the project after clearance surveys are completed. If no Mojave Desert tortoises are found during the surveys, no further mitigation would be required; however, desert tortoise–proof fence encompassing the project site shall remain in place until project construction is completed and shall be monitored by a qualified biologist in compliance with current USFWS protocol. Should Mojave Desert tortoise be located during the clearance survey, all methods used for handling desert tortoises during the clearance surveys must be in accordance with the USFWS Desert Tortoise Field Manual or project-specific guidance contained in a biological opinion or Incidental Take Permit. No take of Mojave Desert tortoise shall occur without authorization in the form of an Incidental Take Permit pursuant to California Fish and Game Code Section 2081 and a biological opinion or Habitat Conservation Plan. The project applicant shall adhere to measures and conditions set forth within the Incidental Take Permit. Anyone who handles desert tortoises during clearance activities must have the appropriate	**First Survey** 14 to 21 days prior to the start of construction activities **Second Survey** Within 72 hours prior to the start of construction activities	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
authorizations from USFWS. The area cleared and number of Mojave Desert tortoises found within that area shall be reported to the local USFWS and appropriate state wildlife agency. Notification shall be made in accordance with the conditions of the biological opinion or Incidental Take Permit. Should Mojave Desert tortoise be located during the clearance survey, the project would result in the loss of 83.72 acres of occupied habitat for Mojave desert tortoise. Mitigation for direct impacts to 83.72 acres shall be fulfilled through conservation of suitable Mojave Desert tortoise habitat through the purchase of credits at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the project, for a total of 83.72 acres or as otherwise determined through coordination with the USFWS and/or CDFW.				
MM-BIO-14 Pre-Construction Desert Kit Fox Survey and Avoidance. A pre-construction survey for desert kit fox shall be conducted within 10 days before initiation of site preparation or grading activities to determine the presence/absence of desert kit fox. If an active non-natal desert kit fox den is detected, a 200-foot no disturbance buffer will be established around the active den, unless otherwise authorized by the California Department of Fish and Wildlife. Where required buffering will not be feasible, passive relocation is allowed with concurrence from the City of Victorville and CDFW. If an active natal desert kit fox den is detected, an initial 200-foot no disturbance buffer will be established around the natal den, and this buffer will be maintained until the den can be verified to not host pups. Construction activities will not be permitted in this area until the den has been vacated. Once the den is vacated, and if in danger by construction, it can be collapsed, if deemed necessary by a qualified biologist. A report to evaluate the success of the relocation efforts and any subsequent re-occupation, if applicable, will be provided (including a comprehensive summary, tables, maps, etc.) at the end of the construction period. Data will be readily available to the CDFW upon	Within 10 days before initiation of site preparation or grading activities	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
request. If an injured, sick, or dead desert kit fox is detected on any area associated with the project, the designated CDFW personnel at both the Ontario office and the Wildlife Investigation Lab will be notified. A Desert Kit Fox Relocation Plan has been prepared to facilitate implementation of this mitigation measure (Appendix K of Appendix C).				
MM-BIO-15 Trash and Debris. The following avoidance and minimization measures shall be implemented during project construction. (1) Fully covered trash receptacles that are animal-proof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles will be removed at least once a week from the project site. Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the project site on a daily basis.	During construction	City of Victorville		
MM-BIO-16 Lighting. Lighting for construction activities and post-construction operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife will be shielded and directed downward.	During construction	City of Victorville		
MM-BIO-17 Invasive Plant Management. In order to reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the California Invasive Plant Council (Cal-IPC) California Invasive Plant Inventory (http://www.cal-ipc.org/ip/inventory/index.php). Post-construction, the applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.	After construction	City of Victorville		
MM-BIO-18 Aquatic Resources Mitigation. The Project site supports aquatic resources that are considered jurisdictional under the	Prior to, during, and after construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Regional Water Quality Control Board (RWQCB) and the CDFW. Prior to construction activity, the applicant shall coordinate with the Lahontan RWQCB (Region 6) to ensure conformance with the requirements of the Porter–Cologne Water Quality Control Act (waste discharge requirement). Prior to activity within CDFW jurisdictional streambed or associated riparian habitat, the applicant shall coordinate with CDFW (Inland Deserts Region 6) relative to conformance to the Lake and Streambed Alteration permit requirements. The Project shall mitigate to ensure no-net-loss of waters at a minimum of 1:1 with purchase of credits (0.27 acres of potential non-wetland waters of the state under RWQCB jurisdiction and 0.65 acres of potential streambed under CDFW jurisdiction) for impacts to aquatic resources as part of an overall strategy to ensure no net loss. Mitigation shall be completed through use of a mitigation bank (e.g., West Mojave Mitigation Bank) or other applicant-sponsored mitigation. Final mitigation ratios and credits shall be determined in consultation with RWQCB and/or CDFW based on agency evaluation of current resource functions and values and through each agency's respective permitting process. Should applicant-sponsored mitigation be implemented, a Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared in accordance with State Water Resources Control Board guidelines and approved by the agencies in accordance with the proposed program permits. The HMMP shall include a conceptual planting plan including planting zones, grading, and irrigation, as applicable; a conceptual planting plant palette; a long-term maintenance and monitoring plan; annual reporting requirements; and proposed success criteria. Any off-site applicant-sponsored mitigation shall be conserved and managed in perpetuity. Best management practices shall be implemented to avoid any indirect impacts on jurisdictional waters, including the following: ▪ Vehicles and equipment shall not be operated in ponded or flowing water except as described in permits.				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ Water containing mud, silt, or other pollutants from grading or other activities shall not be allowed to enter jurisdictional waters or be placed in locations that may be subjected to high storm flows. ▪ Spoil sites shall not be located within 30 feet from the boundaries of jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into drainages. ▪ Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources resulting from Project-related activities shall be prevented from contaminating the soil and/or entering avoided jurisdictional waters. No equipment maintenance shall be performed within 100 feet of jurisdictional waters, including wetlands and riparian areas, where petroleum products or other pollutants from the equipment may enter these areas. Fueling of equipment shall not occur on the Project site.				
Cultural and Tribal Cultural Resources				
MM-CUL-1 Tribal Monitoring Services Agreement. Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Services Agreement with the consulting Tribe(s) for the Project. The Tribal Monitor(s) shall be on site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.	Prior to the issuance of permits	City of Victorville		
MM-CUL-2 Cultural Resources Monitoring and Treatment Plan. Prior to any ground-disturbing activities the Project Archaeologist shall develop a Cultural Resources Management Plan (CRMP) and/or	Prior to any ground-breaking activities	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the Project site, that is reflective of the Project mitigation (for cultural resources and tribal cultural resources), and that includes contact information for all pertinent parties, parties' responsibilities, procedures for each project mitigation, and an overview of the Project schedule. The Plan shall be written in consultation with the consulting Tribe(s). The Plan shall be submitted to the Lead Agency for dissemination to the consulting Tribe(s). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the Project. Any and all findings will be subject to the protocol detailed within the Plan.				
MM-CUL-3 Cultural Resources Monitoring and Treatment Plan. Prior to any ground-disturbing activities the Project Archaeologist shall develop a Cultural Resources Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the Project site, that is reflective of the Project mitigation (for cultural resources and tribal cultural resources), and that includes contact information for all pertinent parties, parties' responsibilities, procedures for each project mitigation, and an overview of the Project schedule. The Plan shall be written in consultation with the consulting Tribe(s). The Plan shall be submitted to the Lead Agency for dissemination to the consulting Tribe(s). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the Project. Any and all findings will be subject to the protocol detailed within the Plan.	Prior to any ground-breaking activities	City of Victorville		
MM-CUL-4 Pre-Grade Meeting. The retained Qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.	Prior to grading	City of Victorville		
MM-CUL-5 Archaeological Monitoring. Due to the heightened cultural sensitivity of the Project site, an archaeological monitor with at least	During construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
3 years of regional experience in archaeology and the Tribal Monitor(s) shall be present for all ground-disturbing activities that occur within the Project site (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, landscaping phases of any kind, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Tribal Monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The Qualified Archaeologist, in consultation with the Tribal Monitor(s), shall be responsible for determining the duration and frequency of monitoring.				
MM-CUL-6 Treatment of Cultural Resources. In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly nonsignificant deposits shall be minimally documented in the field and collected so the monitored grading can proceed. If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the Qualified Archaeologist and Tribal Monitor[s]. The Archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The Qualified Archaeologist, in consultation with the Lead Agency, the consulting	During construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
Tribe[s], and the Tribal Monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference: ▪ Full avoidance. ▪ If avoidance is not feasible, preservation in place. ▪ If preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction. ▪ If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1) Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance of the discovered resource, and the potential need for construction monitoring during Project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the consulting Tribe(s). All plans for analysis shall be reviewed and approved by the applicant and the consulting Tribe(s) prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of the consulting Tribe(s) that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future				

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
reburial shall be decided upon by the consulting Tribe(s), the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and consulting Tribe(s). All reburials are subject to a reburial agreement that shall be developed between the landowner and consulting Tribe(s) outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts. Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with the consulting Tribe(s) to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.				
MM-CUL-7 Final Report. The final report[s] created as a part of the Project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center and the Consulting Tribe[s].	After construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
MM-CUL-8 Inadvertent Discoveries of Human Remains. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe(s). Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; Project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98. Dependent on who has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will	Prior to, during, and after construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.				
Geology, Soils, and Paleontological Resources				
MM-GEO-1 Paleontological Resources Impact Mitigation Program and Paleontological Monitoring. Prior to commencement of any grading activity on-site, the applicant shall retain a qualified paleontologist per the 2010 Society of Vertebrate Paleontology (SVP) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be consistent with the 2010 SVP guidelines and should outline requirements for preconstruction meeting attendance and worker environmental awareness training, where monitoring is required within the Project site based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microvertebrate fossils), reporting, and collections management. The qualified paleontologist shall attend the preconstruction meeting and a qualified paleontological monitor shall be on-site during all rough grading and other significant ground-disturbing activities (including augering) in previously undisturbed, Pleistocene alluvial deposits. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find. Costs for laboratory work or curation of fossils (if necessary due to fossil recovery) are the responsibility of the Project Applicant/Developer.	Prior to the commencement of any grading activities Applicant shall retain a qualified paleontologist Paleontologist shall prepare a PRIMP	Project Applicant		
Greenhouse Gas Emissions				
MM-GHG-1 Building Design. The Project shall be designed to:	During construction and operation	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ Achieve Leadership in Energy and Environmental Design (LEED) certification and meet or exceed California Green Building Standards (CALGreen) Tier 2 standards in effect at the time of building permit application. Documentation shall be provided to the City of Victorville demonstrating that the Project meets this requirement prior to the issuance of building permits. ▪ Include the application of surface treatments (such as PURETi Coat or PlusTi) on impervious ground surfaces that lessen impervious surface-related radiative forcing. ▪ The Project's roof structures shall be designed to include "cool roof" materials with a minimum aged reflectance and thermal emittance values that are equal to or greater than those specified in the current edition of the California Green Building Standards (CALGreen), Table A5.106.11.2.3 for Tier 1 standards. ▪ Sufficient shade trees shall be provided throughout the Project site so that at least 30% of the automobile parking areas will be shaded within 15 years after Project construction is complete (excluding the truck courts where trees cannot be planted due to interference with truck maneuvering). ▪ All heating, cooling, lighting, and appliance fixtures shall be Energy Star-rated ▪ Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment. ▪ Provide storage areas for recyclables and green waste, as well as food waste storage if a pick-up service is available. ▪ Include HVAC and/or HEPA air filtration systems within in all warehouse facilities.				
MM-GHG-2 Rooftop Solar. The Project shall provide rooftop solar array that has the capacity to provide on-site solar generation sufficient to accommodate the Project's total operational energy requirements from within the building envelope at maximum peak.	Prior to the issuance of building permits	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
However, the rooftop solar system will not be designed or constructed to exceed the annual energy consumption of the Project facilities. ▪ Be required and identify the responsible party to maintain, replace, and upgrade rooftop solar panels per the manufacturer's recommendations for the life of the lease. Should the capacity for solar connections increase, additional solar panels shall be required to be added to the building.				
MM-GHG-3 Water Conservation. To reduce water demands and associated energy use, subsequent development proposals within the Project site would be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor and outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy). To implement this measure, prior to the issuance of building permits for the Project, the Project applicant shall provide building plans that include the following water conservation measures: ▪ Install low-water use appliances and fixtures ▪ Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces ▪ Implement water-sensitive urban design practices in new construction ▪ Install rainwater collection systems where feasible.	Prior to the issuance of first occupancy permit	City of Victorville		
MM-GHG-4 Solid Waste Reduction. In order to reduce the amount of waste disposed at landfills, the Project would implement a 75% waste diversion program. To implement this measure, prior to the issuance of building permits for the Project, the Project applicant shall provide building plans that include the following solid waste reduction measures: ▪ Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available. ▪ Evaluate the potential for onsite composting.	Prior to the issuance of building permits			

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
▪ The Project would also implement the following air quality mitigation measures that would also serve to reduce GHG emissions.				
Hazards and Hazardous Materials				
MM-HAZ-1. Prior to the issuance of a grading permit, the Project Applicant shall retain a qualified environmental specialist that has documented experience in the identification, characterization, and removal of hazardous materials, such as a California licensed professional engineer, geologist, or hydrogeologist, to remove and dispose of all refuse located on the Project site, including but not limited to, the illegally dumped tires and debris currently found on site. The removal, transport, and disposal of refuse shall be done in accordance with all applicable local, state, and federal guidelines related to hazardous materials handling. Prior to the removal of refuse deposits from the site, the environmental specialist shall inspect each refuse pile for indications that the refuse may contain, or may have once contained, hazardous materials, including, but not limited to, motor oil, solvents, paints, and/or other petroleum products. In addition, the environmental specialist shall inspect the soils surrounding each refuse deposit for evidence of any contamination (staining) or volatilization of contaminants (odors). If contamination indicators are identified, work shall stop in the immediate proximity of the potential contamination. The Project Applicant and/or their construction contractor shall be responsible for engaging a qualified environmental specialist to design and perform an investigation to verify the presence and extent of contamination on the Project site. Subsurface investigation shall determine appropriate worker protection and hazardous material and disposal procedures appropriate for the Project site. Contaminated soil or groundwater determined to be hazardous shall be removed by personnel who have been trained through the Occupational Safety and Health Administration–recommended 40-hour safety program with an approved plan for groundwater	Prior to issuance of a grading permit and during construction	City of Victorville		

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Initials	Date
extractions, soil excavation, control of contaminant releases to the air, and off-site transport or on-site treatment.				
Transportation				
The Project could result in potentially significant impacts associated with increasing hazards due to a geometric design feature related to queuing. Improvement measures required to mitigate Project's impact would include fair-share contribution to improvements at the I-15 ramps at Mojave Drive (Intersections #13 and #14 in Appendix K of the Draft EIR). Since the City does not have jurisdiction over this intersection, improvements cannot be assumed to be in place prior to Project's occupancy.	Prior to Project occupancy	City of Victorville		
The Project could result in potentially significant impacts with regard to cumulatively considerable transportation impacts. The Project may increase a hazardous condition due to queuing impacts at impacts at the I-15 ramps at Mojave Drive. Since the City does not have jurisdiction over this intersection, improvements cannot be assumed to be in place prior to Project's occupancy.	Prior to Project occupancy	City of Victorville		

Appendix A
Bracketed Comment Letters

June 5. 2024

Travis Clark
Senior Planner
City of Victorville
14343 Civic Drive
Victorville, California 92392
tclark@victorvilleca.gov

Sent via email

Dear Travis Clark:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Mojave Industrial Pak Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023110478. The Project proposes the construction and operation of three industrial/warehouse buildings totaling 1,351,400 square feet on approximately 81 acres of land. Once fully built out, the proposed Project would result in up to 3,669 daily vehicle trips along local roadways, including 1,123 daily truck trips.[1] The Project is proposed within the City of Victorville (City), California, which is the lead agency for California Environmental Quality Act (CEQA) purposes. 1-1

CARB staff are concerned that the Project will expose nearby communities to elevated levels of air pollution beyond the existing baseline emissions at the Project site. Residences are located east and south of the Project site, with the closest residence located approximately 100 feet east of the Project site. In addition to residences, Gus Franklin Jr. Elementary School, and West Creek Elementary School are all located within 1,500 feet from the Project site. Due to the Project's proximity to residences and schools, CARB is concerned with the potential health impacts associated with the construction and operation of the Project. 1-2

Industrial facilities, like the facilities described in the Project, can result in high volumes of heavy-duty diesel truck traffic, and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, which contribute to regional air pollution and 1-3

[1] City of Victorville. Mojave Industrial Park Draft Environmental Impact Report. Page 4.2-27 Accessible at: *https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd_btP0CiQk5mH_beUJFngo4RqfdN3Gl_uqxuBtJuoFTr8VXoe-x_0Tk-aQWqvcuWO80*

global climate change.[2] To better address regional air pollution and global climate change, Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order states: "It shall be a goal of the State that 100% of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100% of medium and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100% zero-emission off-road vehicles and equipment by 2035 where feasible." The Executive Order further directs the development of regulations to help meet these goals. To ensure that lead agencies, like the City, stay in step with evolving scientific knowledge to protect public health from adverse air quality and greenhouse gas impacts from the transportation sector, which serves as the basis of the Governor's Executive Order N-79-20, CARB staff urges the City to plan for the use of zero-emission technologies within the Project area as described in this letter.

1-3 Cont.

The City Must Provide More Meaningful Mitigation Measures to Reduce the Project's Significant and Unavoidable Impact on Air Quality

The City concluded in Chapter 4.2 (Air Quality) of the DEIR that the operation of the Project would result in a significant impact on air quality. According to Table 4.2-14 (Estimated Maximum Daily Operational Criteria Air Pollutant Emissions – Unmitigated), the operation of the Project would emit oxides of nitrogen (NOx) as high as 417 pounds per day, and particulate matter less than 10 microns in size (PM10) as high as 94 pounds per day; these values were found to exceed the Mojave Desert Air Quality Management District's (MDAQMD) significance threshold and would result in a significant impact on air quality.[3] To mitigate the Project's operational air quality impacts, the DEIR noted seven mitigation measures (MM-AQ-1 through MM-AQ-7), which included requiring off-road construction equipment greater than 75 horsepower to be zero-emissions or equipped with Tier 4 Final compliant engines, requiring installation of electric vehicle infrastructure, requiring trucks serving the Project to meet CARB's 2010 engine emission standards, requiring the use of zero-emission offroad equipment during Project operation, requiring tenants to use zero-emission heavy-duty vehicles by 2030 as feasible, and requiring use of zero-emission

1-4

[2] With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2022, explains that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance. CARB's 2022 Scoping Plan for Achieving Carbon Neutrality, published November 16, 2022, is available at *https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf*

[3] City of Victorville. Mojave Industrial Park Draft Environmental Impact Report. Page 4.2-36. Table 4.2-14. Accessible at: *https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd_btP0CiQk5mH_beUJFngo4RqfdN3Gl_uqxuBtJuoFTr8VXoe-x_0Tk-aQWqvcuWO80*

light- and medium duty vehicles as part of business operations as feasible. Even after implementing these measures, the City concluded in the DEIR that the impact on air quality associated with the operation of the Project would remain significant and unavoidable. 1-4 Cont.

The City should not exclusively rely on existing rules and regulations to mitigate the Project's air quality impacts from the operation of heavy-duty trucks. MM-AQ-2 includes a requirement that all "Only haul trucks meeting California Air Resources Board (CARB) model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site."[4] CARB's Truck and Bus Regulation requires trucks, by law, to have 2010 or newer model year engines by January 1, 2023.[5] Since this date has already passed, trucks with a model year of 2009 or older are already required to comply with the regulation. Compliance with laws and regulations does not represent mitigation of the Project's impact on air quality. 1-5

CARB applauds the City and Project applicant for including mitigation measures in the DEIR requiring the installation of electric vehicle charging stations to power on-site employee vehicles and heavy-duty trucks and for requiring the use of zero-emission on-site cargo handling equipment. CARB is also happy to see the inclusion of MM-AQ-6 in the DEIR that requires all heavy-duty vehicles engaged in drayage to or from the Project site to be zero emission beginning in 2030 and requires tenants to use zero-emission light- and medium-duty vehicles as part of business operations. Including these zero-emission technologies will reduce the Project's air quality and health impacts on neighboring communities while helping California achieve the goals set forth in Executive Order N-79-20. However, MM-AQ-6 states that the City will require zero-emission trucks when "feasible." MM-AQ-6, as written, leaves it up to the City to determine the feasibility of requiring the use of zero-emission trucks. Allowing the City to make feasibility determinations related to mitigation measures after project approval is improper because the feasibility of the measures must be established prior to the time of project approval. 1-6

To reduce the Project's operational air pollutant emissions, CARB urges the City to use zero-emission trucks starting at the beginning of Project operations. As presented below, CARB has many regulations that promote and eventually require zero-emission trucks at freight facilities, such as the proposed Project. Specifically, the Advanced Clean Fleet Regulation would require all drayage trucks in California to be zero-emission by 2035. A list of commercially-available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).[6] The HVIP is a part of 1-7

[4] City of Victorville. Mojave Industrial Park Draft Environmental Impact Report. Page 4.2-48. Accessible at: *https://files.ceqanet.opr.ca.gov/293036-2/attachment/GMLCeTS7EHF0vJd_btP0CiQk5mH_beUJFngo4RqfdN3Gl_uqxuBtJuoFTr8VXoe-x_0Tk-aQWqvcuWO80*

[5] CARB. Truck and Bus Regulation Compliance Requirement Overview. June 18, 2019. Accessible at https://ww3.arb.ca.gov/msprog/onrdiesel/documents/fsregsum.pdf

[6] Zero-Emission Truck and Bus Voucher Incentive Project. Accessible at: *https://californiahvip.org/*

California Climate Investments to incentivize the purchase of zero-emission trucks. Based on CARB's review of the zero-emission trucks listed in the HVIP, commercially available zero-emission trucks can meet the cargo transportation needs of individual industrial uses proposed in the City today. CARB has implemented or is developing regulations that will require the use of zero-emission trucks.

The list below details the CARB regulations that will result in the reduction of diesel particulate matter (diesel PM) and NOx emissions from trucks within California:

- **Drayage Truck Regulation:** The existing Drayage Truck Regulation requires all drayage trucks to operate with an engine that is a 2007 model year or newer.
- **Truck and Bus Regulation:** The Truck and Bus Regulation requires all trucks, including drayage, to have 2010 or newer model year engines by January 1, 2023.
- **Heavy-Duty Low-NOx Omnibus Rule:** The Heavy-Duty Low-NOx Omnibus Rule requires truck emission standards to be reduced from 0.20 to 0.05 grams per brake horsepower-hour (g/bhp-hr) from 2024 to 2026, and to 0.02 g/bhp-hr in 2027.
- **Advanced Clean Trucks Regulation:** The Advanced Clean Trucks Regulation, approved by CARB on June 25, 2020, requires manufacturers to start manufacturing zero-emission trucks and vans beginning in 2024. The rule is expected to result in about 100,000 zero-emission trucks in California by the end of 2030 and about 300,000 by 2035. The Advanced Clean Trucks regulation is part of CARB's overall approach to accelerate use of zero-emission medium-and heavy-duty vehicles. CARB approved amendments to the Advanced Clean Trucks regulation in March 2021; the amendments help ensure that more zero-emission vehicles are brought to market. CARB directed staff to ensure that fleets, businesses, and public entities that own or direct the operation of medium- and heavy-duty vehicles in California purchase and operate ZEVs in anticipation of fully ZEV fleets by 2045 everywhere feasible, and specifically to reach:
    - 100% zero-emission drayage trucks, last mile delivery, and government fleets by 2035
    - 100% zero-emission refuse trucks and local buses by 2040
    - 100% zero-emission capable utility fleets by 2040
- **Advanced Clean Fleets Regulation:** The Advanced Clean Fleets Regulation is part of CARB's overall strategy to accelerate use of zero-emission medium- and heavy-duty vehicles. This regulation works in conjunction with the Advanced Clean Trucks regulation. The regulation applies to trucks performing drayage operations at seaports and railyards, fleets owned by State, local, and federal government agencies, and high priority fleets. High priority fleets are those entities that own, operate, or direct at least one vehicle in California, and that have either $50 million or more in gross annual revenue, or that own, operate, or have common ownership or control of a total of 50 or more vehicles. The regulation affects medium- and heavy-duty on-road vehicles with a gross vehicle weight rating greater

1-7 Cont.

than 8,500 pounds, off-road yard tractors, and light-duty mail and package delivery vehicles. All drayage trucks entering seaports and intermodal railyards would be required to be zero-emission by 2035. 1-7, Cont.

With the implementation of the regulations listed above, specifically the Advanced Clean Trucks Regulation, tenants at the proposed development must begin the transition from diesel trucks and vans to zero-emission trucks. To protect the air quality of the residences near the Project site, CARB urges the City to include contractual language in tenant lease agreements requiring future tenants to use zero-emission trucks at the start of Project operations. 1-8

Conclusion

Although CARB applauds the City for including mitigation measures that promote the use of zero-emission on-site equipment, vehicles, and trucks, CARB is concerned that the Project's operation may negatively impact air quality in the surrounding community. To protect the air quality the residents near the Project site breathe, CARB urges the City to require the use of zero-emission trucks at the start of Project operations. 1-9

CARB appreciates the opportunity to comment on the DEIR for the Project. Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments. 1-10

CARB staff can provide assistance with zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your list of selected State agencies that will receive the Final Environmental Impact Report (FEIR). If you have questions, please contact Stanley Armstrong, Air Pollution Specialist via email at *stanley.armstrong@arb.ca.gov*. 1-11

Sincerely,

Matthew O'Donnell, Chief, Risk Reduction Branch

cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Yassi Kavezade, Organizer, Sierra Club
yassi.kavezade@sierraclub.org

Alan De Salvio, Deputy Director of Mojave Desert Operations, Mojave Desert Air Quality Management District
adesalvio@mdaqmd.ca.gov

Morgan Capilla, NEPA Reviewer, U.S. Environmental Protection Agency, Air Division, Region 9
capilla.morgan@epa.gov

Stanley Armstrong, Air Pollution Specialist, Risk Reduction Branch