

Appendix A

**Notice of Preparation
and
Environmental Initial Study**

Prepared for

Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Prepared by

Terra Nova Planning & Research, Inc.
42635 Melanie Place, Suite 101
Palm Desert, CA 92211

December 2022

and

Comment Letters



Town of
Apple Valley

TOWN OF APPLE VALLEY

NOTICE OF PREPARATION

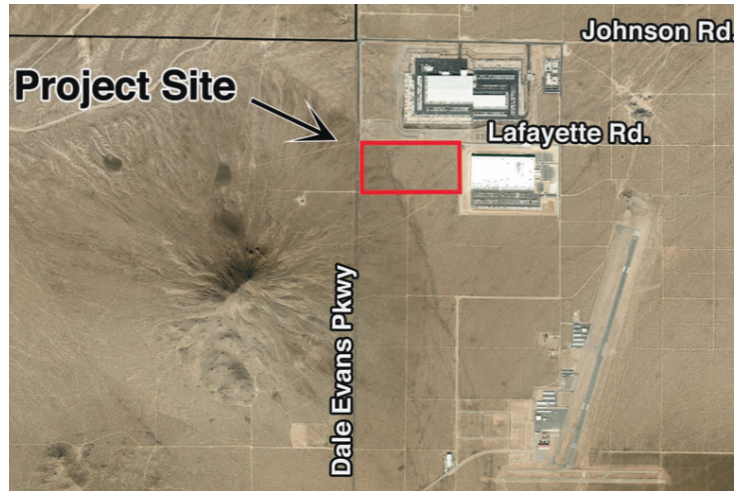
PROJECT TITLE: THE DEVELOPMENT AT DALE EVANS AND LAFAYETTE

CONTACT PERSON: Daniel Alcayaga, Planning Manager
Email: dalcayaga@applevalley.org Phone: (760) 240-7000 x7200

PROJECT LOCATION:

Southeast corner of Lafayette Street and Dale Evans Parkway in the Town of Apple Valley.

PROJECT DESCRIPTION: The project proposes to develop a 1,207,544 square foot warehouse distribution center on a 77± acre parcel of land in north Apple Valley. The project site is bounded by Lafayette Street to the north, Dachshund Avenue to the east, Burbank Avenue to the south, and Dale Evans Parkway to the west. The project site is within the boundary of the North Apple Valley Industrial Specific Plan (NAVISP), which aims to accelerate the Town's future economic growth by attracting high quality industrial facilities. The project site is subject to the standards and restrictions codified in the NAVISP. Under the NAVISP, the project site is designated as Industrial – Specific Plan (SPI). Manufacturing facilities, regional warehousing facilities, and support services are all land-uses that are appropriate for the SPI designation. The project will require a Design Review application approval.



FINDINGS/DETERMINATION: The Town has reviewed and considered the proposed Project and has determined that potentially significant impacts could result from the proposed Project. Therefore, an Environmental Impact Report should be prepared. Based on the location and characteristics of the proposed Project, the EIR will include analysis of potentially significant effects on the environment related to the following topics: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, and Utilities/Service Systems.

PUBLIC REVIEW PERIOD: A 30-day public review period for the Notice of Preparation will commence on December 16, 2022 and end on January 16, 2023 for interested individuals and public agencies to submit written comments on the document. Any written comments on the Notice of Preparation must be received at the Town address (14955 Dale Evans Parkway) or via email to Daniel Alcayaga at dalcayaga@applevalley.org within the public review period. Copies of the Notice of Preparation and Initial Study are available for review on the Town's website at <https://www.applevalley.org/services/planning-division/environmental>.

[This corrected notice provides the full url address to access the NOP and Initial Study online.](https://www.applevalley.org/services/planning-division/environmental)



Town of
Apple Valley

TOWN OF APPLE VALLEY

14955 Dale Evans Parkway
Apple Valley, California 92307
Phone: (760)240-7000
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ENVIRONMENTAL INITIAL STUDY

Project Title: The Development at Dale Evans and Lafayette

Town Project No.: Site Plan Review SPR 2022-004

**Lead Agency
Name and Address:** Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, California 92307
Phone: (760) 240-7000, Fax: (760) 247-3885

**Project Sponsor's Name
and Address:** RW Apple Valley LLC
220 Newport Center Drive, #11+557
Newport Beach, California 92660

**Contact Person
And Phone Number:** Daniel Alcayaga, Planning Manager, dalcayaga@applevalley.org
Phone: (760) 240-7000 Ext. 7200

Project Location: Southeast corner of Lafayette Street & Dale Evans Parkway Apple Valley,
CA 92307
APN 0463-231-11, -12, -13, -14, -15, -16, -34, -35, -36, -37.

Project Area: 77± Acres

**Existing
Zoning Designation:** North Apple Valley industrial Specific Plan, Specific Plan Industrial (SPI)

**Existing
General Plan Designation:** Specific Plan

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PROJECT DESCRIPTION

Project Location and Limits

The project proposes to develop a 1,207,544 square foot warehouse distribution center on a 77± acre parcel of land in north Apple Valley. The project site is bounded by Lafayette Street to the north, Dachshund Avenue to the east, Burbank Avenue to the south, and Dale Evans Parkway to the west. The project site is within the boundary of the 2006 North Apple Valley Industrial Specific Plan (NAVISP), which aims to accelerate the Town's future economic growth by attracting high quality industrial facilities. The project site is subject to the standards and restrictions codified in the NAVISP. Under the NAVISP, the project site is designated as Industrial – Specific Plan (SPI). Manufacturing facilities, regional warehousing facilities, and support services are all land-uses that are appropriate for the SPI designation.

The 77±-acre project site will be developed to include a distribution warehouse with accompanying office spaces in the center of the project site. The building footprint is proposed to total 1,207,544 square feet, with 1,147,167 square feet of warehouse space, and 60,377 square feet of office space. The building is expected to extend up to 50 feet in height. No user has been identified for the space. For purposes of this analysis, it has been assumed that 85% of the space would be used for dray warehousing, and 15% for cold storage. The warehouse will be accessible via 204 dock doors, while the offices will each be provided with a single man-door. A total of 1,218 parking spaces are proposed, including both vehicle/employee/guest parking and truck/trailer parking spaces. Drainage through and from the site will be contained via a perimeter channel that will ring the developed area on the north, west and south. At buildout, the project site will have 36% building coverage, and 22% landscaping.

The project will have 7 access points: two for cars and commercial vehicles accessible from Burbank Avenue, two for cars and commercial vehicles accessible from Lafayette Street, one for cars and commercial vehicles accessible from Dachshund Avenue, and two for trucks/trailers accessible from Dachshund Avenue.

A dry wash occurs across the property, which conveys storm flows from the north, through the site and southeasterly via sheetflow under current conditions. These flows will be intercepted at the northwestern boundary of the site, conveyed through the site in a perimeter channel to be constructed by the project, and released at the south boundary of the property. In addition, on-site retention facilities are proposed to contain the project's incremental increase in 100-year storm flows within the site, consistent with Town requirements.

Surrounding Land Uses

A Walmart warehouse and distribution center is located north of the project site. To the east of the project site is a Big Lots warehouse and distribution center. Lands to the south are vacant, and also part of the NAVISP. Lands to the west, across Dale Evans Parkway, are also vacant, but outside the NAVISP boundary, and designated Medium Density Residential in the Town's General Plan.

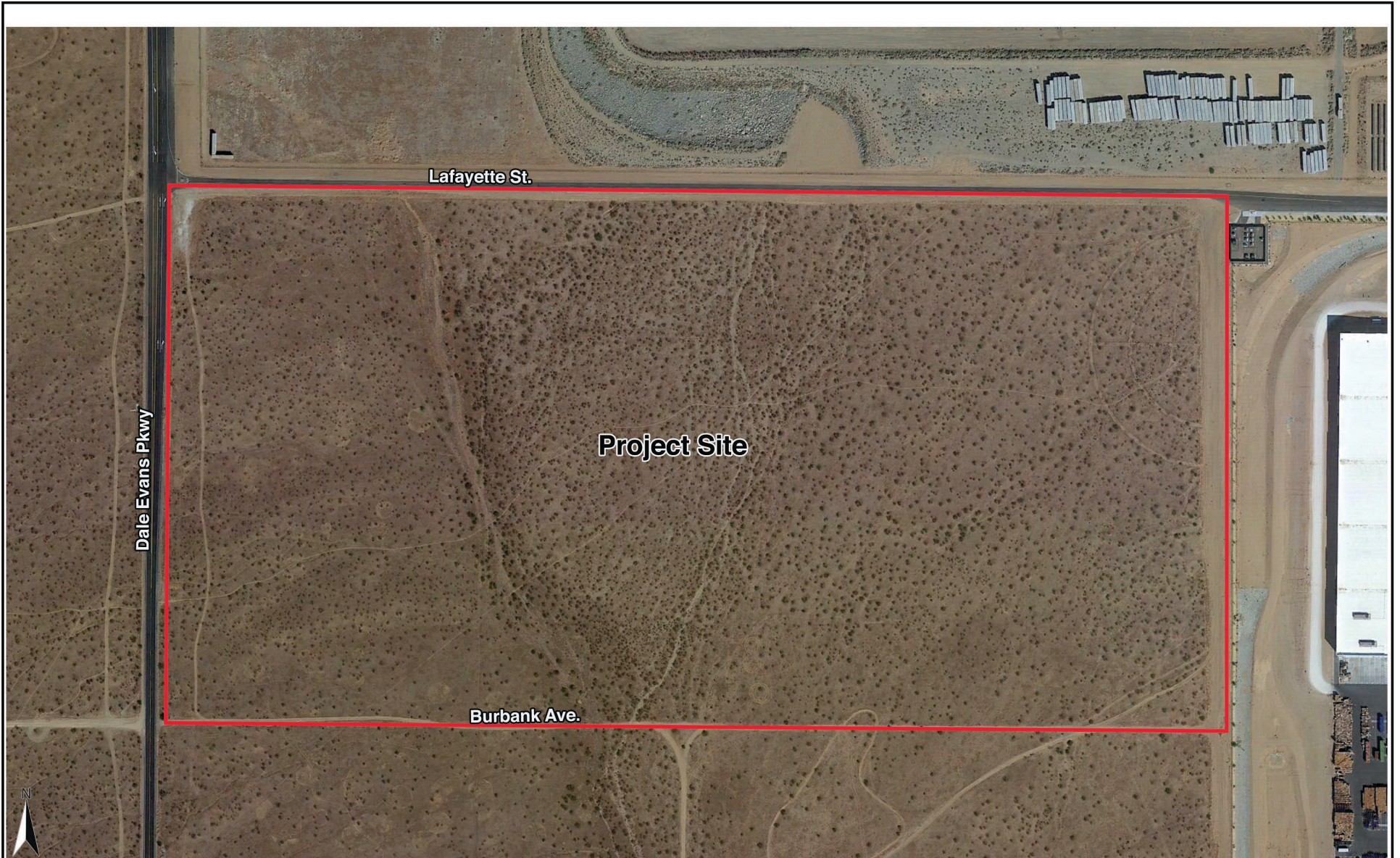
Current Conditions

The project site is vacant and has not been previously developed. The site was previously part of the Victorville Precision Bombing Range No. 1 (PBR1) and is now designated as a Formerly Used Defense Site (FUDS). The northeastern portion of the project site was part of a target within the Range, and evidence of debris from these activities remains on the site (please see Hazards and Hazardous Materials, below).



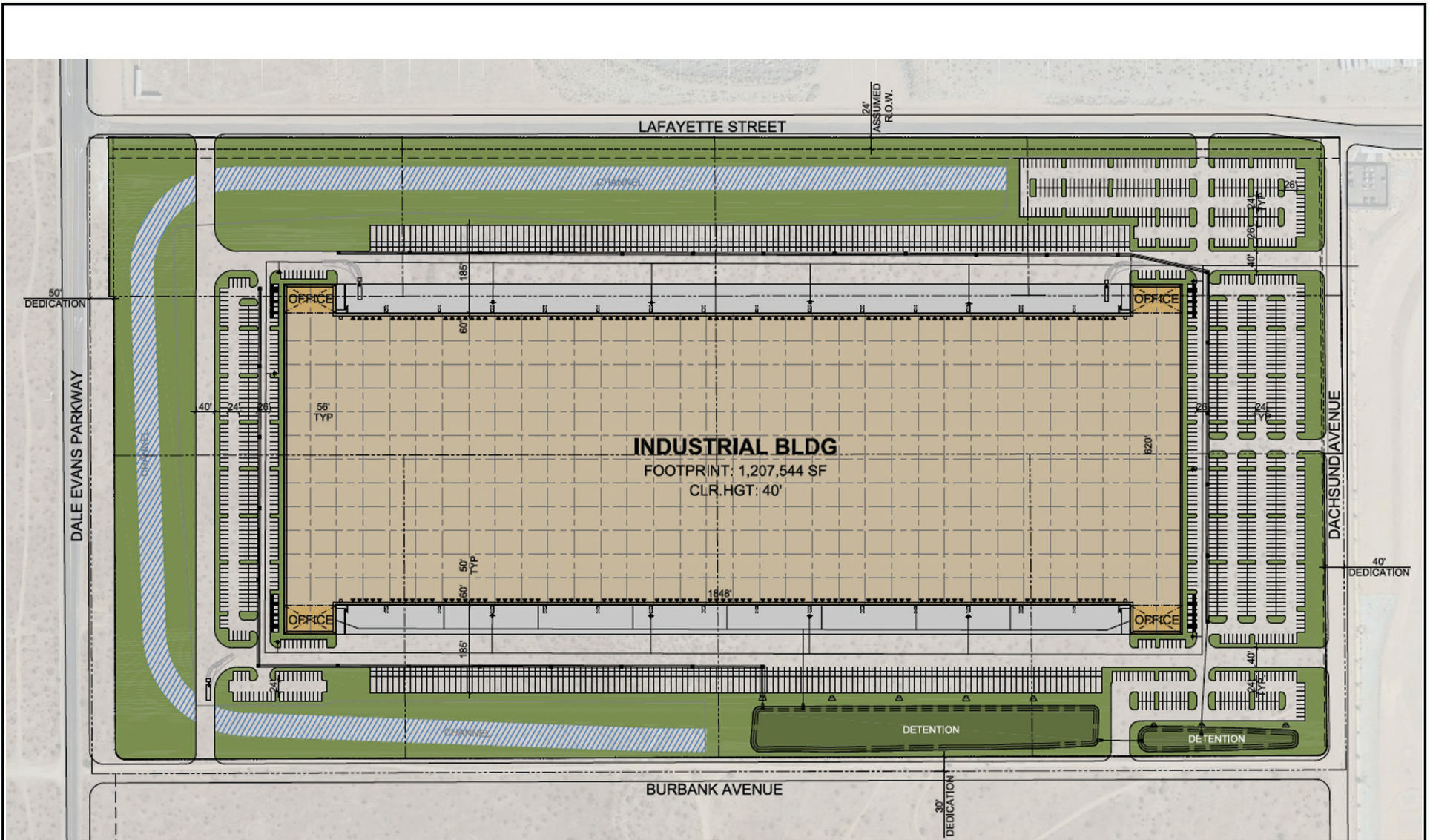
Source: ESRI, July 2022

07.26.22



Source: Google Earth, July 2022

07.26.22



Source: Ware Malcomb, 09.2022

N
09.27.22

EVALUATION OF ENVIRONMENTAL IMPACTS:

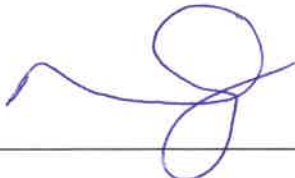
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology /Soils	<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards & Hazardous Materials
<input checked="" type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input checked="" type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Wildfires	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

	<p>12-7-22 Date:</p>
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1. AESTHETICS – Except as provided in Public Resource Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Apple Valley General Plan 2009; Apple Valley Development Code, as amended; California State Scenic Highway System Map and List, Caltrans.

Background

The Town of Apple Valley is located within the Mojave River floodplain and occurs on the valley floor, surrounded by peak elevations of up to 3,200 feet above sea level. Notable geographic landmarks include the San Bernadino Mountains to the south, Turtle and Black Mountains to the north, Fairview Mountain to the northeast, and the Granite Mountains to the southeast. Apple Valley’s ‘wide skies’ is a visual characteristic special to the area, which allows residents to have unobstructed views of the open desert and undeveloped desert lands. The Town of Apple Valley’s aesthetics can be viewed from Highway 18, which runs east to west through the center of the Town. The existing developments in Apple Valley are not thematically unified and originate from different stylistic eras, consisting of a variety of residential and commercial styles and features.

The project proposes to develop 50-foot high distribution warehouse within the SPI zone in the NAVISP. The color palette of the distribution facility will be comprised of neutral browns and beiges to blend with the surrounding desert landscape and be visually consistent with the adjacent industrial distribution centers to the north and east of the project site. The project site is located 8 miles from the nearest scenic highway and 4 miles from the nearest residential development.

Lighting will be provided throughout the site, including parking lot lighting, building architectural and safety lighting, and landscape lighting.

- a) **Less than Significant Impact.** The distribution facility will somewhat obstruct the views of the open and undeveloped desert lands to the northeast and east of the site from Dale Evans Parkway. However, the Project proposes an industrial land use in an area currently developed and planned for such uses. Lands to the west, across Dale Evans Parkway, are designated for Medium Density residential development, which would likely result in apartments of two and three stories in height. Although impacts associated with scenic vistas are expected to be less than significant, they require further analysis in the Environmental Impact Report (EIR)

- b) No Impact.** The project site is currently a vacant undeveloped parcel of land. The site is flat, and slopes to the south-southeast. There are no trees, rock outcroppings, historic buildings, or other features which would qualify as scenic resources on or near the project site. Additionally, the Project is not proposed to develop within a scenic highway. Therefore, the project does not have the potential to damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway and will have no impact. No further analysis of this topic is required, and it will not be further discussed in the EIR.
- c) Less Than Significant Impact.** The project proposes to build a 50-foot high distribution facility that will not substantially disrupt the visual character of the surrounding area. The distribution center's height is compliant with restrictions outlined in the NAVISP and the Apple Valley General Plan and will therefore not have an unintended visual impact on the surrounding area. In addition, the facility's color and design are consistent with the provisions outlined within the NAVISP which exist to preserve the visual character of Apple Valley and will be reviewed to ensure compliance. Publicly accessible vantage points are on Lafayette Street, Dale Evans Parkway, Burbank Avenue and Dachshund Avenue. There are two large distribution facilities adjacent to the project site on its northern and eastern sides which have identical land uses and visual character. Lands to the west are designated for multi-family development, and are expected to develop into multi-family apartments or condominiums on two and three stories. Although the Project is expected to comply with NAVISP and zoning regulations, this subject will be further analyzed in the EIR.
- d) Less than Significant Impact.** The Project will result in a warehouse facility and associated parking lots which will generate light and glare. Security lights will illuminate the facility, and surrounding parking spaces and loading zones will also be lighted. In addition, automobile headlights from arriving and departing vehicles will be a source of light on and around the Project site. The Project will be reviewed by Town staff to ensure compliance with General Plan dark sky and Development Code standards for lighting (Municipal Code 9.70.020). The Project's proposed lighting will be analyzed in the EIR to assure that impacts are indeed less than significant.

2. AGRICULTURE AND FORESTRY RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Apple Valley General Plan 2009; Apple Valley Development Code, as amended; California Department of Conservation, Farmland Mapping & Monitoring Program, 2016.

Background

Although historic activities in the Town of Apple Valley consisted of ranching and crop farming operations, the diminishing supply of irrigation water and community urbanization have considerably diminished agricultural operations within the Town of Apple Valley over the last 50 years. The California Department of Conservation’s Farmland Mapping and Monitoring Program has identified areas within the Town which fit department farmland classification criteria: two areas north of Yucca Loma Road and west of Apple Valley Road., two south of Yucca Loma Road immediately east of Apple Valley Road and one south of Bear Valley Road within the Deep Creek area. The total land area of all farmlands identified by the Farmland Mapping and Monitoring Program is 130 acres. None of these areas occur in the vicinity of the proposed Project.

The Project site and all land surrounding it are designated for urban development, whether industrial in the NAVISP, or residential on the west side of Dale Evans Parkway. There are no agricultural or forestry designated lands located in Town, and none in the NAVISP.

Discussion of Impacts

a-e)No Impact The Project site is currently a vacant parcel of desert land unsuitable for agricultural use. The Project site and lands surrounding it are not recognized by the Apple Valley General Plan, NAVISP, of the California Department of Conservation's Farmland Mapping and Monitoring Program as supporting or having the potential to support farmland or agricultural operations. The project site is not designated as Prime Farmland or Unique Farmland, nor is it a site in which a Williamson Act contract applies.

The site is not designated for forestry uses in either the General Plan or the NAVISP, and there are no forested lands within the Town, which occurs in a high desert valley, and consists of sparse vegetation.

The project site occurs within the NAVISP and is planned to support various types of industrial and commercial activities. Therefore, the project will have no impact on the conversion of Prime Farmland recognized by the California Resources Agency's Mapping and Monitoring Program to non-agricultural use, Williamson Act contract land zoning conflicts, the rezoning of forestland or timberland, the loss of forest land to non-forest land-uses, or the conversion of forest land to non-forest use. No further analysis of this topic is required, and it will not be included in the EIR.

3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: MDAQMD Rule Book; MDAQMD CEQA and Federal Conformity Guidelines; Apple Valley General Plan 2009.

Background

The project site is located within the Mojave Desert Air Basin (MDAB) and is managed by the Mojave Desert Air Quality Management District (MDAQMD). The MDAQMD monitors the levels of primary and secondary air pollutants and classifies them as under attainment if the pollutant meets State and Federal standards. Criteria air pollutants include sulfur dioxide (SO₂), lead (Lb), carbon monoxide (CO), ozone (o₃), nitrogen oxides (NO_x), and particulate matter of 10 and 2.5 microns. Historically, the Town of Apple Valley and the Mojave Desert Air Basin have struggled with maintaining low levels of particulate matter, due to the abundance of lightly compacted dirt particles, and year-round strong winds.

Federal Clean Air Act

The Federal Clean Air Act (FCAA) was first enacted in 1963, has been amended numerous times since, and remains the federal government’s primary air quality law regulating air pollution. There are several regulatory programs brought about by FCAA amendments, including National Ambient Air Quality Standards (NAAQS), National Emissions Standards for Hazardous Air Pollutants (NESHAPs), New Source Performance Standards (NSPS), the Acid Rain Program (APP), and the CAA ozone program consistent with the Montreal Protocol.

The United States Environmental Protection Agency (USEPA) designates MDAB levels of fugitive dust (PM₁₀ and PM_{2.5}) and Ozone (O₃) as being in non-attainment. Under the federal Clean Air Act, the MDAB is designated as being in “moderate” ozone non-attainment.

California Clean Air Act

The California Clean Air Act (CCAA) passed into law in 1988 established ambient air quality standards for the State of California that exceed NAAQS and accelerated attainment dates for criteria pollutants established in the FCAA.

California Air Resources Board

The California Air Resources Board (CARB) is a cabinet-level department within the California Environmental Protection Agency and is responsible for implementing the CCAA. Established in 1967, the CARB regulates vehicle emissions standards and sets area designation for nine criteria pollutants (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter, sulfates, lead, hydrogen sulfide, and visibility reducing particles).

MDAQMD

The MDAQMD manages the MDAB, and regulates air quality emissions in the basin. In response to designations of non-attainment for several air pollutants within the MDAB, the MDAQMD adopted ozone and particulate matter attainment plans. The Mojave Desert Planning Area Federal Particulate Matter Attainment Plan was adopted in 1995, in order to bring that Mojave Desert non-attainment area into attainment for NAAQS. The MDAQMD State and Federal Ozone Attainment Plan was adopted in 2004 and the MDAQMD Western Mojave Desert Non-attainment Area Ozone Attainment Plan was adopted in 2008 in an effort to bring the MDAB in attainment for Ozone federal NAAQS.

Discussion of Impacts

- a) **Potentially Significant Impact.** The proposed Project is expected to generate a substantial demand for energy and high number of vehicle trips, and therefore could conflict with MDAQMD planning documents, including its Particulate Matter Attainment Plan and Ozone Attainment Plans. It is not known what the Project's emissions will be at this time. In order to adequately assess air emissions, the EIR will include modeling using the CalEEMod version currently in effect, to determine whether any of MDAQMD's plans would be negatively impacted, and to what degree.
- b) **Potentially Significant Impact.** An impact is considered potentially significant if concentrations of emissions exceed the State or Federal Ambient Air Quality Standards. The primary criteria pollutants of concern in Apple Valley are ozone and particulate matter. It is not known at this time what the Project's emissions will be, and whether it will negatively impact the region's current non-attainment status, or air quality emissions in the Town and its surroundings. In order to adequately assess air emissions, the EIR will include modeling using the CalEEMod version currently in effect. The EIR will quantify air emissions for construction and operation of the Project, in order to determine whether the Project will meet or exceed MDAQMD thresholds for all criteria pollutants.
- c) **Less Than Significant Impact.** The Project site is located within the NAVISP, and surrounded by industrial development on the north and east, and vacant desert lands on the west and south. However, the EIR will need to consider whether any sensitive receptors do occur in the Project area, and whether they could be subject to localized emissions during construction and in the long term. This issue will require further analysis in the EIR.
- d) **Less Than Significant Impact.** The use of the proposed Project building for warehousing and distribution is unlikely to generate long term odors. Construction operations, however, have the potential to generate odors from the operation of heavy equipment, the application of coatings, and other sources. Although these odors will be temporary, the EIR must consider these odors and determine whether they have the potential to impact sensitive receptors.

4. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sources: Apple Valley General Plan 2009; Notice of Preparation of Environmental Impact Report (EIR) for the Apple Valley MSHCP/NCCP, Town of Apple Valley, April 2021.

Background

The Town's climatic setting is characterized by hot dry summers, cool winters, strong winds, and low annual precipitation. The Town and its sphere of influence have a range in elevation from 2,550 feet to 4,800 feet above mean sea level. The lowest elevations occur near the Mojave River and the highest elevations can be found within the northern, eastern, southern portions of the Town. The Town is home to a wide variety of plant and animal communities. The largest vegetation community within the Town and Apple Valley, Creosote Bush Scrub, has been significantly damaged by a wide range of anthropocentric activities, including illegal dumping, off-road vehicle use, and livestock grazing, which have resulted in minimal ground cover and lower shrubs density. The Creosote Bush, Burrobush, Golden Cholla, Pencil Cholla, Beavertail, Cheesebush, Cooper's Boxthorn, and Rabbitbush can be found within the Apple Valley Creosote Bush Scrub vegetation community. Joshua trees can also occur, but are limited.

The Creosote Bush Scrub and other vegetation communities within the Town host a variety of invertebrate, amphibian, reptile, mammal, and bird species. Notable invertebrate species include the California Harvester and Argentine Ants, Creosote Bush Grasshopper, Orb Weaver Spiders, Honey Bees, Bumblebees, Wasps, and Darkling and Broad-necked Beetles. Notable amphibian species include the Western and Red spotted Toads, Pacific Tree

Frog, and Bullfrogs which occur within the Mojave River corridor. Notable reptiles include the Western Whiptail, Zebra-tailed, Western Fence, and Side-blotched Lizards, Desert Iguana, Western Patch-nosed, Spotted Lead-nosed, Glossy, and Gopher Snakes, Coachwhip, Sidewinder, and Mohave Rattlesnakes. Notable mammal species include the Black-tailed Jack Rabbit, Desert Cottontail, Spotted and Striped Skunks, Ringtail Raccoon, White-tailed Antelope and California Ground Squirrels, Coyote, and Kit Fox.

Endangered Species Act (ESA)

The United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service are the designated federal agencies accountable for administering the ESA. ESA defines species as “endangered” or “threatened” and provides regulatory protection at the federal level.

The Migratory Bird Treaty Act (MBTA) was established in 1918 and prohibits take of protected migratory bird species unless authorized by the US Fish and Wildlife Service (USFWS). ‘Take’ is defined as any action directed against wildlife, to pursue, hunt, shoot, wound, kill, trap, capture, or collect a migratory bird. Over 300 bird species have been identified in the Town including the Common Raven, House Finch, House Sparrow, Western Meadowlark, Cactus Wren, Common Roadrunner, Loggerhead Shrike, and Northern Mockingbird.

The West Mojave Habitat Conservation Plan was developed by Bureau of Land Management (BLM) and manages state and federally listed special status species and their habitats on public lands. The Native Plant Ordinance was adopted by the Town in order to protect native plant species. Under the Native Plant Ordinance, developments are required to notify the Town of Apple Valley when their development requires the destruction, disturbance, or removal of Joshua Trees.

Section 404 of the Clean Water Act

This section of the Clean Water Act (CWA), administered by the US Army Corps of Engineers (USACE), regulates the discharge of dredged and fill material into “Waters of the United States” (WOTUS). The USACE has created a series of permits that authorize certain activities within waters of the U.S.

California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) is similar to the federal ESA, but it is administered by the California Department of Fish and Wildlife (CDFW). Unlike the federal ESA, the CESA applies the take prohibitions to species currently petitioned for state listing status (candidate species). Lead agencies are required to consult with CDFW to ensure that actions are not likely to jeopardize the continued existence of any state-listed species or result in the destruction or degradation of occupied habitat.

Sections 1600-1603 of the State Fish and Game Code

The California Fish and Game Code, Sections 1600 through 1603, regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife resources. Under state code, CDFW jurisdiction is assessed in the field based on one, or a combination of criteria (CDFW 2005b).

West Mojave Habitat Conservation Plan

Developed by the Bureau of Land Management, the West Mojave Conservation Plan encompasses 9.3 million acres of land within San Bernardino (including Apple Valley), Kern, Los Angeles, and Inyo counties. This plan provides a comprehensive strategy to conserve and protect state and federally listed species, as well as other special status species and their habitats on federal land. The approved West Mojave HCP has only completed National Environmental Policy Act (NEPA) certification and thus is currently only applicable to federal lands.

Apple Valley Multispecies Habitat Conservation Plan and Natural Community Conservation Plan (MSHCP/NCCP)
The Town of Apple Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan (MSHCP/NCCP) is currently being prepared in consultation with the Bureau of Land Management (BLM), USFWS, and CDFW. The species proposed for coverage under the MSHCP/NCCP include four state and/or federally listed species and five special status species and/or state fully protected species.

Discussion of Impacts

- a) **Potentially Significant Impact.** The Project site consists of vacant desert land. It is not known at this time whether sensitive species occur on the site. In order to adequately address this issue, a biological resource analysis will be conducted to determine the species of flora and fauna which occur or have the potential to occur on the site, including species of concern, and species proposed for coverage or currently covered by the ESA and CESA or the Town's MSHCP. The EIR will detail the findings of the biological resource analysis, and whether, or how, impacts to special status species can be mitigated to less than significant levels.
- b) **Potentially Significant Impact.** Riparian habitat is not expected to occur on site. It is not currently known whether the site contains any sensitive natural community, as defined by the Town's MSHCP, or by CDFW or USFWS. The biological resources analysis to be prepared for the EIR will determine what natural communities occur on the site, and whether they are of concern. The EIR will summarize the findings of the study, and analyze the level of impact, and whether or how impacts can be mitigated.
- c) **Potentially Significant Impact.** The Project proposes to disturb the entire 77± acre site for development. An existing dry wash enters the site at its northwest corner, and traverses the site in a southeasterly direction. It is not currently known whether that wash and other smaller drainage features have the potential to be waters of the State or waters of the US. A jurisdictional delineation must be prepared to answer this question, and determine whether mitigation of impacts to jurisdictional waters is possible. The EIR will summarize the results of the study, analyze the resulting impacts, and determine what feasible mitigation can be implemented to address the impacts.
- d) **Potentially Significant Impact.** The Project site is surrounded by development on three sides (industrial development on the north and east, and Date Evans Parkway on the west). As a result, the Project site is relatively isolated, and may not be adequate to provide an effective migratory corridor. However, the biological resource study and EIR will consider whether the site is suitable for migratory species, and whether mitigation is necessary. The EIR will also consider whether the Project has the potential to impact birds protected by the Migratory Bird Treaty Act, or the Town's MSHCP.
- e, f) **Less Than Significant Impact with Mitigation.** The Project site is within the boundary of the MSHCP, and is also within the West Mojave Plan. The Town also implements a plant preservation ordinance for native plants. The EIR must consider whether the development proposed by the Project could negatively impact the implementation of these documents, and whether mitigation measures are required to address Project and cumulative impacts.

5. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Apple Valley General Plan 2009.

Background

The California Environmental Quality Act (CEQA) defines ‘historical resources’ as any resource listed in or eligible for listing in the California Register of Historic Resources. In order for a resource to be listed in the California Register it must meet at least one of the following criteria:

- a. Be associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- b. Be associated with the lives of persons important in our past.
- c. Embody the distinctive characteristics of a type, period, region, method of construction, or represents the work of an important creative individual, or possesses high aesthetic value.
- d. Yielded, or may be likely to yield, information important in pre-history or history.

Criteria for the consideration of cultural resources of potential significance, and their appropriate disposition, are established in Section 15126.4(b)(3) of the CEQA Guidelines.

Cultural resources within the Town of Apple Valley include Native American sites and historical buildings from the Town’s early history and development.

Historic Resources

Historical resources within the Town originate from 3 development periods: the Early Settlement of Apple Valley from the 1860’s to the 1880’s; Agrarian Development from the 1890’s to the 1940’s; and the birth and growth of the Town from the 1940’s to present day.

Archeological Resources

Records indicate that no study within the Town of Apple Valley has systematically surveyed the entire Town for cultural resources due to its age. A total of 48 historical and archeological sites have been discovered within the Town of Apple Valley, including 16 prehistoric (Native American) archeological sites and 32 historic-period sites. Multiple recorded prehistoric sites have been identified as large Native American settlements along the banks of the Mojave River.

According to the General Plan EIR, the project site lies within an area of elevated sensitivity for Prehistoric sites (Exhibit III-4).

Discussion of Impacts

- a) **Less Than Significant Impact with Mitigation.** The Project site occurs in an area that was previously used as a target range during the second World War. Although no structures from that time period occur on the site, it is possible that munitions, bombs or other ordnance occur, particularly in the east half of the site, where a target is known to have been drawn in the desert. It is necessary to study the history of the range, and to determine whether historic artifacts from that period occur. A cultural resource study will be prepared, which will include on-site investigation. The results of that study will be summarized in the EIR, and mitigation measures developed to reduce impacts to historic resources.
- b) **Less Than Significant Impact with Mitigation.** Archaeological sites in the Town and surrounding region have previously been identified mostly along the Mojave River and in the foothills of surrounding mountains. However, although the Project site occurs on the valley floor, the potential for archaeological resources occurs. As a result, the cultural resources study will include an analysis of recorded sites in the area, and a field investigation to determine whether archaeological resources occur on the site. The EIR will summarize the findings, and provide mitigation measures, as necessary, to reduce these impacts to less than significant levels.
- c) **No Impact.** There is no evidence that the Project site has been used as a cemetery, or that burials could occur on the site. In addition, State law requires that if human remains are identified on the site, the Coroner must be called to investigate, and must determine whether the remains are recent or potentially Native American. State law also provides procedures and requirements for the notification of Native American descendants, who have ultimate control over the disposition of remains. As a result of the comprehensive nature of State law regarding the identification of human remains on any site, these requirements assure that there will be no impact to human remains on the Project site, and no further discussion of this issue is needed in the EIR.

6. ENERGY -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Apple Valley General Plan 2009; Apple Valley Climate Action Plan, 2019 Update.

Background

Primary sources of energy include unconverted natural fuels, such as petroleum, natural gas, coal, biomass, hydropower, wind power, geothermal, and solar radiation. The secondary sources of energy include energy which has been converted or stored, such as electricity, heat, biofuels, hydrogen, and gasoline.

Southern California Edison (SCE) is a subsidiary of Edison International, a public utility holding company based in Rosemead, California. Southern California Edison provides energy services to over 15 million residents in much of Southern California, including the Town, with a service territory of approximately 50,000 square miles.

Discussion of Impacts

- a) **Less Than Significant Impact with Mitigation.** The proposed Project includes a large, 1.2 million square foot warehouse, with the potential for about 200,000 square feet of cold storage. It is not known at this time how much energy the facility will require, and whether that level of energy use will be significant. The EIR will analyze both construction and operation energy use, and determine whether mitigation measures are required to lower the impact of energy consumption to less than significant levels.
- b) **Less Than Significant Impact.** The proposed Project will be required to conform to the requirements of local utilities, the Town's current (2019) Climate Action Plan, and other plans in effect at the time the Project is constructed. It is not expected that the Project would conflict with any of these plans, but the EIR will provide analysis to confirm that this is indeed the case.

7. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Apple Valley General Plan 2009; Apple Valley Local Hazard Mitigation Plan, 2017 Plan Update.

Background

Geology and Soils

The Alquist-Priolo Earthquake Fault Zoning Act was adopted by the State of California in 1972 and requires California State Geologists to gather geologic data and establish earthquake fault zones within the state of California. The Department of Conservation's California Earthquake Hazards Zone Application is a tool used to visualize fault zones designated by the Alquist-Priolo Earthquake Fault Zoning Act. The San Andreas fault is located 23 miles southwest of Apple Valley and is the longest fault within the State of California at 750 miles. The Town is nearby several active fault zones: the Helendale Fault Zone runs through the northwestern portion of the Town on the southwestern side of Black Mountain and the Ord Mountains Fault (North Frontal Thrust System) runs through the southern portion of town on the western side of Ord Mountain.

The Helendale Fault is a right-lateral strike-slip fault within the Eastern California Shear Zone and is responsible for 9-23% of the total movement along the North American/Pacific Plate boundary. The 56-mile-long fault extends to the northeast of the Town's limits within its sphere of influence and has a slip rate of 0.8 mm per year.

The North Frontal fault is the fault closest to the Town. The North Frontal fault is an active fault with an annual slip rate of 0.5 mm per year and is approximately 40 miles long. It is considered the most significant fault line within the area, with the potential to produce up to a magnitude 7.2 earthquake from its western segment and a magnitude 6.7 earthquake from its eastern segment, both of which would cause significant shaking within the Town.

Six types of geologic deposits underlie the Apple Valley area, each of which contains one or more soil/geologic units. They include artificial fills which generally occur on roadways and graded developments; very young or recent alluvium and Playa deposits; young alluvial and landslide deposits (0 to 11,000 years old) including young alluvial fan deposits that blanket most of the valley; older alluvial fan deposits (11,000 to 1 million years old) occur along the flanks of the Ord Mountains and in the Desert Knolls area; sedimentary rocks (10 to 26 million years old) which occur in narrow, exposed bands along the base of the Ord Mountains, and along the eastern side of the Mojave River; and crystalline rocks (65 to 225 million years old) in the Ord Mountains, Granite Mountains, Bell Mountain, and Catholic Hill.

Paleontological Resources

The Mojave River within the Apple Valley Dry Lake area potentially holds surface or subsurface Pleistocene-age (1,808,000 to 11,550 years ago) soils with a high potential to hold paleontological resources of significance. Outside of this region, the rest of the Town's sediments are young relative to the geologic scale. The Project site occurs in an area of low probability for paleontological resources, as identified in General Plan Exhibit III-5.

Discussion of Impacts

a. i) No Impact. According to the Alquist-Priolo Earthquake Fault Zoning Map, the Project site does not lie in a known earthquake fault zone. Therefore, no fault rupture will occur and there will be no impact relating to fault rupture as a result of the proposed Project, and no further discussion of the issue is required in the EIR.

a. ii) Less Than Significant Impact with Mitigation. The Town is in a seismically active region. The nearest faults are the Helendale (South Lockhart) and North Frontal (West) faults, which are capable of generating magnitude 7.3 and 7.2 earthquakes, respectively. The proposed Project would be exposed to strong ground shaking during a major quake on nearby faults and could expose people and structures to risks associated with strong seismic ground shaking. The forthcoming EIR should consider site and building design and engineering that mitigate the ground shaking threat in the area, and provide mitigation measures, as necessary, to reduce these impacts to less than significant levels.

a.iii, iv)

Less Than Significant Impact with Mitigation. Ground failure can occur as a result of liquefaction, landslide or lateral spreading. Although the Project site is shown as being in an area of low potential for liquefaction in the Town's General Plan, and its location on the valley floor, away from hillsides or slopes makes landslide unlikely, lateral spreading or subsidence could be issues for the site. The EIR will analyze the potential for seismic hazards on the site and the proposed building, and will provide mitigation measures, as necessary, to reduce any potentially significant impacts.

- b) Less Than Significant Impact with Mitigation.** The Project site, and the Town in general, are subject to high winds, which can result in erosion. In addition, the development of the site, including mass grading, will result in exposed soils, which could be eroded during a rain event. Although multiple regulations, including the Town's stormwater management requirements are in place regarding erosion, the EIR must consider whether the application of standard conditions and requirements will be sufficient to reduce the potential impacts of both wind and water erosion to less than significant levels. If necessary, the EIR may need to include mitigation measures to reduce the potential impacts to less than significant levels.
- c) Less Than Significant Impact.** As described above, neither liquefaction nor landslides are expected to occur on the Project site. The soils on the Project site consist of sandy, wind disturbed alluvial deposits typical of soils throughout the Town. Subsidence has not occurred in Apple Valley, and is not expected to have occurred on the Project site. Collapsible soils may occur, and the potential for lateral spread must be considered and analyzed, and should be studied in the EIR, to assure that the potential impacts associated with soil hazards remain less than significant.
- d) Less Than Significant Impact.** The young alluvial deposits that occur on the Project site are not generally subject to expansion, due to their lack of permeability. However, the EIR will provide research and documentation regarding this issue, to assure that impacts associated with expansive soils remain less than significant.
- e) No Impact.** The proposed Project will connect to existing sanitary sewer which occurs in adjacent streets. There will be no need for septic system, and no impacts on soils as a result. Therefore, no further discussion of this issue is required, and it will not be further addressed in the EIR.
- f) No Impact.** The Project site is located on the valley floor where soils to depth are largely comprised of recently deposited aeolian and alluvial sediments that typically do not harbor paleontological resources. The Project site is not located in an area of sensitivity for these resources. Therefore, potentially sensitive paleontological resources are not expected to occur on site. There will be no Project-related impact and no further discussion of this issue in the EIR.

8. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sources: Apple Valley General Plan 2009; Apple Valley Climate Action Plan, 2019 Update; MDAQMD CEQA and Federal Conformity Guidelines.

Background

The chemical structures of certain gas molecules make them more efficient in absorbing solar radiation and reemitting it back towards the earth’s surface. These molecules are known as greenhouse gasses. The largest source of greenhouse gases is from human activity, the most notable being carbon dioxide (CO₂), methane (CH₄), and nitrous oxides (NO). Due to the accumulation of these greenhouse gasses, thermal energy that would be escaping the earth’s atmosphere is now bouncing back onto the earth’s surface as heat, which causes a rise in surface temperatures. This phenomenon is known as the ‘greenhouse effect’ and is responsible for the changes in global average temperature and frequency of extreme weather events in the past century following the industrial revolution.

The California Global Warming Solutions Act of 2006 (AB 32) required California to adopt regulations in order to reduce their GHG emissions to 1990 levels by 2020. The California Global Warming Solutions Act of 2016: emissions limit (SB 32) further required California to adopt regulations to reduce GHG emissions to 40% of 1990 levels by 2030.

GHG Thresholds

The Mojave Desert Air Quality Management District (MDAQMD), whose jurisdiction includes the Town of Apple Valley set daily and annual emissions thresholds that, if exceeded, would indicate that the project has a significant impact on air quality.

1. Generates total emissions (direct and indirect) in excess of the thresholds – daily 548,000 pounds, and annually 100,000 pounds;
2. Generates a violation of any ambient air quality standard when added to the local background;
3. Does not conform with the applicable attainment or maintenance plan(s);
4. Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.

Discussion of Impacts

a-b) Potentially Significant Impact. The Project would result in a 1.2 million square foot warehouse and distribution facility, which will generate greenhouse gases from multiple direct and indirect sources. The EIR must quantify the GHG emissions that could result from the Project, and determine whether they will meet or exceed the MDAQMD thresholds for GHG emissions. In order to comprehensively analyze the potential impacts, the CalEEMod model will be utilized, and its base assumptions modified to address Project-specific construction and mobile inputs. The results of the analysis will be summarized in the EIR, and mitigation measures developed to determine whether impacts can be reduced to less than significant levels.

9. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Apple Valley General Plan 2009; California Department of Toxic Substances Control “EnviroStor” Database; Town of Apple Valley Airport Comprehensive Land Use Compatibility Plan, March 1995; Fire and Resources Assessment Program (FRAP) Fire Hazard Severity Zone Viewer, California Department of Forestry and Fire Protection, accessed November 2021; Apple Valley Local Hazard Mitigation Plan, 2017 Plan Update.

Background

The California Health and Safety Code defines Hazardous Materials as “any material that because of its quantity, concentration, or physical or chemical characteristics possess a significant present or potential hazard to human health and safety or the environment if released into the work-place or environment.” Hazardous Material refers to products which have value or use. Hazardous Waste refers to byproducts of industrial, manufacturing, agricultural, and other uses which, if improperly managed, pose a substantial or potentially substantial hazard to human health or the environment. Additionally, hazardous waste must be ignitable, corrosive, reactive, toxic, or appear on special U.S EPA lists. Common forms of hazardous waste include batteries, cathode ray tubes, fluorescent lights, used oil, products containing mercury, prescription drugs, and at home medical waste.

The Town is subject to numerous state and federal regulations and programs which dictate the storage, transportation, and use of hazardous materials.

The Resource Conservation and Recovery Act (RCRA) is a federal law which regulates the generation, management, and transportation of hazardous waste and gives the EPA the authority of control hazardous waste, including the management of treatment, storage, and disposal of hazardous waste. Abandoned or historic sites are not under the jurisdiction of RCRA. Additional federal laws that govern hazardous waste include the Hazardous and Solid Waste Amendments Act (HSWA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Superfund Amendments and Reauthorization Act (SARA).

The California Occupational Safety and Health Act of 1973 addresses California employees' working conditions, enables the enforcement of workplace standards, and provides for advancements in the field of occupational health and safety. The Act also created the California Occupational Safety and Health Administration (Cal OSHA), the agency with primary responsibility for worker safety in the handling and use of chemicals in the workplace. Cal OSHA's standards are generally more stringent than federal regulations.

The California Regional Water Quality Control Board (CRWQBC), the Town of Apple Valley, Apple Valley Ranchos Water Company, the Golden State Water Company, the Environmental Protection Agency, and the State Department of Health monitor and supply information regarding the contamination of wells and groundwater.

The Town of Apple Valley Multi Hazard Function Planning Guidance Document (Multi Hazard Plan) established protocols in the event of an accident involving hazardous materials. As part of this plan, the Town and the San Bernadino County Hazardous Materials Division (HMD) respond to incidents involving hazardous waste, including fuel spills and illegal dumping.

The Town's Municipal Code ensures the use, handling, storage, and transportation of hazardous materials are in compliance with the State Government Code Section 65850.2 and Health and Safety Code Section 25505, and Article 80 of the Uniform Fire Code.

The Project site was previously part of the Victorville Precision Bombing Range No. 1 (PBR1) and is now designated as a Formerly Used Defense Site (FUDS). The northeastern portion of the project site was part of a target within the Range, and evidence of debris from these activities remains on the site. This debris has a potential to impact Project activities, as discussed below.

The NAVISP includes the Apple Valley Airport, a County airport that does not include commercial flights. The airport is governed by the Comprehensive Airport Land Use Compatibility Plan. The Project site occurs outside the airport's Overlay Districts, A-1 and A-2, where development conflicts are regulated.

Discussion of Impacts

- a) **Less Than Significant Impact.** The Project would result in a warehouse and distribution facility. The use will generate storage and transport of goods which are not expected to be hazardous in nature. The Project, once constructed, will use cleaners and solvents as part of daily cleaning and maintenance operations, but is not expected to transport, use or dispose of large quantities of hazardous materials. The EIR will analyze the proposed Project to assure that impacts remain less than significant, and to offer mitigation measures if the analysis concludes that significant impacts could occur.
- b) **Less Than Significant Impact with Mitigation.** As described above, the site was used for target practice by bombers in World War II. Preliminary site walks have shown that debris from munitions and ordnance occur on the site. The amount of such debris, and its condition, must be assessed to determine what mitigation measures are necessary to assure that there will be no hazard to the public or the environment from this debris.

A technical study will be prepared, including on-site investigations, and mitigation measures developed to assure that the site can be developed safely. The EIR will summarize this data, and determine whether mitigation measures exist that would reduce impacts to less than significant levels.

- c) **No Impact.** The Project is located in the NAVISP, which is planned for industrial and similar development. No school occurs within the area or its vicinity, and no school occurs within ¼ mile of the Project site. Therefore, no impact will occur and no further discussion of this issue is required in the EIR.
- d) **Less Than Significant Impact with Mitigation.** As described above, the Project site was formerly part of Victorville Precision Bombing Range No. 1 (PBR1) and is now designated as a Formerly Used Defense Site (FUDS). The EIR must consider the level of debris and associated materials on the site, and what mitigation measures are necessary to assure that the debris does not pose a hazard.
- e) **No Impact.** The Project site is located outside the airport's land use compatibility safety zones, and outside the flight path for the airport. Therefore, there will be no hazard resulting from the development of the Project to airport operations, and no further discussion of this issue is required in the EIR.
- f) **Less Than Significant Impact.** The Project occurs on existing or proposed Town streets, and will be required to improve the streets on all four of its boundaries to Town standards. The Project does not propose to alter an emergency evacuation route, nor would it impede implementation of an emergency response plan. The EIR should, however, analyze the potential for issues associated with the traffic generated by a large project on this site, and determine whether mitigation measures are required to assure that impacts remain less than significant.
- g) **No Impact.** The Project site is located in the west portion of the Town, on the valley floor. No wildlands, slopes, foothills or similar areas occur in the vicinity of the proposed Project. Further, the desert floor is sparsely vegetated, and does not pose a risk for wildland fires. There will therefore not be any impact to the Project from wildland fires, and no further discussion of this issue will be provided in the EIR.

10. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would: i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Apple Valley General Plan 2009; LAFCO 3187 Countywide Service Review for Water (Wholesale, Retail, Recycled), LAFCO for San Bernardino County, July 19, 2017; Liberty Utilities – Apple Valley 2020 Urban Water Management Plan Final Draft, June 2021; National Flood Hazard Layer Viewer, Federal Emergency Management Agency, accessed November 2021; Apple Valley Emergency Operations Plan (Appendix 7), November 1, 2014.

Background

The Town of Apple Valley occurs in the Mojave River Groundwater Basin, a 1,400 square mile territory along the Mojave River under the management of the Mojave Water Agency (MWA). The MWA’s management area spans 4,900 square miles and manages the long-term surface water volume and groundwater capacity within its jurisdiction. The State Water Project (SWP) allocates 75,8000 acre-feet per year to the Mojave Water Agency, which is delivered from SWP facilities as far north as Lake Oroville via SWP’s 660-mile-long aqueduct and conveyance infrastructure to MWA for water storage and further distribution.

The Mojave River Groundwater basin’s primary source of groundwater recharge is from the Mojave River. During most of the year, excluding spring runoff season and extreme rainstorm events, the Mojave River streambed is dry. The topography Apple Valley divides local drainage into eastern and western portions, and accounts for the large variance in elevations from 3,89 asl at Bell Mountain peak down to 2,700 feet asl at the Mojave River.

California Water Code requires that MWA prepare and routinely update an Urban Water Management Plan (UWMP), which analyzes their current and future water supply in order to ensure that they will be able to serve the community.

The Mojave Water Agency Urban Water Management Plan calculated a 53,800 to 58,400 AF entitlement for MWA, however, events within SWP's jurisdiction which require extensive water allocation may change MWA's allocation. Under the MWA service area, geologic and topographic features restrict water flow movement underground and create several smaller subsurface aquifers called subareas. The Alto, Baja, Centro, Este, and Oeste Subareas are all subsurface aquifers within MWA's jurisdiction.

Domestic Water

The Town of Apple Valley, Victorville, Adelanto, Hesperia, Helendale, and Phelan area are part of the Alto Subarea, which is bounded by the San Bernardino Mountains to the south, the San Gabriel Mountains to the west, and the Helendale Fault to the northeast. The Alto Subarea has the largest water supply of all Subareas within the Mojave Basin, and is recharged by San Bernardino spring snowmelt through the Mojave River. The Alto subarea merges with the Este Subarea to the east, with the Oeste Subarea to the west, and the Centra Subarea to the north. Water from the Alto Subarea is withdrawn through wells. The Alto Subarea has a net volume estimated at 34,700 acre-feet of water.

The Town of Apple Valley does not receive its domestic water supply from a single source. A total of 13 public and private companies provide service to different regions of the Town of Apple Valley. The project site will receive domestic water from the Apple Valley Ranchos Water Company (AVRWC), a local investor-owned water utility regulated by the California Public Utilities Commission (CPUC) which serves over 19,000 customers within the NAVISP and Apple Valley areas. AVRWC's water distribution system has over 11 million gallons of elevated storage and delivers water through a 400 mile long network of pipelines.

Wastewater Treatment

Multiple state and federal regulations regarding water quality are enforced within the Town of Apple Valley.

The Federal Clean Water Act is the federal governments primary infrastructure regulating the discharge into the United States waters, and established surface water regulations and quality standards. The Lahontan Regional California Quality Control Board implements federal and state laws and regulations regarding water quality. The Lahontan Region contains the Town of Apple Valley, and addresses water quality concerns regarding illegal discharges of hazardous and toxic materials and monitoring the Mojave River and other sources of surface water within the region.

Flood Control

The Town of Apple Valley gets on average of 2 inches of rain per year with 350 days of sunshine. Under the federal Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) requires municipalities to adopt storm water management plans in order to prevent pollutants from flowing into storm drain infrastructure through local restrictions. The Town's Engineering Division Manages the Town of Apple Valley's NPDES program.

Discussion of Impacts

- a) **Less Than Significant Impact.** The proposed Project will connect to existing domestic water and sanitary sewer lines. It will be subject to Town and Regional Water Quality Control Board standards relating to water quality and sewer discharge. Both the water and sewer providers are required to meet discharge requirements established by the Board. The Town implements the requirements of the NPDES program, which are designed to protect surface water quality. Although impacts are expected to be less than significant, the EIR will analyze the potential for degrading surface and groundwater quality.

- b) Less Than Significant Impact with Mitigation.** The Project will result in 1.2 million square feet of warehouse and distribution space. At this time, the water demand is not known. However, due to the size of the Project, a Water Supply Assessment is being prepared, which will quantify water demand, and whether the water provider, Liberty Utilities, has sufficient supply. The results of the WSA will be summarized in the EIR, and mitigation measures provided, as needed, to reduce water demand.
- c.i-iv) Less Than Significant Impact with Mitigation.** The proposed Project will be required to control both off-site flows currently sheet-flowing across the site, and on-site flows which are expected to increase due to impervious surfaces on the currently vacant land. The Town has established standards and requirements regarding the control of stormwater, and the prevention of pollution of surface waters, including from erosion. The Project engineer will prepare a hydrology study and Water Quality Management Plan for the Project which will detail how storm waters will be controlled and conveyed through the site. The EIR will analyze the planned stormwater management system and best management practices proposed for the Project, and propose mitigation measures, if necessary, to assure that changes in existing stormwater flows do not impact the site or surrounding properties.
- d) No Impact.** The Town is located far inland, and is not subject to tsunamis. There are no dams or large water tanks in the vicinity of the proposed Project. There is therefore no potential for impact relating to Project inundation, and no further discussion of this issue is required in the EIR.
- e) Less Than Significant Impact.** The Project will be required to conform to the Town's NPDES standards and to implement water efficiency measures contained in the Building Code. It is not expected that the Project would obstruct implementation of water quality control plans or groundwater management plans, but the EIR will analyze the issue to assure that this is the case.

11. LAND USE AND PLANNING - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Apple Valley General Plan 2009; Apple Valley Development Code.

Background

The Town of Apple Valley is located within the southwestern region of San Bernadino County’s high desert. The Town developed around State Highway 18. The General Plan includes a broad range of land use designations for Estate Residential, Low Density Residential, Medium Density Residential, Commercial, Mixed Use, Industrial and Open Space uses. The Project site occurs within the Specific Plan (SP) land use designation. The Specific Plan (SP) designation for the project area refers to the NAVISP. The Plan established development goals for the 6,220 acre area surrounding the Apple Valley Airport.

The project site is zoned Industrial – Specific Plan. The Industrial – Specific Plan zoning designation allows for manufacturing and warehousing land uses. All land uses under the I – SP zone are required to occur within enclosed buildings. The Project proposes to build a distribution facility, accompanying office and parking spaces on a 77± acre parcel of land.

Discussion of Impacts

- a) **No Impact.** The Project site is vacant. Adjacent properties to the north and east are occupied by warehouse facilities similar in scope and size to that proposed for the Project site. Lands to the south are also vacant, and planned for industrial development of a similar nature to the proposed Project. Lands to the west, across Dale Evans Parkway, are designated Medium Density Residential, but are currently vacant. Therefore, the Project has no potential to physically divide an established community, no impact will occur, and no further discussion of this issue is required in the EIR.
- b) **Less Than Significant Impact.** The proposed Project is located within the North Apple Valley Industrial Specific Plan. It proposes a 1.2 million square foot warehouse and distribution facility. The proposal appears to be consistent with the Specific Plan, and its development standards and guidelines. However, the EIR will analyze the Project in relation to the Specific Plan and the General Plan to assure that its impacts remain less than significant.

12. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Apple Valley General Plan 2009.

Background

Mineral resources are solid inorganic compounds with crystal structures that naturally occur within the earth's crust. Different types of minerals vary in abundance, but all are generally considered to be valuable due to being a finite resource that is integral to many modern-day technologies. Examples of mineral resources include sand, gravel, limestone, iron, and coal. Because of their economic value, mineral resources must be properly managed in order to avoid inefficient use or exploitation.

The Surface Mining and Reclamation Act (SMARA) of 1975 was adopted in order to monitor the development and use of mineral resources, ensure that mining of resources is sustainable, and that the associated operations have the least amount of impact on the environment. Under SMARA the State of California Division of Geology identified mineral resources within the Town of Apple Valley and has designated Mineral Resource Zones (MRZ's) for the mineral resources depending on the presence or absence of concrete-grade aggregate deposits.

Discussion of Impacts

a, b) No Impact. The project site is within Mineral Resource Zone 3a (MRZ-3a). according to the Apple Valley General Plan, referring to areas containing known mineral resources whose significance and occurrence has yet to be determined. Currently, there are no mineral resources known to occur on the project site, nor has the project site been previously used for mining operations. The project site has been designated for urban land uses since the Town's incorporation, is within the NAVIASP area designated for industrial use, and has not been identified for mineral resource mining. Therefore, the Project will have no impact on the loss of availability of mineral resources, and no further discussion of this issue is required in the EIR.

13. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Source: Apple Valley General Plan 2009; Apple Valley Development Code; Town of Apple Valley Airport Comprehensive Land Use Compatibility Plan, March 1995.

Background

The primary sources of noise with the Town of Apple Valley include motor vehicle noise, rail noise, aircraft noise, and commercial and industrial operational noise, such as HVAC units.

Noise is measured in decibels (dB). Sound ranging from 40 dB to 100dB is common and tolerable to human beings. Hourly noise levels range between 49.1 dBA Leq to 66.7 dBA Leq; weighted 24-hour noise levels range from 60.5 to 65.7 dBA CNEL. For reference, a normal human conversation occurring at a distance of 3 feet is approximately 60 dBA.

The A adjusted decibel scale (dBA) is used to conceptualize how loud sounds are to humans. The Community Noise Equivalent Level (CNEL) is used to conceptualize the impact that sounds would have on nearby communities, by measuring the amount of noise levels that a community receives over time and then converting it to an average over a day, based on the time of day and sensitivity. Under the Apple Valley General Plan, industrial land uses have normally acceptable indoor noises levels ranging from 50-70 CNEL (dBA), conditionally acceptable indoor noise levels ranging from 70-75 dBA CNEL, and unacceptable indoor noise levels from 75-80 dBA CNEL.

The Town of Apple Valley Noise Ordinance has acceptable exterior noise limits for Light Industrial and Heavy Industrial Land Uses from 70 (dBA) to 75 (dBA), respectively. These exterior noise limits may not be exceeded for more than 30 minutes in any hour, regardless of the time of day.

The NAVISP includes the Apple Valley Airport, a County airport that does not include commercial flights. The airport is governed by the Comprehensive Airport Land Use Compatibility Plan. The Project site occurs outside the airport's Overlay Districts, A-1 and A-2, where development conflicts are regulated. Further, the Project site is outside the boundary of the 65 dBA noise contour for the airport.

Discussion of Impacts

- a) **Less Than Significant Impact.** The proposed Project occurs on an arterial roadway, in an area planned for industrial land uses. It is expected that both construction of the building and its operation will generate noise, and that traffic generated by the Project will increase noise levels on surrounding streets. However, there are no sensitive receptors in the vicinity of the Project site, and a distribution facility does not generate significant noise levels beyond those associated with stationary noise sources such as HVAC units. The EIR will analyze the potential noise increases on and around the Project site to assure that noise levels remain within the Town's acceptable standards, and noise impacts remain less than significant.
- b) **Less Than Significant Impact.** The operation of a warehouse and distribution facility is not expected to generate groundborne vibration. The construction of the building, however, could result in some vibration due to the use of heavy machinery. The EIR will analyze the proposed Project's construction vibration impacts to assure that impacts remain less than significant.
- c) **No Impact.** The Project site is located one mile northwest of the Apple Valley Airport, and outside its development regulating Overlay Districts. The Project site is not within the flight path or within the 60 dBA contour of the airport, and development of the Project will not expose people to high noise levels from the airport. No further discussion of this issue is required in the EIR.

14. POPULATION AND HOUSING – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Apple Valley General Plan 2009; U.S. Census, 2000 and 2010; Table E-5: City/County Population and Housing Estimates, California Department of Finance, January 1, 2021; 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, Demographics & Growth Forecast Technical Report, Southern California Association of Governments.

Background The Town of Apple Valley is home to an estimated population of 76,224 residents within 23,936 households with 3.04 persons per household. The owner-occupancy rate of the Town of Apple Valley is 64.7%.

Discussion of Impacts

a) Less Than Significant Impact. The Project will result in a warehouse facility that will require employees. The EIR will calculate the anticipated number of employees, and compare this job creation to anticipated growth in Apple Valley, based on Southern California Association of Governments and other predictions for future population and housing in the Town.

The EIR will also consider infrastructure demand for the Project, the location of current infrastructure, and whether any require extension. The site is located on the Town’s existing roadway grid, and will improve the streets on all four of its boundaries to Town standards. However, it is not expected that additional roadways will require improvements beyond the Project boundary (also see Transportation, below). Although it is expected that impacts associated with the expansion of infrastructure and its associated growth inducement will be less than significant, the EIR must analyze this issue.

b) No Impact. The Project site is currently vacant, and will not require the displacement of people, or the construction of housing. No impact will occur, and no further discussion of this issue is required in the EIR.

15. PUBLIC SERVICES –	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Apple Valley General Plan 2009.

Background

Fire Protection

The Apple Valley Fire Protection District (AVFPD) provides fire protection services to the Town of Apple Valley, Apple Valley SOI, and unincorporated areas of San Bernardino County. AVFPD’s boundaries extend from the Mojave River to the dry lakes near Lucerne Valley. The District maintains mutual aid agreements, allowing AVFPD and the Victorville, San Bernadino County Fire Department, and the Bureau of Land Management to provide services in support of one another despite jurisdictional boundaries. There is a joint dispatcher service for all three agencies located in Victorville.

The Apple Valley Fire Protection District has 54 employees, 50 of which are working at five stations throughout the service area. The three fire stations located near the Project site include one on Yucca Loma Lane, one on Central Road, and the AVFD headquarters on Highway 18. The District aims for a staffing ratio of 1 full time employee per 1,500 people and an estimated response time of 6 minutes.

Police Protection

The San Bernardino County Sheriff’s Department is contracted by the Town of Apple Valley to provide police protection services to the Town. The Apple Valley Police Department is located at 14931 Dale Evans Parkway and is comprised of the Administration Department, Traffic Division, and Detective Bureau. The department also runs a Crime Free Multi-Housing Program which focuses on improving safety in rental properties and a Crime Free Business Program. The Department consists of 51 sworn personnel and 13 general employees, and aims to respond to high priority calls within 3 to 7 minutes.

Parks

The Apple Valley Parks and Recreation Department manages the Town's parks and recreation facilities, including 11 public parks and playgrounds, Town Hall Recreation Center, James Woody Community Center, a gymnasium, an equestrian center, trails, and numerous ball fields. The nearest park to the project site is Brewster Park, 3.3 miles south.

Educational Facilities and Services

The Apple Valley Unified School District (AVUSD) operates a total of 15 public schools which service the population of the Town of Apple Valley. Sycamore Rocks Elementary and Phoenix Academy are the closest AVUSD schools to the Project site.

Other Public Facilities

Library services for the Town are provided by the San Bernardino County Library System. St. Mary Medical Center provides health services to the Town. The Town of Apple Valley Airport is 2.4 Miles southeast of the project site.

Discussion of Impacts

a) Less Than Significant Impact.

Fire Protection

The Project will increase the demand for fire protection from the AVFPD. The EIR must analyze the potential impacts associated with this increase, whether the District has sufficient personnel and facilities to serve the Project, and whether the payment of fees and taxes to the District is sufficient, as expected, to offset the increased demand.

Police Protection

The Project will increase the demand for police protection. The EIR must analyze the potential impacts associated with this increase, whether the Sheriff's Department and Town have sufficient budget and personnel and facilities to serve the Project, and whether the payment of taxes to the Town is sufficient, as expected, to offset the increased demand.

Schools

The Project will be required to pay the State mandated school fees for industrial development, which are designed to offset the increased demand for school facilities. However, the EIR will analyze the student generation created by Project employees, and in conjunction with anticipated population growth, whether the increase will be greater than the School District's capacity and expansion plans.

Parks

The development of a warehouse facility will not generate an increased demand for parks. However, the Project, due to its size, may result in an increase in residents, who would need additional park facilities. The EIR will quantify the potential increase, and the corresponding park demand increase, and determine if, as expected, impacts will be less than significant.

Other Public Facilities

As is the case with park impacts, the Project will not directly impact other facilities, such as the Town Library, recreation facilities at the Civic Center, and similar public facilities. However, the increased population associated with employees will require these facilities. The EIR will quantify demand, to the extent applicable, and determine if, as expected, impacts will be less than significant with the influx of property taxes and other fees.

16. RECREATION –	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Apple Valley General Plan 2009.

Background

The Town of Apple Valley has a total of 347 acres of recreational lands managed by the Apple Valley Park and Recreation Department. Recreation facilities include the Town Hall Recreation Center, James Woody Community Center, a gymnasium, an equestrian center, and numerous ball fields.

Regional recreational resources include the Mojave Narrows Regional Park, the Desert Conservation Area, the San Bernardino National Forest, Rodman Mountains and Grapevine Canyon Recreation Area, Deep Creek Hot Springs, and the Stoddard Valley Open Area. A system of bike paths is designated throughout the Town, and the Civic Center on 14999 Dale Evans Pkwy provides year-round activities for the community, including an amphitheater and swimming pool.

Discussion of Impacts

- a-b) Less Than Significant Impact.** The Project will not generate demand for the Town’s recreational resources, but the increased population associated with employees at the facility will need recreational opportunities. The EIR will analyze this indirect demand and determine whether, as expected, the payment of property taxes and other fees will assure that impacts remain less than significant.

17. TRANSPORTATION – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sources: Apple Valley General Plan 2009.

Background

Existing Conditions

The Town of Apple Valley’s circulation network is made up of regional and local roadways arranged in a grid like system. Major regional roadways include U.S. Interstate 15 (I-15) running from the U.S.-Canadian border in Montana to southern California and State Route 18 which runs east-west through Town, and connects Apple Valley to Lucerne Valley and Yucca Valley on the east, and Victorville and beyond on the west. Major local roadways include Dale Evens Parkway which is a 2-lane undivided road that runs north-south through the Town from the I-15 south to Thunderbird Road, Bear Valley Road which is a 2-lane undivided highway extending from State Route 18 on the eastern limits of Town to its western edge, Tussing Ranch Road which is a 2-lane undivided east-west road which delineates the Town’s southern boundary, Central Road which is a north-south 2-lane undivided road spanning the eastern length of the town from Quarry Road to Roundup Way, Kiowa Road which is a 2-lane undivided road running north-south through the middle of Town from Roundup Way to Navajo Road, and Apple Valley Road which is a north-south road 2- and 4-lane roadway from Falchion Road south to State Route 18.

The project site is bounded by Lafayette Street to the north, Dachshund Avenue to the east, Burbank Avenue to the south, and Dale Evans Parkway to the west. Only Dale Evans Parkway and Lafayette are paved, and neither is built out to General Plan ultimate buildout standards adjacent to the Project site.

According to the Apple Valley General Plan EIR, Lafayette Street west of Dale Evans Parkway has a capacity of 25,500 trips per day and is expected to carry 22,100 trips per day at General Plan build out. The capacity of Dale Evans Parkway north of Fresno Road is 69,300 daily trips, and it is expected to carry 52,300 daily trips at General Plan build out. The capacity of Dachshund Avenue north of Fresno Road is 25,500 daily trips and it is forecasted to carry 16,200 daily trips at build out.

The Victor Valley Transit Authority (VVTA) operates 16 regional bus routes, 3 of which operate within the Town: VVTA Route 40 (Apple Valley North), Route 41 (Apple Valley/Victorville), and Route 43 (Apple Valley/Victor Valley College).

The state of California has three established classes for bike lanes. Class I bikeways are within a paved right of way outside of the roadbed. Class II bikeways are one-way travel lanes delineated by a stripe and stenciled line on a street or highway. Class III bikeways are unmarked routes and provide no marked separation from motor vehicles.

Lafayette street is designated as a Class III bikeway according to Exhibit III-25 in the Apple Valley General Plan EIR. Dale Evans Parkway is designated as a Class I bikeway. Neither Burbank Avenue nor Dachshund Avenue are designated bikeways in the General Plan.

Threshold

Levels of Service is used as a qualitative measure of traffic efficiency and is determined by factors like roadway surface conditions, lane widths, alignment, grade, and intersection design. Level of Service (LOS) designations are graded on a scale from A to F to describe roadway operating conditions. LOS A would indicate that a road experiences free flowing and uninterrupted traffic, while LOS F would indicate dysfunctional traffic flow with long queues and a road which is approaching or exceeding its capacity. The Town of Apple Valley has established LOS D as the minimum intersection standard during both morning and evening peak hours.

With recent changes in the requirements for traffic analysis under CEQA, the Town has established a Vehicles Miles Traveled (VMT) policy under which projects are now analyzed.

Discussion of Impacts

- a) **Potentially Significant Impact.** The proposed Project will generate substantial traffic, locally and regionally. The extent to which the Project may conflict with (or enhance) a program, plan, ordinance, or policy is currently unknown. The Project's trip generation, and its impact on the regional roadway system, must be quantified and analyzed to determine whether the City's existing LOS D standard will be impacted at any Project-related intersection. The traffic impact analysis to be prepared for the Project will consider multiple intersections, signal warrant analysis and other important factors to determine the levels of impact associated with the Project. The study and the EIR will analyze the impacts, and determine whether mitigation measures are required to reduce potential impacts to less than significant levels, and whether feasible mitigation measures exist.
- b) **Potentially Significant Impact.** The proposed Project may conflict with or be inconsistent with Section 15064.3(b) of the CEQA Guidelines. The Project is near I-15, providing easy access to the region, and employees are expected to be locally sourced. The EIR will also address multi-modal access improvements and other design elements intended to reduce potential trips and vehicle miles traveled (VMTs). The extent to which these may conflict with or be inconsistent with CEQA Guidelines Section 15064.3(b) is currently unknown. The potential for VMTs resulting from Project implementation to exceed an applicable threshold of significance will be further evaluated in the EIR and traffic impact analysis.
- c) **Less Than Significant Impact.** The Project proposes no change in the Town's existing street grid. The Project will, however, introduce a large number of commercial trucks into this part of the Town's circulation system. The EIR will study the Project's site plan and circulation plan to assure that conflicts between commercial trucks and other vehicle traffic in the area do not occur, and analyze the Town's requirements and standards to assure that they are sufficient to assure that impacts associated with safety hazards remain less than significant.
- d) **Less Than Significant Impact.** Construction and operational activities resulting from the proposed Project will not significantly impact the ability of emergency service providers, including police and fire personnel, to provide services to the Project and its surroundings. Site-specific traffic control plans will be prepared, as needed, to maintain safe traffic flow during construction to assure that emergency service access is not interrupted. Roadway improvements proposed by the Project are expected to improve traffic efficiency and have a net positive benefit on emergency access. Impacts to emergency services are expected to be beneficial; nonetheless, potential impacts will be further analyzed in the EIR.

18. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Source: Apple Valley General Plan 2009.

Background

As discussed in Section 5, Cultural Resources, there is evidence of pre-historic Native American habitation within the Town, including 16 prehistoric (Native American) archeological sites and 5 prehistoric sites pending recognition that have been identified as large Native American settlements along the banks of the Mojave River. According to the Town of Apple Valley General Plan EIR, the project site lies within an area of elevated sensitivity for prehistoric sites (Exhibit III-4).

The Town lies on what was historically the boundary between the Vanyume and Serrano peoples. The population of the Vanyume began to rapidly diminish during the early 19th century and had virtually disappeared by the 20th century. Serrano territory is centered in the San Bernadino mountains and extends to the southern edge of the Mojave Desert from Victorville east to Twentynine Palms. Prior to European contact, the Serrano followed a clan type of organization under hereditary leadership, and were mostly hunters, gatherers, and fishers. European contact began in the early 1770's, and greater Spanish influence was observed after a mission was establish on the southern edge of the Serrano territory in 1819. Present day descendants can be found within the San Manuel ad Morongo Indian Reservations.

Discussion of Impacts

i-ii) Less Than Significant with Mitigation. Although the Project does not occur in an area of high sensitivity for cultural resources, as described in Section 5, a cultural resource study will be prepared for the Project to identify site-specific issues. In addition, the Town will conduct Tribal consultation under AB 52 for the Project, providing an opportunity for local Tribes to describe any known resources to the Town. The results of the consultation and the study will be summarized in the EIR, and mitigation measures offered to assure that impacts to Tribal resources are less than significant.

19. UTILITIES AND SERVICE SYSTEMS – Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Source: Apple Valley General Plan 2009; Liberty Utilities – Apple Valley 2020 Urban Water Management Plan Final Draft, June 2021; FINAL Interceptor Risk Analysis, prepared for: Victor Valley Water Reclamation Authority, June 2021.

Background

Domestic Water

The Town does not receive its domestic water supply from a single source, a total of 13 public and private company’s provide service to different areas of the Town. Liberty Utilities, the Town’s largest water provider, provides service to the Specific Plan area and the proposed Project site.

The Mojave Water Agency (MWA) is Watermaster of the adjudicated Mojave Basin. In 2020, the system-wide water supply/demand totaled 14,979 acre-feet for 20,957 connections.¹ The system serves approximately 50 square miles that encompasses approximately 81% of the Town of Apple Valley and portions of the surrounding area through a network of 475 miles of underground pipe.

In 2020, the Liberty - Apple Valley system obtained 100% of its source water from 18 deep wells located throughout the service area. These wells draw water from the deep Alto sub-unit of the Mojave ground water basin, which is recharged from snowmelt from the San Bernardino Mountains to the south and the Mojave River to the west. MWA also imports water from the California State Water Project to spread in the Mojave River to help recharge the groundwater.

¹ Liberty Utilities – Apple Valley 2020 Urban Water Management Plan Final Draft, June 2021.

Wastewater Service

The Town's Department of Public Works Wastewater Division operates and maintains approximately 140 miles of collector sewer, trunk lines and interceptors, as well as nine sewer lift (pump) stations. The Town is a member of the Victor Valley Wastewater Reclamation Authority (VWVRA), a joint power agency. VWVRA operates a regional interceptor sewer system and wastewater reclamation plants.

The Town's sewer system conveys wastewater to the Regional Wastewater Reclamation Facility (RWWRP) operated by VWVRA in Victorville. The plant currently treats approximately 10.7 million gallons per day (mgd) and has a design capacity of 18 mgd, with planned future expansions.² In addition, the Apple Valley Subregional Water Recycling facility located at Brewster Park was completed in 2018. It can produce one million gallons per day of recycled water, which is used to irrigate Brewster Park and the Civic Center Park. The facility only treats wastewater and returns solid waste to the sewer line where it continues to the RWWRP in Victorville for treatment.

Electricity

Southern California Edison (SCE) provides energy services to the Town of Apple Valley. Southern California Edison's (SCE) energy sources include nuclear, natural gas, geothermal, biomass, wind, solar, and hydroelectricity. According to the Town of Apple Valley Climate Action Plan 2019 Update, Town-wide electricity demand in Apple Valley in 2019 was 329,848,695 kilowatt-hours (kWh). This includes electricity consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as streetlights and traffic signals.³

Natural Gas

Southwest Gas Corporation (SWG) provides Natural Gas services to the Town of Apple Valley through a series of pipelines of various sizes and pressure capabilities. SWG provides natural gas service to more than 2 million customers in Arizona, Nevada, and portions of California. SWG has a network of high-pressure natural gas corridors, and the nearest two are generally on the border of the Planning Area along Central Road (8 inch and 12 inch) and Ottawa Road (8 inch). Distribution lines ranging from 2 to 8 inches in diameter are located within most public rights-of-way.

According to the Town of Apple Valley Climate Action Plan 2019 Update, Town-wide natural gas demand in Apple Valley in 2019 was 15,526,732 therms. This includes natural gas consumed by municipal buildings, residential, commercial, agricultural, and industrial land uses, as well as power plants.⁴

Solid Waste Management

The Town contracts with Burrtec for solid waste collection and disposal services. Burrtec's AVCO Disposal collects non-hazardous solid waste and hauls it to the Victorville Landfill, located at 18600 Stoddard Wells Road. The landfill is operated by San Bernardino County. With 341 disposal acres out of 491 total acres, Victorville Landfill is permitted to receive up to 3,000 tons daily.⁵ Its remaining capacity is estimated at 79,400,000 cubic yards,⁶ and the estimated closing date is October 2047.⁷

Telecommunications

Frontier and Charter Communications provide the Town of Apple Valley with telephone, internet, cable television, and other telecommunication services.

² Final Interceptor Risk Analysis, prepared for: Victor Valley Water Reclamation Authority, June 2021.

³ Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

⁴ Ibid.

⁵ <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1870?siteID=2652>, accessed October 15, 2021.

⁶ Ibid.

⁷ County of San Bernardino Solid Waste Facility Permit, Facility Number 36-AA-0045, issued June 2, 2010.

Discussion of Impacts

- a) **Less Than Significant Impact with Mitigation.** As described above, existing water and sewer lines are present in proximity to the Project site. The wastewater treatment plant has substantial remaining capacity and the ability to expand. Drainage facilities do not exist, but the Town requires on-site stormwater management. Electricity and telephone lines also occur in the Project area. The demand for utilities has not been determined, and must be analyzed in the EIR. The EIR will quantify this demand, compare it to existing capacity, and determine whether mitigation measures are required to assure that the Project has less than significant impacts on utilities.
- b) **Less Than Significant Impact with Mitigation.** The amount of domestic water required to serve the Project is not known, although water demand for warehouse facilities is relatively low. The Water Supply Assessment being prepared for the Project will analyze and quantify domestic water supply, and determine whether Liberty Utilities has sufficient water supply to serve the Project. The findings of the Assessment will be summarized in the EIR, and mitigation measures presented, if necessary, to assure that the Project does not have a significant impact on water supplies in the region.
- c) **Less Than Significant Impact.** As described above, the VVWRA is currently processing about 10 million mgd, and has a capacity of 18 million mgd. Existing sewer lines occur in Navajo Road, in proximity to the Project. The EIR will quantify sanitary sewer demand for the Project, and consider whether this demand, and the demand of other projects in Town can be carried through the existing sewer pipes and treated at the VVWRA plant. However, it is expected that based on existing capacity, the Project's impacts will be less than significant.
- d, e) **Less Than Significant Impact.** The Town contracts with Burrtec Waste Management for solid waste disposal. Burrtec is responsible for maintaining its facilities to meet federal, state and local statutes relating to solid waste. The Town also implements waste stream reduction programs. The Project will generate solid waste, which must be quantified. The Victorville Landfill has current capacity, and it is not expected that the proposed Project would significantly impact this capacity. The EIR will compare waste generation and capacity, and determine if, as expected, impacts are less than significant.

20. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Sources: Apple Valley General Plan 2009; Fire and Resources Assessment Program (FRAP) Fire Hazard Severity Zone Viewer, California Department of Forestry and Fire Protection, accessed November 2021; Town of Apple Valley Local Hazard Mitigation Plan, 2017 Update.

Background

The Department of Forestry and Fire Protection (CALFire) ranks fire hazards of wildland areas in the state using four main criteria: fuels, weather, assets at risk, and level of service. The majority of Apple Valley is in a Local Responsibility Area (LRA). There are no State Responsibility Areas (SRA) or very high fire hazard severity zones (VHFHSZ) in the Town. The local areas with the most significant wildfire threats are the Marianas in the southern foothills and the Mojave Riverbed.

From 2012 to 2017, there have been 6 significant wildland fires in or near the Town of Apple Valley which have burned a total of 45,127 acres. During fire season, which lasts from June to September, the foothills surrounding the Town are especially vulnerable to wildfires, as during this time precipitation is low and temperatures are high. However, on the valley floor, including the Project area, where vegetation is sparse and urban development occurs, the risk of wildland fire is low.

Discussion of Impacts

a) **Less Than Significant Impact** The project proposes to develop a distribution facility within the NAVISP area, adjacent to the existing Big Lots and Walmart warehouses. The Project occurs on the valley floor, in an area of sparse vegetation. The Project will be required to improve surrounding streets on all four of its boundaries, and does not propose to change the Town’s existing street system. No Town-designated evacuation routes occur in the vicinity of the Project, and it will not impact these routes. No State responsibility areas of very high fire

hazard severity zones occur in the vicinity of the Project, and it is not located near the slopes of surrounding mountains. The EIR will study the Project's location in relation to evacuation and emergency response plans, but the impacts are expected to be less than significant.

- b) Less Than Significant Impact.** As described above, the Project is not located in an area designated as having a high potential for wildfire. The Town is, however, subject to strong winds. The EIR will analyze the potential for wildfire, and the associated potential for exposure of Project employees to pollutant concentrations during a wildfire, but the impact is expected to be less than significant.
- c) No Impact.** The Project is on the valley floor, and in an urbanizing area. There are no fire severity zones in the vicinity of the Project. No infrastructure is required on or adjacent to the Project to combat wildfire, and there is no potential for exacerbating wildfire risk as a result of new infrastructure. There will be no impact, and this issue will not be further addressed in the EIR.
- d) No Impact.** The Project occurs on the valley floor, and is not within proximity of the surrounding foothills. No potential for landslides or downstream flooding as a result of post-fire slope instability occurs at or surrounding the Project site. No impact will occur, and no further discussion of this issue is required in the EIR.

21. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a) Potentially Significant Impact.** As described in Section 4 above, the Project has the potential to impact species of concern and waters of the State and US. It is not currently known what species occur on the site, and whether development of the Project would significantly impact these species. A biological resource study and jurisdictional delineation are being prepared to assess these issues. The EIR will describe the impacts, and establish what mitigation measures are necessary to reduce the impacts to less than significant levels.
- b) Potentially Significant Impact.** The proposed Project will increase industrial development in the NAVISP by 1.2 million square feet. Although the Specific Plan allows for substantially more square footage than that proposed by the Project, the EIR must consider the impacts of the Project in concert with the impacts of other proposed and potential projects in the future. Whether the impacts to any environmental issue area will be cumulatively considerable will be determined in the EIR.
- c) Potentially Significant Impact.** As described above, the Project will generate air emissions, greenhouse gas emissions and traffic. It is not known whether this demand will significantly impact residents and employees at the Project site and in the region, but the potential does exist for these impacts to be significant. The EIR will analyze the level of impact, and determine whether human beings would be substantially affected.

REFERENCES

2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, Demographics & Growth Forecast Technical Report, Southern California Association of Governments.

Apple Valley Climate Action Plan, 2019 Update.

Apple Valley Development Code;

Apple Valley Emergency Operations Plan (Appendix 7), November 1, 2014.

Apple Valley General Plan 2009;

California Department of Toxic Substances Control “EnviroStor” Database;

County of San Bernardino Solid Waste Facility Permit, Facility Number 36-AA-0045, issued June 2, 2010.

FINAL Interceptor Risk Analysis, prepared for: Victor Valley Water Reclamation Authority, June 2021.

Final Interceptor Risk Analysis, prepared for: Victor Valley Water Reclamation Authority, June 2021.

Fire and Resources Assessment Program (FRAP) Fire Hazard Severity Zone Viewer, California Department of Forestry and Fire Protection, accessed November 2021;

Fire and Resources Assessment Program (FRAP) Fire Hazard Severity Zone Viewer, California Department of <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1870?siteID=2652>, accessed October 15, 2021.

LAFCO 3187 Countywide Service Review for Water (Wholesale, Retail, Recycled), LAFCO for San Bernardino County, July 19, 2017;

Liberty Utilities – Apple Valley 2020 Urban Water Management Plan Final Draft, June 2021.

MDAQMD CEQA and Federal Conformity Guidelines;

National Flood Hazard Layer Viewer, Federal Emergency Management Agency, accessed November 2021;

Notice of Preparation of Environmental Impact Report (EIR) for the Apple Valley MSHCP/NCCP, Town of Apple Valley, April 2021

Town of Apple Valley Airport Comprehensive Land Use Compatibility Plan, March 1995.

Town of Apple Valley Climate Action Plan 2019 Update, adopted May 2021.

Town of Apple Valley Local Hazard Mitigation Plan, 2017 Update.

U.S. Census, 2000 and 2010; Table E-5: City/County Population and Housing Estimates, California Department of Finance, January 1, 2021;

NATIVE AMERICAN HERITAGE COMMISSION

December 15, 2022

Daniel Alcayaga
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Re: 2022120356, The Development at Dale Evans and Lafayette Project, San Bernardino County

Dear Mr. Alcayaga:

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

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

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

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

AB 52



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

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

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

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cameron.Vela@nahc.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse