

Final Initial Study/ Mitigated Negative Declaration Green Trucking Solutions Cold Storage Project

(State Clearinghouse No. 2023080221)



Lead Agency

Town of Apple Valley

Community Development Department

14955 Dale Evans Parkway

Apple Valley, CA 92307

Contact: David Contreras, Community Development Director

(760) 240-7000 ext. 7200 | planning@applevalley.org

Project Proponent

Green Trucking Solutions, LLC

14816 Valley Boulevard

Fontana, CA 92335

Contact: Maria Estrada | mariaestrada834@gmail.com

Prepared By



11801 Pierce Street, Suite 200

Riverside, CA 92505

Contact: Ernest Perea

(951) 710-3010 | ernest@ceqa.plus

May 2026

Table Of Contents

1. Introduction	2
1.1 INTRODUCTION	2
1.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES	2
2. Response to Comments	3
2.1 INTRODUCTION	3
2.2 MASTER COMMENTS AND RESPONSES	7
LETTER A	17
LETTER B	110
LETTER C	125
LETTER D	332
LETTER E	337
LETTER F	340
LETTER G	342
LETTER H	344
References	346
Appendices	347
Mitigation Monitoring Reporting Program (MMRP)	348

1. Introduction

1.1 INTRODUCTION

This Final Subsequent Initial Study/Mitigated Negative Declaration ("Final MND") has been prepared per the California Environmental Quality Act (CEQA) as amended (Public Resources Code §§ 21000 et seq.) and CEQA Guidelines (California Code of Regulations § 15000 et seq.).

The Final MND consists of:

- 1) The *Subsequent Initial Study/Mitigated Negative Declaration, GTS Cold Storage Project*, [State Clearinghouse Number (SCH) No. 202308022]. ("Draft MND").
- 2) A list of persons, organizations, and public agencies commenting on the Draft MND.
- 3) Written comments received on the Draft MND either verbatim or in summary.
- 4) The responses of the Town of Apple Valley, (Lead Agency) to significant environmental points raised in the review and consultation process.
- 5) Attachments.

1.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines §15204, *Consideration and Adoption of A Negative Declaration or Mitigated Negative Declaration*, sets forth the requirements for considering comments made on the adequacy of a negative declaration or mitigated negative declaration.

"(b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis."

This document has been prepared per CEQA and the CEQA Guidelines and represents the independent judgment of the Town of Apple Valley, serving as the Lead Agency. This document and the circulated Draft MND comprise the Final MND.

2. Response to Comments

2.1 INTRODUCTION

Pursuant to **CEQA Guidelines Section 15088.5(f)(1)**, when a EIR (or Mitigated Negative Declaration) is substantially revised and recirculated, the lead agency may require reviewers to submit new comments, and in such cases the agency is not required to respond to comments received during the earlier circulation period. The lead agency must advise reviewers that the prior comments will remain part of the administrative record but will not receive written responses in the Final document.

Accordingly, the Town of Apple Valley has chosen to address prior comments by revising the Draft SIS/MND and recirculating it for an additional public review and comment period, given the time that has elapsed since its initial release. The Town requests that interested agencies and members of the public submit new comments on this Recirculated SIS/MND. Comments submitted during the initial 2023 public review period

is section provides all written comments received on the Draft MND and the Town of Apple Valley's responses to each comment. To assist in the review of the comments, the comment letters have been reformatted into this document so that the responses to each comment, or group of comments, could be inserted directly below each comment.

The following is a list of agencies and persons that submitted **new** comments on the Draft MND during the public review period that ended on March 16, 2026.

Comment ID	Commenter	Date of Comment
A	Adams Broadwell Joseph & Cardozo	March 16, 2026
B	Advocates for the Environment	February 18, 2026
C	Blum, Collins & Ho LLP	February 23, 2026
D	Mojave Desert Air Quality Management District	January 28, 2026
E	Twenty-Nine Palms Band of Mission Indians	February 20, 2026
F	Yuhaaviatam of San Manuel Nation	February 20, 2026
G	Southwest Gas	February 23, 2026
H	County of San Bernardino Department of Airports	March 18, 2026

Previous Comments

Pursuant to CEQA Guidelines Section 15088.5(f)(1), when a Mitigated Negative Declaration is substantially revised and recirculated, the lead agency may require reviewers to submit new comments, and is not required to respond to comments received during the earlier circulation period.

California Department of Fish and Wildlife (CDFW)

The original comment letter was submitted on September 12, 2023. CDFW's original September 2023 comment letter is included in the administrative record. CDFW did not submit new comments during the recirculation period ending March 16, 2026. Notwithstanding, the Town notes that the Recirculated IS/MND addresses several topics related to biological resources, including the following: An Updated Biological Resources Survey (RCA Associates, April 2025) was prepared and included as Appendix B-1, documenting current site conditions and confirming the results of the original 2022 survey (RMND, Section 4.4). Project-Specific Mitigation Measure MM BIO-1 requires compliance with the Western Joshua Tree Conservation Act, including an Incidental Take Permit from CDFW if warranted. Project-Specific Mitigation Measure MM BIO-2 requires pre-construction rare plant surveys following CDFW 2018 protocols. Project-Specific Mitigation Measure MM BIO-3 requires pre-construction nesting bird surveys consistent with the Migratory Bird Treaty Act and California Fish and Game Code Section 3503. Project-Specific Mitigation Measure MM BIO-4 requires pre-construction burrowing owl surveys consistent with CDFW's 2012 Staff Report on Burrowing Owl Mitigation, including passive relocation if owls are detected. Project-Specific Mitigation Measure MM BIO-5 requires pre-construction desert tortoise surveys in accordance with USFWS 2019 survey methodology. These provisions reflect the Town's independent analysis. CDFW's original comments remain part of the administrative record and are available for review.

California Department of Toxic Substances Control (DTSC)

The original comment letter was submitted on September 5, 2023. DTSC's original September 2023 comment letter is included in the administrative record. DTSC did not submit new comments during the recirculation period ending March 16, 2026. The Town notes that the Recirculated IS/MND addresses hazardous materials topics in Section 4.9, Hazards and Hazardous Materials. A Phase I Environmental Site Assessment (Appendix G) was prepared for the Project site and revealed no recognized environmental conditions, historical recognized environmental conditions, controlled recognized environmental conditions, or significant data gaps in connection with the property. The RMND requires compliance with all applicable federal, state, and regional hazardous materials regulations, including requirements for hazardous waste management (California Health and Safety Code, Division 20, Chapter 6.5) and DTSC permitting if hazardous wastes are stored, treated, or disposed of on-site (RMND, p. 94). These provisions reflect the Town's independent analysis. DTSC's original comments remain part of the administrative record and are available for review.

Adams Broadwell Joseph & Cardozo (ABJC)

The original comment letter was submitted on September 12, 2023. ABJC's original September 2023 comment letter is included in the administrative record. ABJC submitted new comments in a letter dated March 16, 2026. These new comments are addressed below and attached as Letter A. The Town notes that the Recirculated IS/MND Section 4.3, Air Quality was updated with a revised CalEEMod analysis (Appendix A, Updated CalEEMod Analysis Memorandum, LSA Associates, Inc., June 3, 2025) that now explicitly models diesel TRU emissions as a distinct operational source. Section 4.3 also adds a new screening-level Health Risk Assessment evaluating cancer risk and chronic hazard at the Victor Valley Community College Public Safety Training Facility, and introduces Project-Specific Mitigation Measure MM AQ-1 requiring enforceable Valley Fever protections during construction including dust suppression, respirator use, worker training, and medical surveillance. On Section 4.6, Energy, now reflects Project Design Feature PDF-1, which commits to a photovoltaic system covering 75% of electricity demand as a binding Condition of Approval rather than an unsubstantiated assumption, responding directly to the comment that the original 80% solar claim lacked evidentiary support. The project description in Section 3.2 also incorporates several Project Design Features responsive to the California Attorney General's warehouse best practices, including electric forklifts and pallet jacks (PDF-7), plug-in TRU capability at all dock bays (PDF-2), and Tier 4 diesel fire pumps (PDF-14). ABJC's original comments remain part of the administrative record and are available for review.

Advocates for the Environment

The original comment letter was submitted on October 6, 2023. Advocates for the Environment's original October 2023 comment letter is included in the administrative record. Advocates for the Environment submitted a new comment letter dated February 18, 2026. These new comments are addressed below and attached as Letter B. The Town notes that the Recirculated IS/MND Section 4.8, Greenhouse Gas Emissions, now relies on a fully updated CalEEMod emissions model prepared by LSA Associates (June 3, 2025) and included as Appendix A — this revision corrects the prior modeling deficiencies by incorporating the emergency generator and fire pump into the emissions calculations and eliminating the confusing discrepancy between the annual, summer, and winter CalEEMod runs that the comment letter flagged. Section 4.8 also retains the CAP consistency analysis, now showing updated project emissions of approximately 5,827 MTCO₂e/year that, when added to the Town's 2030 CAP forecast, remain below the CAP's 2030 reduction target — though the analysis still does not address the cumulative effect of other pending warehouse projects in Apple Valley, nor does it engage with the CARB 2022 Scoping Plan or Executive Order B-55-18 consistency arguments raised in the comment. The net-zero threshold argument and the challenge to the 100,000-ton MDAQMD significance threshold are not substantively rebutted; Section 4.8 continues to apply that threshold, citing CEQA Guidelines § 15064.7(c) as authority for relying on another agency's adopted threshold. The project size reduction from 385,004 to 354,260 square feet, described in Section 3.0, Project Description, also serves as an indirect

response by making the already-conservative modeling even more so. Advocates for the Environment's original comments remain part of the administrative record and are available for review.

Blum, Collins & Ho LLP

The original comment letter was submitted on September 12, 2023. Blum, Collins, & Ho's original September 2023 comment letter is included in the administrative record. Blum, Collins, & Ho submitted a new comment letter dated February 23, 2026. These new comments are addressed below and attached as Letter C. The Town notes that the Recirculated IS/MND Section 4.3, Air Quality, and Section 4.8, Greenhouse Gas Emissions, both of which rely on a fully updated CalEEMod analysis prepared by LSA Associates (June 3, 2025) and included as Appendix A. The environmental justice concerns raised about the census tract's high CalEnviroScreen burdens are addressed through a new Health Risk Assessment added to Section 4.3, which evaluates diesel particulate matter exposure at the nearby Victor Valley Community College Public Safety Training Facility and concludes cancer risk and hazard indices fall below significance thresholds. The VMT modeling transparency issues raised are addressed in Section 4.17, Transportation, of the recirculated document, which includes a more detailed VMT analysis with the updated trip generation memorandum in Appendix K. Blum, Collins, & Ho's original comments remain part of the administrative record and are available for review.

2.2 MASTER COMMENTS AND RESPONSES

Master comments address similar comments made by multiple commenters through written comments submitted to the Town of Apple Valley during the public review period for the Recirculated Subsequent Initial Study / Mitigated Negative Declaration (RMND) for the Green Trucking Solutions Cold Storage Project. Master comments are provided in the order in which the issues first appear across the comment letters. Individual letter responses in Section 3 cross-reference these Master Comments where applicable.

Master Comment 1 — The Town Is Required to Prepare an EIR

Summary of Relevant Comments

Multiple commenters assert that the Town must prepare an Environmental Impact Report (EIR) rather than a Mitigated Negative Declaration (MND) for the Project. CARE CA (Letter A, Comment A-2/A-4) provides a detailed legal discussion of the fair argument standard and CEQA tiering requirements, arguing that substantial evidence supports a fair argument of significant impacts in air quality, GHG, health risk, transportation, and Valley Fever. Advocates for the Environment (Letter B, Comment B-7) argues the Town should have drafted an EIR because of allegedly significant GHG impacts. Blum Collins/GSEJA (Letter C) concludes by requesting an EIR based on its expert consultant's findings regarding air quality, HRA, and GHG.

Response

Under CEQA, an EIR is required only when substantial evidence in the record supports a fair argument that the project may have a significant effect on the environment (Public Resources Code § 21080(d); CEQA Guidelines § 15064(f)(1)). "Substantial evidence" includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts, but does not include argument, speculation, unsubstantiated opinion, or social or economic impacts (CEQA Guidelines § 15384). The fair argument standard creates a low threshold for requiring an EIR, but it is not a zero threshold — mere disagreement with an agency's chosen methodology does not constitute substantial evidence of a significant impact.

The RMND was prepared consistent with CEQA Guidelines sections 15162 and 15168. The Town determined that the Project is within the scope of the 2009 General Plan EIR and the North Apple Valley Industrial Specific Plan (NAVISP) EIR (SCH #2006031112), certified in 2006, which expressly analyzed warehouse development within the specific plan area. The RMND identifies and analyzes those impact areas where updated analysis was warranted, including air quality, greenhouse gas emissions, Valley Fever, biological resources, construction noise, VMT, cultural resources, wildfire, and cumulative impacts (RMND, p. 19).

The Project's environmental impacts have been thoroughly analyzed across multiple technical disciplines. As demonstrated in the RMND and its appendices, and as detailed in the individual responses to comments:

- The Project's criteria pollutant emissions are below all MDAQMD significance thresholds (Appendix A, Tables B and C).
- The Project's GHG emissions of 5,851.9 MTCO₂e/year are well below the MDAQMD threshold of 100,000 MTCO₂e/year, and the Project is consistent with the Town's CEQA-qualified Climate Action Plan (RMND, Table 4.8-3).
- The Project achieved 247 points under the County of San Bernardino GHG Screening Tables, substantially exceeding the 100-point minimum (Appendix A).
- The screening-level HRA demonstrates that health risks are below all applicable MDAQMD thresholds (RMND, pp. 40–42).
- The Project's VMT per service population is below the applicable threshold (RMND, Appendix K).
- Valley Fever impacts are mitigated to less than significant with implementation of MM AQ-1 (RMND, pp. 43–46).

The commenters' assertions that the RMND is inadequate are addressed individually in the responses to each comment letter. As demonstrated in those responses, no commenter has provided substantial evidence that the Project may have a significant effect on the environment that has not been adequately analyzed and, where necessary, mitigated in the RMND. Disagreement with the Town's chosen methodology, unsubstantiated opinions, and speculative assertions do not constitute substantial evidence requiring preparation of an EIR.

Pursuant to CEQA Guidelines section 15204(a), reviewers should explain the basis for their comments and submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts. An effect shall not be considered significant in the absence of substantial evidence. As the court stated in *Leonoff v. Monterey County Board of Supervisors* (1990) 222 Cal.App.3d 1337, 1352, "[t]he fair argument standard . . . does not authorize a court to set aside the lead agency's determination on the basis of speculation or subjective opinion."

Master Comment 2 — Truck Trip Length Assumptions Are Unsupported

Summary of Relevant Comments

CARE CA (Letter A, Comments A-7, A-23–A-27, including Marshall Exhibit B) and Blum Collins/GSEJA (Letter C, Clark Comment #1) argue that the RMND's assumed average truck trip length of 40 miles is unsupported and underestimates emissions. The commenters cite the distance to the Ports of Los Angeles and Long Beach (approximately 115 miles) and argue that a higher trip length should be used, which would substantially increase calculated emissions.

Response

The 40-mile average truck trip length assumption is based on the South Coast Air Quality Management District's (SCAQMD) Warehouse Indirect Source Rule (Rule 2305) Warehouse Actions and Investments to Reduce Emissions (WAIRE) program guidance, which establishes 40 miles as the standard one-way truck trip length for warehouse facilities in the Southern California region. This is a recognized, peer-reviewed methodology applicable to warehouse projects in the Inland Empire.

The commenters' assertion that 115 miles (the distance to the ports) should be used as the average trip length is not supported by substantial evidence. Not all trucks serving a cold storage facility travel to and from the ports. A cold storage warehouse receives and distributes goods from a variety of origins and destinations, including local distribution centers, grocery chains, food processing facilities, and agricultural operations. The 40-mile average accounts for this mix of trip lengths, including shorter local trips and longer regional trips. The NCST study cited by Dr. Clark notes that while 56% of surveyed facilities receive some goods from the ports, this does not mean that all truck trips from those facilities are port trips. The weighted average of all truck trips — including local, regional, and port-bound trips — is reflected in the 40-mile assumption.

Furthermore, the Updated CalEEMod Analysis Memorandum (Appendix A, May 2025) applied the 40-mile trip length to all 4+-axle trucks and half of the 2- and 3-axle trucks, while the remaining 2- and 3-axle trucks used CalEEMod's default trip length of 7.3 miles for local destinations. This approach conservatively applies longer trip lengths to the heaviest truck categories while reflecting the reality that many deliveries are regional, not port-bound.

The Project's future tenant has not been identified, and tenant-specific origin-destination data is not available. In the absence of tenant-specific data, the use of a recognized regional average is the appropriate methodology. The commenters have not provided project-specific data to justify an alternative trip length assumption; rather, they have substituted the maximum possible trip distance (to the ports) for the average, which is not a reasonable assumption. No revisions to the RMND are required.

Master Comment 3 — Zero-Emission Truck Assumption Is Unenforceable

Summary of Relevant Comments

CARE CA (Letter A, Comment A-8) and Blum Collins/GSEJA (Letter C) argue that the CalEEMod assumption that 20 of the Project's 153 four-or-more-axle trucks will be zero-emission is unsupported because it is not formalized as a binding mitigation measure or project design feature. The commenters argue this violates CEQA's requirement that mitigation measures be fully enforceable (CEQA Guidelines § 15126.4(a)(2)).

Response

The assumption that approximately 13% of the Project's heavy-duty trucks (20 of 153) will be zero-emission is based on the California Air Resources Board's (CARB) Advanced Clean Fleets (ACF) regulation, which was adopted in April 2023 and requires fleets to transition to zero-emission vehicles on a phased schedule. Under the ACF regulation, drayage trucks must be zero-emission by 2035, and large fleets (50+ trucks) operating in California must begin purchasing zero-emission trucks beginning in 2024. By the time the Project is operational, a portion of the heavy-duty truck fleet operating in California will be zero-emission as a matter of regulatory compliance, not project-level mitigation.

The CalEEMod assumption of 20 zero-emission trucks reflects a conservative estimate of the fleet composition that will exist at the time of Project operation, consistent with CARB's regulatory trajectory. This is analogous to CalEEMod's standard practice of incorporating fleet turnover assumptions for passenger vehicles, which reflect progressively cleaner fleet averages as older vehicles are replaced by newer, lower-emission models. These are not mitigation measures — they are modeling inputs that reflect reasonably foreseeable regulatory conditions.

Notwithstanding the above, and as noted in the Response to Comment A-8 in the individual letter responses, the Town will formalize the 20 zero-emission truck assumption as a condition of approval, or alternatively, will demonstrate that the Project's emissions remain below all applicable MDAQMD thresholds even without this assumption. This ensures the RMND's significance conclusions are supported by substantial evidence regardless of whether the zero-emission truck assumption is treated as a regulatory forecast or a project commitment.

Master Comment 4 — Health Risk Assessment Is Inadequate

Summary of Relevant Comments

CARE CA (Letter A, Comments A-9, A-15–A-17) and Blum Collins/GSEJA (Letter C, Dr. Clark's screening-level HRA) argue that the RMND's Health Risk Assessment is inadequate. Dr. Clark (Exhibit A to Letter A, and Letter C) conducted a screening-level HRA using AERSCREEN and calculated lifetime cancer risks of approximately 116 in one million at the nearest residential receptor, exceeding MDAQMD's threshold of 10 in one million. CARE CA also argues the HRA assessed only operational emissions and did not address construction emissions, and that the RMND failed to provide supporting evidence for its screening-level conclusions.

Response

The RMND includes a conservative screening-level HRA consistent with the Office of Environmental Health Hazard Assessment (OEHHA) 2015 Air Toxics Hot Spots Program Guidance Manual and MDAQMD CEQA practices (RMND, pp. 40–42). The assessment evaluates potential incremental health risk at the nearest sensitive receptor — the Victor Valley Community College Public Safety Training Facility located approximately 200 feet (61 meters) north of the Project site.

The analysis utilizes diesel particulate matter (DPM) emission rates derived from the Project's CalEEMod output and applies OEHHA-recommended screening dispersion factors to estimate ground-level concentrations. This is specifically identified in OEHHA guidance as a conservative screening method that overpredicts risk relative to refined dispersion modeling. The screening results demonstrate that all health risk metrics are below MDAQMD's significance thresholds.

Dr. Clark's independent screening-level HRA using AERSCREEN arrives at higher risk estimates; however, there are important methodological differences. Dr. Clark's analysis models the entire project site as a single area source emitting continuously over 30 years, which substantially overpredicts actual exposure. In practice, DPM emissions from trucks, TRUs, and equipment are dispersed across the site and are intermittent, not continuous. The AERSCREEN model is designed to produce maximum reasonable worst-case concentrations, and Dr. Clark himself acknowledges that his analysis "represents a screening-level HRA, which is known to be conservative."

Regarding the claim that construction emissions were not assessed, the RMND's HRA focused on operational emissions because construction is temporary (approximately 16 months) while operational emissions persist for the 30-year project life. OEHHA guidance notes that for projects with short construction periods relative to operational life, the operational phase typically drives the health risk determination. The RMND's conservative screening approach, which overpredicts operational exposure, provides an additional margin of safety that accounts for any construction-period contribution.

Notwithstanding the above, to provide additional transparency, the Town will supplement the RMND with an attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, and resulting ground-level concentrations. This will confirm the methodology is consistent with OEHHA guidance and demonstrate that results are below all applicable thresholds.

Master Comment 5 — Valley Fever Mitigation Is Inadequate

Summary of Relevant Comments

CARE CA (Letter A, Comments A-11, A-22) and Blum Collins/GSEJA (Letter C, Dr. Clark) argue the RMND's Valley Fever mitigation is insufficient, particularly for offsite sensitive receptors such as the Victor Valley Community College located approximately 200 feet from the Project site. The commenters propose additional mitigation including MERV-16 filtration in nearby buildings, enhanced watering and dust suppressants, and upwind/downwind particulate monitoring. Dr. Clark argues that conventional dust control measures under MDAQMD Rule 403 are insufficient for controlling *Coccidioides immitis* spores.

Response

The RMND includes a thorough analysis of Valley Fever on pages 43 through 46, which was added in response to comments on the original Draft MND. The analysis acknowledges that

coccidioidomycosis case rates in San Bernardino County have increased in recent years; however, the County's rate remains well below the statewide average and far below highly endemic counties such as Kern, Kings, and Tulare, which account for the majority of statewide cases.

Mitigation Measure MM AQ-1 includes comprehensive dust control measures that reduce both worker and offsite exposure during ground-disturbing activities, including watering of active grading areas, use of soil stabilizers, speed restrictions on unpaved surfaces, and covering of stockpiles. These measures reduce fugitive dust emissions — including any soil-borne spores — at the source.

Regarding the commenters' proposal for MERV-16 filtration in nearby buildings, this would require modifications to third-party properties not owned or controlled by the Project applicant. The Town does not have authority under CEQA to compel building modifications on properties outside the Project site, and imposing such a condition would lack the required nexus between the Project's impacts and the mitigation measure (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825).

Notwithstanding the above, the Town will supplement MM AQ-1 to include upwind/downwind particulate monitoring at the northern Project boundary during grading activities, with a requirement to halt grading if particulate concentrations exceed specified action levels. This provides a protective mechanism to detect and respond to elevated particulate conditions before they reach offsite receptors, including the Victor Valley Community College facility. With this supplemental measure, Valley Fever impacts are mitigated to less than significant.

Master Comment 6 — GHG Significance Methodology and CAP Consistency Are Flawed

Summary of Relevant Comments

Multiple commenters challenge the RMND's GHG significance methodology. CARE CA (Letter A, Comment A-13) argues GHG impacts are significant and unmitigated. Advocates for the Environment (Letter B, Comments B-4, B-5, B-6) challenges the use of the MDAQMD 100,000-ton threshold, argues the CAP consistency analysis is deeply flawed because it does not account for other future projects, contends the Project conflicts with CAP sector allocations, and argues the RMND failed to analyze other applicable plans. Blum Collins/GSEJA (Letter C) argues the GHG reduction measures in Table 4.8-4 are not formalized as mitigation and that CalEEMod is not approved software for demonstrating Title 24 compliance.

Response

The RMND evaluates the significance of the Project's GHG emissions using a multi-layered analytical framework consistent with CEQA Guidelines sections 15064.4 and 15064.7(c). The

Town has not adopted a numeric significance threshold for GHG emissions and instead exercised its lead agency discretion to evaluate GHG significance through the following methods:

MDAQMD Threshold: The Project's total annualized GHG emissions of 5,851.9 MTCO₂e/year are well below the MDAQMD annual significance threshold of 100,000 MTCO₂e/year (RMND, Tables 4.8-1 and 4.8-2). While commenters argue this threshold is too high, the MDAQMD is the recognized authority for the region's pollutant emissions significance thresholds. Regardless, this is not the primary basis for the significance determination.

CAP Consistency: The Town of Apple Valley Climate Action Plan is a CEQA-Qualified CAP meeting the criteria of CEQA Guidelines § 15183.5(b). As shown in Table 4.8-3 of the RMND (p. 88), adding the Project's 5,827 MTCO₂e/year to the CAP's 2030 forecast of 410,922 MTCO₂e results in total emissions of 416,749 MTCO₂e, or 4.93 MTCO₂e per capita based on a population of 84,535. This is below the CAP's 2030 target of 449,347 MTCO₂e (5.32 MTCO₂e per capita). Under CEQA, individual projects that comply with the strategies and actions within an adequate local CAP can streamline the project-specific GHG analysis (CEQA Guidelines §§ 15064.4(b)(3), 15183.5).

County GHG Screening Tables: The Project achieved 247 points under the County of San Bernardino GHG Screening Tables, substantially exceeding the minimum 100 points required. This provides independent confirmation that the Project's GHG emissions are less than significant on both an individual and cumulative basis (Appendix A).

Regarding the assertion that the CAP analysis does not account for cumulative growth, the CAP's 2030 emissions forecast accounts for community-wide emissions, including projected growth from industrial projects. The conservative analysis in Table 4.8-3 adds the Project's emissions on top of the forecast to demonstrate that even under a worst-case assumption, the CAP target is still met. All future projects in the Town will also be required to demonstrate CAP consistency, providing an ongoing mechanism to ensure cumulative emissions remain within the CAP's targets.

Regarding the assertion that CalEEMod is not approved for Title 24 compliance, this conflates two different regulatory requirements. CalEEMod is the MDAQMD-recommended tool for quantifying criteria pollutant and GHG emissions for CEQA purposes. Title 24 energy compliance is demonstrated through the building permit process using State-approved software (CBECC-Com or EnergyPro) and is separate from the CEQA analysis. The Project will be required to demonstrate Title 24 compliance prior to issuance of building permits, as a matter of Building Code requirements independent of this CEQA document.

Master Comment 7 — The Project Fails to Adopt Feasible GHG Mitigation Measures

Summary of Relevant Comments

Multiple commenters propose additional GHG mitigation measures. CARE CA (Letter A, Comments A-13, A-19) and Dr. Clark propose eight specific measures including anti-idling rules, zero-emission charging stations, zero-emission on-site equipment, model year 2018+ vehicle requirements, double-deck trailers, tire pressure checks, route optimization, and speed reduction. Advocates for the Environment (Letter B, Comment B-8) proposes rooftop solar, renewable energy sponsorship, clean-energy fire pumps, SmartWay enrollment, electric drayage trucks, idling prohibitions, and truck charging stations proportionate to dock doors. Blum Collins/GSEJA (Letter C) echoes several of these proposals and argues the RMND must implement all feasible mitigation.

Response

As demonstrated in Master Comment 6, the Project's GHG impacts are less than significant under multiple analytical frameworks. Under CEQA, mitigation measures are required only for significant impacts (CEQA Guidelines § 15126.4(a)(1)). Because the Project's GHG emissions are less than significant, additional GHG mitigation is not legally required.

Notwithstanding the above, the RMND demonstrates that the Project already incorporates substantial GHG reduction features as evaluated in Table 4.8-4, including compliance with Title 24 Building Energy Efficiency Standards, a photovoltaic system providing 75% of electricity requirements (PDF-1), EV charging infrastructure, pedestrian connections, water-efficient landscaping, and other features reflected in the 247-point Screening Table score.

Several of the commenters' proposed measures are already required by state regulation (e.g., CARB's anti-idling regulation limits idling to 5 minutes; the Advanced Clean Fleets regulation requires fleet electrification on a phased schedule). Others are infeasible as project-level mitigation because they would require the Project applicant to regulate third-party truck operator behavior (e.g., route optimization, double-deck trailer requirements, tire pressure checks), which is beyond the applicant's control.

As noted in the individual letter responses, the Town will include as a condition of approval the installation of operational zero-emission truck charging infrastructure proportional to the number of dock doors (not just conduit), which goes beyond the minimum requirements and directly supports the transition to zero-emission trucking operations.

Master Comment 8 — The Project Should Be Net-Zero and Is Inconsistent with State GHG Plans

Summary of Relevant Comments

Advocates for the Environment (Letter B, Comments B-2, B-3, B-6) argues the Town should adopt net-zero as the GHG significance threshold and that the RMND fails to analyze consistency with Executive Order B-55-18, the 2022 CARB Scoping Plan, and the 2017 CARB Scoping Plan. The commenter calculates per-service-population GHG emissions of approximately 20 MTCO_{2e} per employee, which exceeds the 2017 Scoping Plan's per capita targets. Blum Collins/GSEJA (Letter C) also references the Scoping Plan and state GHG goals in its GHG analysis.

Response

Neither CEQA nor any applicable regulation requires adoption of a net-zero significance threshold. The 2022 CARB Scoping Plan itself cautions against the use of net-zero targets, specifically noting in Appendix D, page 18, that jurisdictions should “avoid creating targets that are impossible to meet as a basis to determine significance” and that “a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be considered potentially significant. This may lead to undue burdens and frustrate project approval processes.” Local governments retain discretion to adopt targets supported by substantial evidence (Cal. Code Regs., tit. 14, § 15183.5).

Because the Project is consistent with the Town's CEQA-Qualified CAP, it is found to be consistent with the Scoping Plan and by extension all other State GHG emissions goals. This approach is fully consistent with the California Supreme Court's decision in *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, which upheld an EIR that did not explicitly analyze consistency with post-2020 Executive Order goals, finding that the agency had adequately explained its selection of thresholds.

Regarding Executive Order B-55-18, Executive Orders direct state agencies to take certain actions but do not impose requirements on individual development projects or local jurisdictions. The 2045 carbon neutrality goal is a statewide objective to be achieved through state-level regulatory programs, technology transitions, and market forces — not through individual project-level prohibitions on fossil fuel use.

The commenter's per-service-population calculation (dividing Project emissions by Project employees) is methodologically inappropriate. The Scoping Plan's per capita targets are statewide per-resident targets that account for all sources of emissions divided by the state's total population. They cannot be applied to a single project by dividing project emissions by project employees. The appropriate methodology is reflected in RMND Table 4.8-3, which adds the Project's emissions to the Town-wide forecast and divides by the Town's population, resulting in 4.93 MTCO_{2e} per capita — below the CAP target of 5.32 MTCO_{2e} per capita.

Master Comment 9 — CAP Reduction Measures Are Not Enforceable Mitigation

Summary of Relevant Comments

Advocates for the Environment (Letter B, Comment B-5) argues the RMND only reviewed 11 of 27 new development measures in the CAP and that the analysis is incomplete. Blum Collins/GSEJA (Letter C) argues that the Project's GHG reduction measures, as listed in Table 4.8-4 of the RMND, are not formally incorporated as mitigation measures and could therefore be eliminated from the Project's design.

Response

The CAP's reduction measures are divided into three broad categories: Town Municipal Operational Measures, Community Operational Measures, and New Development Measures. Because the Project is a "New Development," it is measured against the New Development Measures applicable to the Project, as shown in Table 4.8-4 of the RMND (pp. 89–90). Not all 27 measures in the CAP are applicable to every project type; the analysis appropriately evaluates those measures relevant to the Project's characteristics as a cold storage warehouse.

Regarding enforceability, the Project's consistency with the applicable CAP measures is documented in Table 4.8-4 and forms part of the RMND's environmental analysis. Compliance with the CAP is a requirement of the Town's General Plan, and the Project's conditions of approval will incorporate the applicable CAP measures. Additionally, several of the Project's GHG-reducing features are independently mandated by state regulation (e.g., Title 24 energy efficiency standards, CALGreen requirements, CARB fleet regulations) and are not dependent on project-level mitigation for enforcement.

The distinction between "project design features" and "mitigation measures" does not affect the enforceability of the Project's commitments. Under CEQA, project design features that are incorporated into the project description and conditions of approval are enforceable components of the approved project. The Town's Mitigation Monitoring and Reporting Program (MMRP) will track compliance with all applicable conditions, including those derived from the CAP consistency analysis. No revisions to the RMND are required

LETTER A

LETTER A RESPONSE — CARE CA (Adams Broadwell Joseph & Cardozo)

The following responses address comments submitted by Californians Allied for a Responsible Economy (CARE CA), through their attorneys Adams Broadwell Joseph & Cardozo, in a letter dated March 16, 2026, signed by Kelilah D. Federman. The letter includes comments from the attorneys (Comments A-1 through A-14) and two attached expert reports: Exhibit A by Dr. James Clark, Ph.D. of Clark & Associates (Comments A-15 through A-22), and Exhibit B by Norman Marshall of Smart Mobility, Inc. (Comments A-23 through A-27). The Town has identified and responds to each discrete comment below.

COMMENT A-1 — *Introduction / Project Description / Summary of Issues (Federman, pp. 1–3)*

RESPONSE TO COMMENT A-1

These comments are introductory and reiterate the project description contained in the RMND. The comments describe the Project as a 354,260-square-foot cold storage warehouse on an 18.78-acre site, note that the RMND tiers from the 2009 General Plan EIR and the NAVISP EIR, and summarize the history of the SIS/MND and recirculation. The comments provide a general summary of the commenter's claimed deficiencies, which are addressed individually in Responses to Comments A-2 through A-27 below.

COMMENT A-2 — *Request for EIR / Reservation of Rights (Federman, p. 4)*

RESPONSE TO COMMENT A-2

The comment requests the Town prepare an EIR and reserves the right to provide supplemental comments. As described in the Responses to Comments A-1 through A-27, the RMND has thoroughly disclosed, analyzed, and mitigated the Project's environmental impacts consistent with CEQA. The commenter provides no new substantial evidence beyond what is addressed in the individual responses below. The comment is noted for the record.

COMMENT A-3 — *Statement of Interest (Federman, p. 4)*

RESPONSE TO COMMENT A-3

This comment describes CARE CA's organizational interest and membership. The comment does not raise a specific issue regarding the adequacy of the RMND or any other CEQA issue. The comment is noted for the record. No further response is required.

COMMENT A-4 — *Legal Background / Tiering / Fair Argument Standard (Federman, pp. 5–9)*

RESPONSE TO COMMENT A-4

The commenter provides a legal discussion of CEQA tiering requirements under CEQA Guidelines sections 15162, 15168, and the fair argument standard. The commenter also

asserts that the shift toward intensive warehousing was not foreseen in the 2009 General Plan EIR.

The Town is aware of the legal standards governing tiered environmental review and the preparation of subsequent environmental documents. The RMND was prepared consistent with CEQA Guidelines sections 15162 and 15168. The Town determined that the Project is within the scope of the 2009 General Plan EIR and the NAVISP EIR, and prepared the RMND to examine whether the Project would result in any new or substantially more severe impacts than those previously analyzed. The RMND identifies and analyzes those impact areas where updated analysis was warranted, including air quality, greenhouse gas emissions, Valley Fever, biological resources, construction noise, VMT, cultural resources, wildfire, and cumulative impacts (RMND, p. 19).

The commenter's assertion that the shift toward warehousing was not foreseen in the 2009 General Plan EIR is incorrect. The Project site is located within the North Apple Valley Industrial Specific Plan (NAVISP) area, which was specifically planned and zoned for industrial uses including warehousing. The NAVISP EIR (SCH #2006031112), certified in 2006, expressly analyzed warehouse development within the specific plan area. The Project is consistent with the land use designation and zoning for the site. The commenter's citation to a third-party zoning website does not constitute substantial evidence that the Town failed to anticipate warehousing in an area specifically designated for that use.

The commenter's legal arguments are noted but do not identify any specific environmental impact that has not been adequately analyzed in the RMND. The specific technical claims raised in the letter are addressed in Responses to Comments A-5 through A-27.

COMMENT A-5 — *Inadequate Project Description: Backup Generators (Federman, pp. 10–13)*

RESPONSE TO COMMENT A-5

The commenter asserts that the RMND's project description is inadequate because it does not include backup generators. The commenter cites Apple Valley Fire Protection District (AVFPD) Ordinance 57, *East Oakland Stadium Alliance v. City of Oakland* (2023) 889 Cal.App.5th 1226, and PSPS event data to argue that backup generators are reasonably foreseeable.

The Project does not propose backup generators as part of the project design. The Project's refrigeration system is powered by grid electricity supplemented by an on-site photovoltaic system. The RMND analyzes the Project as proposed.

Regarding Ordinance 57, the commenter mischaracterizes its requirements. Ordinance 57 requires standby power to maintain fire protection features such as fire pumps, emergency lighting, and exit signs — not to power the entire cold storage refrigeration system. The RMND accounts for the Project's 324-horsepower diesel fire pump, which is the type of standby equipment contemplated by Ordinance 57. The fire pump was included in the CalEEMod analysis and assumed to operate 1 hour per month for testing and maintenance (RMND, Appendix A, p. 213 of 217). As shown in Table C of Appendix A, fire pump emissions are less

than 1 lb/day for all criteria pollutants and approximately 1 metric ton per year of GHG emissions.

The commenter's reliance on East Oakland Stadium Alliance is misplaced. That case involved a major stadium project in the Bay Area where the EIR acknowledged the presence of backup generators but allocated zero hours for emergency use despite foreseeable PSPS events. Here, the Project does not include large-scale backup generators for warehouse operations. The Project site is served by Southern California Edison (SCE), and any future installation of a backup generator by a tenant would require a separate air quality permit from MDAQMD, subject to District Rule 301(E)(7)(g), and would undergo its own environmental review at that time.

Furthermore, the commenter assumes all backup generators would be diesel-powered. As noted by the California Air Resources Board (CARB), zero-emission, near-zero-emission, and advanced conventional technologies are available for commercial backup power generation. Any future generator installation would also need to comply with CARB's Airborne Toxic Control Measure for Stationary Compression Ignition Engines (17 CCR § 93115) and applicable MDAQMD rules.

Notwithstanding the above, even if a diesel backup generator of comparable size to the fire pump were included in the analysis, criteria pollutant emissions would be less than 1 lb/day for all pollutants and GHG emissions would be approximately 1 metric ton per year — well below any significance threshold. The comment does not provide substantial evidence that backup generator emissions would result in a significant impact.

COMMENT A-6 — *Inadequate Project Description: Battery Energy Storage System*
(Federman, pp. 14–17)

RESPONSE TO COMMENT A-6

The commenter argues the RMND must analyze impacts from a battery energy storage system (BESS), asserting that a BESS is required for the Project's solar PV system to provide 75 percent of electricity requirements while operating 24 hours a day, 7 days a week.

The commenter's premise is incorrect. The RMND's Project Design Feature (PDF) 1 requires a photovoltaic system that provides 75 percent of the overall electricity requirements, consistent with the 2022 California Energy Code, Section 140.10. The Energy Code requirement for warehouse uses is that the solar PV system offset a specified percentage of annual electrical consumption — it does not require that the PV system provide power at every hour of the day. Grid electricity provides power during nighttime hours and periods of low solar production. There is no Energy Code or project requirement for on-site battery storage, and the Project does not propose a BESS.

The commenter's assumption that a BESS is a reasonably foreseeable component of the Project is speculative. The 2022 Energy Code explicitly contemplates that PV systems on nonresidential buildings will self-utilize approximately 80 percent of annual solar PV generation without battery storage (CEC, 2022 Energy Code). The Project's cold storage

operations, which require continuous refrigeration, would consume solar generation during daytime production hours, maximizing self-utilization without the need for storage.

Because the Project does not propose a BESS and there is no regulatory requirement for one, the extensive discussion of lithium-ion battery chemistry, fire risks, and hazardous materials impacts is speculative and does not constitute substantial evidence of a significant impact. Should a future tenant propose battery storage, such an installation would require building permits, fire department review under NFPA 855 and the California Fire Code, and potentially separate CEQA review.

Dr. Clark's proposed BESS mitigation measures address a facility component that does not exist and is not proposed. The comment does not provide substantial evidence that the Project, as proposed, will result in significant impacts related to battery energy storage.

COMMENT A-7 — *Air Quality: Unsubstantiated Trip Length Assumptions (Federman, pp. 18–19)*

RESPONSE TO COMMENT A-7

The commenter challenges the 40-mile average truck trip length used in the CalEEMod analysis, arguing that it significantly underestimates actual trip lengths because the Ports of Los Angeles and Long Beach are 115 miles from the Project site.

The 40-mile average truck trip length is a conservative assumption based on the SCAQMD Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program Implementation Guidelines, Appendix B, Section 2b, which provides standardized trip length assumptions for warehouse facilities in the southern California region. This assumption is also consistent with the CalEEMod Version 2022.1 User Guide, Appendix C, Section 5.1.1.1. The WAIRE guidance was developed by SCAQMD specifically for warehouse operations and represents a reasonable and well-documented assumption for average truck trip lengths.

The commenter's argument that all trucks must travel to or from the Ports of Los Angeles and Long Beach is not supported by evidence. The 40-mile trip length represents a weighted average of all truck trips, not just trips to intermodal facilities. As a cold storage warehouse, the Project will serve a variety of origins and destinations, including local and regional distribution centers, grocery distribution facilities, food processing plants, and retail establishments throughout San Bernardino County and the broader SCAG region. The NCST study cited by Dr. Clark states that 56% of SCAG region facilities receive goods from the ports — meaning 44% do not. Furthermore, approximately 50% deliver to Southern California warehouses, retail stores, or manufacturing plants, many of which are located much closer than the ports.

Moreover, the 40-mile trip length assumption substantially exceeds the CalEEMod default of 9.5 miles for commercial vehicles and 7.3 miles for other vehicles. The analysis therefore already accounts for longer-than-default trips and represents a conservative estimate. The commenter provides no evidence specific to this Project or this tenant that demonstrates actual trip lengths will average 115 miles. The assertion that all or most trucks will travel to or

from the ports is speculative, as no tenant has been identified and the Project could serve a wide range of cold storage needs with regional distribution patterns.

The RMND's reliance on SCAQMD WAIRE guidance provides a reasonable, well-documented, and conservative basis for the trip length assumption, and the comment does not constitute substantial evidence warranting preparation of an EIR on this basis.

COMMENT A-8 — *Air Quality: Zero-Emission Truck Assumption Not Enforceable (Federman, p. 19)*

RESPONSE TO COMMENT A-8

The commenter argues that the assumption in the CalEEMod analysis that 20 of the 153 4+-axle trucks will be zero-emission is not supported by an enforceable mitigation measure or project design feature.

The assumption that 20 of the 153 4+-axle trucks will be zero-emission reflects the requirements of the CARB Advanced Clean Fleets (ACF) regulation, which mandates that drayage trucks entering California ports and intermodal rail facilities must be zero-emission beginning January 1, 2024, and that fleets operating high-priority vehicles must transition to zero-emission vehicles on a phased schedule. The ACF regulation is a self-executing state regulation that does not require project-level enforcement — it applies independently to truck fleets as a matter of state law. Because the CalEEMod assumption of 20 zero-emission trucks is consistent with the expected fleet mix under the ACF regulation at the time of project operation, it is a reasonable modeling assumption supported by substantial evidence.

Notwithstanding the above, even if all 153 4+-axle trucks were assumed to be diesel-powered (i.e., removing the 20 zero-emission truck assumption), the Project's operational criteria pollutant emissions would remain below MDAQMD significance thresholds, as demonstrated by the substantial margin between the Project's total daily emissions and the applicable thresholds shown in Table C of Appendix A. The Town will consider whether to formalize the zero-emission truck assumption as a condition of approval to further strengthen enforceability.

COMMENT A-9 — *Health Risk from TRUs Is Significant and Unmitigated (Federman, pp. 20–21)*

RESPONSE TO COMMENT A-9

The commenter argues the RMND fails to adequately analyze health risks from Transport Refrigeration Unit (TRU) diesel particulate matter (DPM) emissions, citing *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502.

The RMND includes a screening-level Health Risk Assessment (HRA) conducted consistent with the OEHHA 2015 Air Toxics Hot Spots Program Guidance Manual and MDAQMD CEQA practices (RMND, pp. 40–41). The HRA evaluated all operational DPM sources, including heavy-duty diesel truck activity, TRUs assumed to operate up to 4 hours per visit on diesel engines, diesel warehouse equipment (six forklifts and six material-handling units), and the 324-hp emergency diesel fire pump. The HRA applied OEHHA screening dispersion

assumptions at a receptor distance of 61 meters (200 feet), used OEHHA residential exposure parameters for maximally exposed individuals (more conservative than the short-term worker/student factors applicable to the community college), applied the DPM unit risk factor of 3.0×10^{-4} ($\mu\text{g}/\text{m}^3$)⁻¹, and evaluated chronic hazard indices and PM2.5 concentrations against the 1 $\mu\text{g}/\text{m}^3$ CEQA significance threshold.

The RMND's HRA specifically translates DPM emissions into cancer risk, chronic hazard, and PM2.5 exposure levels at the nearest sensitive receptor. The results demonstrate that cancer risk is well below the 10-in-one-million significance threshold, chronic and acute hazard indices are below 1.0, and incremental PM2.5 concentrations are well below the 1 $\mu\text{g}/\text{m}^3$ threshold (RMND, pp. 40–41). This analysis connects emissions to health consequences as required by *Sierra Club v. County of Fresno*.

The cases cited by the commenter are distinguishable. *Sierra Club v. County of Fresno* and *Bakersfield Citizens for Local Control* both involved large projects where the EIRs identified significant air quality impacts but failed to make any effort to explain the health consequences. Here, the RMND's screening-level HRA specifically quantifies health risk at the nearest sensitive receptor and concludes all health metrics are below significance thresholds. The commenter provides no alternative HRA analysis or evidence that the Project's DPM emissions would exceed any health risk significance threshold.

COMMENT A-10 — *Cumulative Air Quality Impacts Are Significant (Federman, pp. 21–23)*

RESPONSE TO COMMENT A-10

The commenter argues the Project's air quality impacts are cumulatively considerable, citing the 2009 General Plan EIR's finding that regional air quality impacts are significant and unavoidable, and Dr. Clark's identification of nearby warehouse projects.

The RMND addresses cumulative air quality impacts on pages 39 through 41. The 2009 General Plan EIR did identify regional air quality impacts as significant and unavoidable at full buildout. However, pursuant to CEQA Guidelines section 15183, a project consistent with an adopted general plan for which an EIR was certified need not further analyze cumulative impacts that were adequately addressed in the prior EIR, unless the project would result in impacts peculiar to the project or site.

The Project's individual contribution to criteria pollutant emissions does not exceed any MDAQMD significance threshold, as demonstrated in Table C of Appendix A. The MDAQMD significance thresholds are designed to identify when a project's individual contribution would be cumulatively considerable within the air basin. When a project's emissions fall below these thresholds, its contribution is considered less than cumulatively considerable. This approach is consistent with MDAQMD CEQA Guidelines and is standard practice throughout California.

The commenter's citation to the Warehouse database and identification of nearby projects does not establish that this Project's incremental contribution is cumulatively considerable. Each identified project underwent its own environmental review. The commenter provides no analysis demonstrating that the Project's specific incremental contribution would cause or

substantially contribute to a violation of an ambient air quality standard. No further analysis or mitigation is required.

COMMENT A-11 — *Valley Fever: Inadequate Mitigation for Offsite Receptors (Federman, pp. 23–25)*

RESPONSE TO COMMENT A-11

The commenter argues the RMND fails to adequately mitigate Valley Fever risks to offsite sensitive receptors, particularly the Victor Valley Community College Public Safety Training Facility located approximately 200 feet from the Project site.

The RMND includes a thorough analysis of Valley Fever on pages 43 through 46. The RMND acknowledges that case rates in San Bernardino County have increased from 1.18 per 100,000 in 2016 to 10.5 per 100,000 as of May 2025 (RMND, p. 43). However, the County's rate remains well below the statewide average of 19.1 per 100,000 and far below highly endemic counties such as Kern (264.9), Kings (110.0), and Tulare (65.7), which account for 70% of statewide cases.

The RMND includes Project-Specific Mitigation Measure MM AQ-1: Valley Fever, requiring comprehensive dust control and worker protection measures during construction, including equipment cleaning, phased grading, enhanced watering, HEPA-filtered closed-cab equipment, worker training, and Valley Fever informational handouts (RMND, pp. 43–46).

The dust control measures in MM AQ-1 — particularly enhanced watering, phased grading, and cessation of ground work when watering is unavailable — directly reduce airborne dust and spore migration offsite. These measures operate in addition to MDAQMD Rule 403 fugitive dust controls.

Regarding the Victor Valley Community College facility, the nearest building facade is approximately 200 feet from the Project boundary. The facility is a public safety training center with limited occupancy hours, which substantially reduces exposure duration compared to residential exposure parameters.

Notwithstanding the above, the Town acknowledges the commenter's concern and will supplement MM AQ-1 to include upwind/downwind particulate monitoring at the northern Project boundary during grading activities, with a requirement to halt grading if particulate concentrations exceed specified action levels.

COMMENT A-12 — *Transportation: Underestimated Truck Trip Lengths / VMT (Federman, pp. 25–28)*

RESPONSE TO COMMENT A-12

The commenter argues the RMND underestimates VMT by relying on underestimated truck trip lengths, citing Mr. Marshall's calculation that substituting the CalEEMod average trip length of 14.6 miles for the VMT analysis's 11.3/12.0 miles would exceed the Town's VMT threshold.

The VMT and CalEEMod analyses serve different purposes and use different methodologies and inputs, making direct substitution inappropriate. The VMT analysis uses SBTAM, a regional travel demand model that estimates trip lengths based on the interaction of project land use with the regional transportation network. SBTAM produces trip lengths reflecting modeled origin-destination patterns based on calibrated and validated travel behavior data. CalEEMod uses trip lengths as inputs for emissions estimation, with different assumptions appropriate for that purpose (including the conservatively higher 40-mile haul truck assumption based on SCAQMD WAIRE guidance).

The commenter's approach of dividing total CalEEMod VMT by total trips to derive an "average" and then substituting it into the SBTAM-based VMT analysis conflates two distinct analytical tools. SBTAM produces trip lengths through a validated four-step travel demand modeling process, while CalEEMod trip lengths are user-specified inputs. They are not interchangeable.

The RMND acknowledges the Project site is not in a low-VMT area per the screening tool (RMND, p. 142), which is why a detailed SBTAM analysis was conducted. The analysis demonstrates the Project's VMT per service population is 5.7% below the Town's threshold in the base year and 0.2% below in the cumulative year (RMND, Tables 4.17-1 and 4.17-2; Appendix K). The VMT analysis was conducted for the larger 385,004 sq ft building; with the Project reduced to 354,260 sq ft, trips and VMT would be proportionally lower, providing an additional margin.

SBTAM is the recognized tool for VMT evaluation in San Bernardino County. The Town's VMT thresholds were developed using the same version of SBTAM, and it is imperative to use the same model for consistency.

COMMENT A-13 — *GHG Impacts Are Significant and Unmitigated (Federman, pp. 28–30)*

RESPONSE TO COMMENT A-13

The commenter argues the Project results in significant GHG impacts based on the same trip length arguments addressed in Responses to Comments A-7 and A-12, and proposes eight additional GHG mitigation measures.

As discussed in Responses to Comments A-7 and A-12, the RMND's trip length assumptions are supported by substantial evidence, including SCAQMD WAIRE guidance and CalEEMod defaults calibrated to the project's TAZ.

The RMND includes several GHG reduction measures: a PV system providing 75% of electricity requirements, 50% water use reduction, 25% solid waste reduction, electrified truck dock bays, and compliance with the 2022 Energy Code (RMND, Appendix A, p. 3).

Regarding Dr. Clark's proposed measures: anti-idling requirements are mandated by state law (13 CCR § 2485, limiting idling to 5 minutes). The CARB Advanced Clean Fleets and Advanced Clean Trucks regulations require progressive fleet electrification. Several other proposed measures — requiring all vehicles be model year 2018+, mandating double-deck

trailers, or requiring specific route optimization — would impose operational requirements on third-party truck operators beyond the Project applicant's control and are not feasible as project-level mitigation (CEQA Guidelines § 15126.4(a)(1)).

Notwithstanding the above, the Town will include as a condition of approval a requirement that the Project install zero-emission truck charging/fueling infrastructure proportional to the number of dock doors, ensuring that zero-emission charging capability is operational at Project opening.

COMMENT A-14 — *Conclusion (Federman, pp. 30–31)*

RESPONSE TO COMMENT A-14

This comment reiterates the commenter's conclusion and urges the Town to withdraw the RMND and prepare an EIR. As described in Responses to Comments A-1 through A-13 and A-15 through A-27, the RMND has thoroughly disclosed, analyzed, and mitigated the Project's environmental impacts consistent with CEQA. The comment is noted for the record.

COMMENT A-15 — *Clark: Introduction / Project Description (Exhibit A, pp. 33–35)*

RESPONSE TO COMMENT A-15

This comment from Dr. Clark provides introductory remarks, including a description of the Project, the size reduction from 385,004 to 354,260 sq ft, and a general statement that prior issues have not been resolved. These introductory comments do not raise new specific CEQA issues. The specific technical comments are addressed in Responses to Comments A-16 through A-22.

COMMENT A-16 — *Clark: Underestimation of HDT Emissions / 40-Mile Trip Length (Exhibit A, pp. 35–36)*

RESPONSE TO COMMENT A-16

Dr. Clark argues the RMND underestimates heavy-duty truck emissions by relying on a 40-mile trip length, citing an NCST study stating 56% of SCAG-region facilities receive goods from the Ports.

Please refer to Response to Comment A-7. The 40-mile trip length is a weighted average based on SCAQMD WAIRE guidance, not the maximum trip distance. The NCST study cited by Dr. Clark supports the RMND's approach: if 56% of facilities receive goods from the ports, then 44% do not, and approximately 50% deliver to local/regional destinations at substantially shorter distances. A weighted average of 40 miles is reasonable and conservative, exceeding the CalEEMod default by more than four times.

The NCST study addresses SCAG-region facilities generally and does not provide data specific to cold storage warehouses in the High Desert subregion. Cold storage distribution patterns may emphasize regional grocery and food service distribution rather than port-to-warehouse

drayage. The commenter provides no evidence specific to this Project's expected operations.

COMMENT A-17 — *Clark: HRA Fails to Follow OEHHA Guidance / No Dispersion Modeling (Exhibit A, pp. 36–39)*

RESPONSE TO COMMENT A-17

Dr. Clark argues the RMND's screening-level HRA is flawed because it: (1) assessed only operational emissions; (2) failed to follow OEHHA's 14-step process; (3) failed to use a screening dispersion model; and (4) failed to translate DPM into ground-level concentrations.

Regarding construction emissions, CEQA health risk assessments for construction are not typically required because construction emissions are temporary and OEHHA exposure duration assumptions (30-year residential, 9-year school child) are not appropriate for a 16-month construction period. The Town will include a qualitative discussion confirming that the limited construction duration would not result in significant cancer risk at the nearest receptor.

Regarding HRA methodology, the RMND's screening-level HRA was conducted consistent with OEHHA guidance and MDAQMD CEQA practices. The screening approach uses OEHHA-recommended screening dispersion assumptions at the receptor distance of 61 meters, including the DPM unit risk factor, residential exposure parameters, and chronic RELs. This is specifically identified in OEHHA guidance as a conservative screening method that overpredicts risk relative to refined dispersion modeling.

Dr. Clark's assertion that no dispersion modeling was performed is incorrect. The screening approach applies OEHHA recommended screening dispersion factors to convert DPM emission rates into estimated ground-level concentrations, which are then used to calculate health risk metrics. Because screening results demonstrate all metrics are well below significance thresholds, refined modeling (AERMOD or AERSCREEN) was not warranted.

Notwithstanding, to provide additional transparency, the Town will supplement the RMND with an attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, and resulting ground-level concentrations. This will confirm the methodology is consistent with OEHHA guidance and results are below all applicable thresholds.

COMMENT A-18 — *Clark: Cumulative Impacts from Nearby Warehouse Projects (Exhibit A, pp. 39–40)*

RESPONSE TO COMMENT A-18

Dr. Clark identifies 8 existing warehouses (8.1M sq ft) and 5 new projects (8.7M sq ft) within 5 km, citing the Warehouse database for combined daily truck trips and emissions.

Please refer to Response to Comment A-10. The RMND evaluates cumulative air quality impacts by comparing Project-level emissions against MDAQMD significance thresholds, which are designed to assess cumulative significance within the air basin. The Project's

emissions are below all applicable thresholds (RMND, Appendix A, Table C). This approach is consistent with MDAQMD CEQA Guidelines and standard practice. Each identified project underwent its own environmental review. The commenter provides no analysis demonstrating that this Project's specific incremental contribution would cause or substantially contribute to a violation of an ambient air quality standard.

COMMENT A-19 — *Clark: GHG Mitigation Measures Are Insufficient (Exhibit A, pp. 40–41)*

RESPONSE TO COMMENT A-19

Dr. Clark argues 71.88% of GHG emissions are from mobile sources and proposes eight additional mitigation measures.

Please refer to Response to Comment A-13. The RMND includes substantial GHG reduction measures. Several of Dr. Clark's proposed measures are already required by state regulation, and several others are infeasible as project-level mitigation because they would require regulating third-party truck operator behavior. As noted in Response to Comment A-13, the Town will include as a condition of approval the installation of operational zero-emission truck charging infrastructure proportional to the number of dock doors.

COMMENT A-20 — *Clark: BESS Risks Not Analyzed (Exhibit A, pp. 42–44)*

RESPONSE TO COMMENT A-20

Dr. Clark argues the RMND fails to analyze BESS risks including thermal runaway, toxic gas release, and battery fire hazards.

Please refer to Response to Comment A-6. The Project does not propose a BESS. There is no regulatory requirement for battery storage. The 2022 Energy Code contemplates that nonresidential PV systems will self-utilize solar generation without battery storage. Dr. Clark's discussion of lithium-ion battery risks is speculative as applied to this Project.

COMMENT A-21 — *Clark: Backup Generator Emissions Omitted from CalEEMod (Exhibit A, pp. 44–46)*

RESPONSE TO COMMENT A-21

Dr. Clark argues the CalEEMod analysis omits backup generator emissions and provides updated PSPS data through 2025.

Please refer to Response to Comment A-5. The Project does not propose backup generators for warehouse refrigeration operations. The 324-hp diesel fire pump, which provides standby power for fire protection systems as contemplated by AVFPD Ordinance 57, is included in the CalEEMod analysis. Dr. Clark's updated PSPS data, while informative regarding statewide trends, does not establish that the Project will operate large-scale backup generators. Any future generator installation by a tenant would require MDAQMD permitting and CARB ATCM compliance.

COMMENT A-22 — *Clark: Valley Fever — Inadequate Mitigation for Offsite Receptors (Exhibit A, pp. 46–47)*

RESPONSE TO COMMENT A-22

Dr. Clark argues the RMND's Valley Fever mitigation is insufficient for offsite receptors and proposes MERV-16 filtration, enhanced watering, dust suppressants, and upwind/downwind monitoring.

Please refer to Response to Comment A-11. MM AQ-1 includes comprehensive dust control measures that reduce both worker and offsite exposure. As noted in Response to Comment A-11, the Town will supplement MM AQ-1 to include particulate monitoring at the northern Project boundary during grading activities.

Regarding MERV-16 filtration in nearby buildings, this would require modifications to third-party properties not owned or controlled by the Project applicant. The Town does not have authority to compel building modifications on properties outside the Project site. The additional boundary monitoring measure will provide a protective mechanism to detect and respond to elevated particulate conditions before they reach offsite receptors.

COMMENT A-23 — *Marshall: Introduction / Summary of Findings (Exhibit B, pp. 68–69)*

RESPONSE TO COMMENT A-23

Mr. Marshall's comments provide introductory remarks and summarize four findings: (1) trip generation may be higher; (2) the 40-mile truck trip is too low; (3) the MND fails to demonstrate no excessive VMT; and (4) the CalEEMod analysis underestimates emissions. These introductory comments are addressed individually in Responses to Comments A-24 through A-27.

COMMENT A-24 — *Marshall: Trip Generation Could Be Higher (Exhibit B, pp. 69–70)*

RESPONSE TO COMMENT A-24

Mr. Marshall argues trip generation could be higher because ITE data is based on only five counted sites with a "Caution – Small Sample Size" warning.

The ITE Trip Generation Manual, 11th Edition, is the standard reference used throughout California and nationwide. As noted in the Town's previous response, no "caution" disclaimer is included in the daily, AM peak hour, or PM peak hour trip rate formula pages for Land Use Code 157 — High-Cube Cold Storage Warehouse. All surveyed sites are in California, making the rates directly applicable.

Furthermore, ITE published the High-Cube Warehouse Vehicle Trip Generation Analysis in October 2016, which includes surveys from 9 High-Cube Cold Storage Warehouses within the Inland Empire. The rates from that study are consistent with the ITE Manual, 11th Edition (2.115 daily, 0.103 AM peak hour, and 0.129 PM peak hour per 1,000 sq ft GFA). This additional data validates the rates used in the RMND.

The commenter provides no alternative trip generation data or counts from comparable facilities.

COMMENT A-25 — *Marshall: Truck VMT and Emissions Underestimated (Exhibit B, pp. 70–71)*

RESPONSE TO COMMENT A-25

Mr. Marshall argues the 40-mile truck trip assumption is too low and recommends a 115-mile one-way trip length.

Please refer to Responses to Comments A-7 and A-16. The 40-mile average is based on SCAQMD WAIRE guidance, exceeds the CalEEMod default by more than four times, and represents a weighted average of all truck trips. The recommendation to use 115 miles assumes all trucks travel to or from the ports, which is unsupported by evidence.

COMMENT A-26 — *Marshall: Project Fails VMT Screening / SBTAM Issues (Exhibit B, pp. 72–77)*

RESPONSE TO COMMENT A-26

Mr. Marshall argues the Project fails VMT screening, questions the SBTAM model version, and calculates that using CalEEMod average trip lengths would exceed VMT thresholds.

Please refer to Response to Comment A-12. The RMND acknowledges the Project site is not in a low-VMT area per the screening tool, which is why a detailed SBTAM analysis was conducted. The SBTAM version used was obtained from SBCTA in June 2022, with a base year of 2016, developed using the SCAG Subregional Model Development Tool. The Town's VMT thresholds were developed using this same model version.

Regarding the commenter's observation about different SCAG model commute trip lengths (CHTS 12.5 miles vs. LEHD 20.6 miles), these differences are for the entire six-county SCAG region and may not apply to San Bernardino County specifically. SBTAM is further disaggregated for San Bernardino County using local data maintained by SBCTA.

The commenter's substitution of CalEEMod trip lengths into SBTAM results is methodologically inappropriate, as these are distinct analytical tools with different purposes and inputs.

COMMENT A-27 — *Marshall: CalEEMod Underestimates Operating Emissions (Exhibit B, p. 77)*

RESPONSE TO COMMENT A-27

Mr. Marshall concludes that the CalEEMod analysis significantly underestimates truck trip lengths, VMT, and emissions.

Please refer to Responses to Comments A-7, A-12, and A-13. The CalEEMod analysis uses trip length assumptions consistent with SCAQMD WAIRE guidance and CalEEMod TAZ-specific defaults. All criteria pollutant emissions are below MDAQMD significance thresholds with substantial margins (RMND, Appendix A, Table C). The commenter provides no alternative CalEEMod analysis, alternative modeling results, or quantitative evidence demonstrating the Project's emissions would exceed applicable thresholds. No further response is required.

LETTER B

TOWN RESPONSES TO LETTER B- Advocates for the Environment

COMMENT B-1 — *February 18, 2026*

Advocates for the Environment (Dean Wallraff, Attorney at Law, Executive Director) submits comments regarding the proposed GTS Cold Storage Project. The commenter states that the organization is a non-profit public-interest law firm and identifies the Project as a 385,004 square-foot cold storage facility on an 18.7-acre site at the northwest corner of Navajo Road and Lafayette Street in the Town of Apple Valley. The commenter states it has reviewed the Mitigated Negative Declaration released in January 2026 and submits comments regarding the sufficiency of the MND's Greenhouse Gas (GHG) analysis under CEQA.

RESPONSE TO COMMENT B-1

This is an introductory comment that describes the commenter's organization and the nature of the comments to follow. The comment does not raise a specific issue regarding the adequacy of the Recirculated IS/MND. No further response is required.

COMMENT B-2 — *The Town Should Require the Project to be Net-Zero*

The commenter argues that a net-zero significance threshold is feasible and supportable given the current regulatory context. The commenter cites the IPCC Sixth Assessment Report stating that building-related GHG emissions accounted for 21% of global emissions in 2019. The commenter contends it is more affordable to construct new buildings as net-zero than to retrofit older buildings, and references California's state policy requiring net-zero by 2045. The commenter further states that Newhall Ranch (FivePoint Valencia) and Centennial (Tejon Ranch) moved forward as net-zero communities after CEQA litigation, suggesting the Project applicant should do the same.

RESPONSE TO COMMENT B-2

The commenter's position regarding a net-zero threshold was addressed in the Town's prior Response to Comments B-2 and B-3 on the Draft MND (October 2023). The substance of the response remains applicable and is supplemented here with information from the Recirculated IS/MND.

The commenter appears to reference the California Air Resources Board (CARB) 2022 Scoping Plan for Achieving Carbon Neutrality, which lays out a path to achieve carbon neutrality and reduce anthropogenic greenhouse gas emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill (AB) 1279. The commenter has not provided project-specific data to support the assertion that the Project cannot be built in compliance with the 2022 Scoping Plan. Appendix D of the 2022 Scoping Plan provides a framework for local jurisdictions to determine consistency with the Plan.

As discussed in Section 4.8, Greenhouse Gas Emissions, of the Recirculated IS/MND, the Project implements several features that contribute to meeting the goals of AB 1279, including but not limited to: providing EV charging infrastructure; location on an infill site surrounded by

existing urban uses that are presently served by existing utilities and essential public services (e.g., streets, water, sewer); and the Project does not result in the loss or conversion of natural and working lands.

With respect to the Newhall Ranch and Centennial projects cited by the commenter, the 2022 CARB Scoping Plan itself notes that these projects “do not necessarily represent the type of development that California most needs to simultaneously tackle the housing and climate crises.” Furthermore, the Scoping Plan cautions against the use of net-zero targets, specifically noting on Appendix D, page 18, that jurisdictions should “avoid creating targets that are impossible to meet as a basis to determine significance” and that “a net-zero target may imply that the GHG emissions of any project that are not reduced or offset to zero would be considered potentially significant. This may lead to undue burdens and frustrate project approval processes.” Local governments retain discretion to adopt targets supported by substantial evidence (Cal. Code Regs., tit. 14, § 15183.5).

GHG impacts from the Project will be less than significant. The comment does not raise any concerns with the adequacy of the Recirculated IS/MND, and no revisions are required.

COMMENT B-3 — *Net-Zero as GHG Significance Threshold*

The commenter urges the Town to adopt net-zero as the GHG significance threshold for this Project, citing the CARB 2017 Scoping Plan (p. 101), the CARB 2022 Scoping Plan (p. 184), and Appendix D to the 2022 Scoping Plan (pp. 24–26). The commenter states that moving the Project forward as net-zero would protect the Town and the Applicant from CEQA GHG litigation.

RESPONSE TO COMMENT B-3

The commenter reiterates the position that the Project should adopt a net-zero threshold. See Response to Comment B-2 above. Neither CEQA nor any applicable regulation requires adoption of a net-zero threshold. The Town has exercised its discretion under CEQA Guidelines §15064.4 and §15064.7(c) to determine the appropriate methodology for evaluating GHG significance, which is based on consistency with the Town's CEQA-qualified Climate Action Plan (CAP). The comment does not raise any concerns with the adequacy of the Recirculated IS/MND, and no revisions are required.

COMMENT B-4 — *CEQA GHG Significance Analysis-MDAQMD Threshold*

The commenter states that the MND derived its GHG significance thresholds from CEQA Appendix G Guidelines Thresholds and used CalEEMod to quantify emissions at 5,851.9 MTCO_{2e} per year. The commenter challenges the Town's use of the MDAQMD threshold of 100,000 short tons of CO_{2e} (roughly 90,718 MTCO_{2e}), arguing this threshold is not supported by substantial evidence. The commenter argues that GHGs have global rather than regional impacts, and therefore location-based thresholds are inappropriate. The commenter references the SCAQMD 3,000 MTCO_{2e} threshold for commercial projects and the County of San Bernardino's 3,000 MTCO_{2e}/year screening level as alternatives. The commenter also

cites Appendix D of the CARB 2022 Scoping Plan, claiming the vast majority of California air district GHG significance criteria are inconsistent with the 2022 Scoping Plan. The commenter further argues that only approximately 4.49 hypothetical projects at the 100,000-ton threshold could consume the Town's entire 2030 CAP GHG budget.

RESPONSE TO COMMENT B-4

This comment was substantially addressed in the Town's prior Response to Comment B-5 on the Draft MND. The response is updated here to reflect the Recirculated IS/MND.

As an initial matter, the Project's GHG significance was not determined solely by comparison to the MDAQMD's 100,000 tons per year threshold. As detailed in Section 4.8, Greenhouse Gas Emissions, of the Recirculated IS/MND, the primary basis for the GHG significance determination was the Project's consistency with the Town of Apple Valley's CEQA-qualified Climate Action Plan (CAP). The MDAQMD threshold is referenced as an additional, more conservative point of comparison, but the CAP consistency analysis is the operative threshold.

The Town has not adopted a numeric significance threshold for GHG emissions. Consistent with CEQA Guidelines § 15064.4 and § 15064.7(c), the Town exercised its discretion as lead agency to evaluate GHG significance through consistency with the CAP, which was adopted through the CEQA review process and meets the criteria specified in CEQA Guidelines § 15183.5(b) for a "plan for the reduction of greenhouse gas emissions." Under CEQA, individual projects that comply with the strategies and actions within an adequate local CAP can streamline the project-specific GHG analysis (CEQA Guidelines §§ 15064.4(b)(3), 15183.5).

Additionally, the Project was evaluated under the County of San Bernardino GHG Screening Tables, which are part of the County's Greenhouse Gas Emissions Development Review Processes (DRP). As detailed in the Updated CalEEMod Analysis Memorandum (Appendix A), the Project achieved 247 points under the Screening Tables, which substantially exceeds the minimum 100 points needed for screening purposes. Projects that achieve at least 100 points are considered consistent with the reduction quantities anticipated in the DRP and would be determined to have a less than significant individual and cumulative impact on GHG emissions per the State CEQA Guidelines.

The commenter's assertion that the MDAQMD threshold is inappropriate does not provide substantial evidence to undermine the Town's chosen methodology. While GHG emissions have global effects, regional factors such as total emissions sources within a jurisdiction inform the appropriate threshold. The MDAQMD is the recognized authority for the region's air quality and pollutant emissions significance thresholds. Regardless, the significance of the Project's GHG emissions was determined primarily through the CAP consistency analysis, not the MDAQMD threshold.

Regarding the commenter's calculation that 4.49 projects could exhaust the Town's 2030 CAP budget, this argument incorrectly assumes all hypothetical future projects would each emit at the MDAQMD threshold level of 100,000 MTCO_{2e}. The Project's actual estimated

emissions of 5,851.9 MTCO₂e/year are a fraction of that threshold. The CAP's 2030 emissions forecast accounts for community-wide growth, including industrial projects.

COMMENT B-5 — *Consistency with Identified Applicable Plans*

The commenter argues that the MND only analyzed consistency with the Town's CAP as a single applicable plan for the reduction of GHG emissions, and that the analysis is deficient and misleading. The commenter further argues that the MND's analysis of CAP consistency is deeply flawed because it assumes the Project is the only project that will be built in the Town, does not account for other warehouse projects up for approval, and that the CAP's 2030 emissions forecast of 410,922 MTCO₂e with a target of 449,347 MTCO₂e leaves a margin of only 38,425 MTCO₂e. The commenter also argues the Project conflicts with the CAP because it would represent 1.4% of the Town's 2030 emissions forecast, consuming a disproportionate share of the industrial and commercial sector allocations. The commenter notes that the MND only reviewed 11 of 27 suggested new development measures in the CAP.

RESPONSE TO COMMENT B-5

This comment was substantially addressed in the Town's prior Responses to Comments B-6 and B-7 on the Draft MND. The response is updated here to reflect the Recirculated IS/MND.

The Town of Apple Valley Climate Action Plan is a "CEQA-Qualified CAP" that meets the criteria specified in CEQA Guidelines § 15183.5(b) for a "plan for the reduction of greenhouse gas emissions." Under CEQA, individual projects that comply with the strategies and actions within an adequate local CAP can streamline the project-specific GHG analysis (CEQA Guidelines §§ 15064.4(b)(3), 15183.5). Because the Project is consistent with the Town's CAP, it is found to be consistent with the Scoping Plan and by extension all other State GHG emissions goals, and no further analysis of individual state plans is required.

Regarding the CAP consistency analysis, as shown in Table 4.8-3 of the Recirculated IS/MND (p. 88), the Project's annual operational emissions of 5,827 MTCO₂e, when added to the CAP's 2030 forecast of 410,922 MTCO₂e, result in total emissions of 416,749 MTCO₂e, or 4.93 MTCO₂e per capita based on a population of 84,535. Both the total and per capita emissions are below the CAP's 2030 target of 449,347 MTCO₂e (5.32 MTCO₂e per capita). The Town-wide emissions in 2030, including the Project, would therefore meet the CAP greenhouse gas emissions reduction target.

The commenter's concern that the CAP analysis does not account for other future projects is addressed by the nature of the CAP itself. The CAP's 2030 emissions forecast accounts for community-wide emissions, including projected growth from industrial projects. As noted in the Recirculated IS/MND, it is therefore likely that the Project's estimated annual emissions would already be covered by the 2030 emissions forecast. The conservative analysis in Table 4.8-3 adds the Project's emissions on top of the forecast to demonstrate that even under this worst-case assumption, the CAP target is still met. Furthermore, all future projects in the Town will also be required to demonstrate CAP consistency, providing an ongoing mechanism to ensure cumulative emissions remain within the CAP's targets.

Additionally, the Project was evaluated under the County of San Bernardino GHG Screening Tables and achieved 247 points, substantially exceeding the minimum 100 points required. This provides an independent confirmation that the Project's GHG emissions are less than significant on both an individual and cumulative basis.

Regarding the new development measures, the Recirculated IS/MND evaluates the Project's consistency with the CAP's New Development Measures applicable to the Project in Table 4.8-4. The CAP measures are divided into Town Municipal Operational Measures, Community Operational Measures, and New Development Measures. Because the Project is a "New Development," it is measured against the New Development Measures applicable to the Project. Not all 27 measures are applicable to every project type; the analysis appropriately evaluates those measures relevant to the Project.

COMMENT B-6 — *Failure to Analyze Other Applicable Plans (EO B-55-18, 2022 and 2017 Scoping Plans)*

The commenter argues the MND did not analyze other applicable plans for the reduction of GHG emissions, specifically Executive Order B-55-18, the 2022 CARB Scoping Plan, and the 2017 CARB Scoping Plan. The commenter argues: (1) EO B-55-18 requires carbon neutrality by 2045, and the Project is inconsistent because it does not prohibit the use of gasoline and diesel in its operations; (2) the 2022 Scoping Plan sets a goal for 50% of industrial energy demand to be electrified by 2045; and (3) the 2017 Scoping Plan sets per capita GHG targets of 6 MTCO_{2e} by 2030 and 2 MTCO_{2e} by 2050, while the Project's per-service population emissions would be approximately 20 MTCO_{2e}/capita (5,851.9 MTCO_{2e} ÷ 296 employees).

RESPONSE TO COMMENT B-6

This comment was substantially addressed in the Town's prior Response to Comment B-6 on the Draft MND. The response is updated here to reflect the Recirculated IS/MND and the updated CalEEMod analysis.

As stated in Response to Comment B-5, the Town's Climate Action Plan is a CEQA-Qualified CAP meeting the criteria of CEQA Guidelines §15183.5(b). Because the Project is consistent with the Town's CAP, it is found to be consistent with the Scoping Plan and by extension all other State GHG emissions goals.

The Town's analysis fully complies with the California Supreme Court's decision in *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497. There, the Court upheld an EIR that did not explicitly analyze a regional transportation plan's consistency with post-2020 goals, finding that the EIR included substantial discussion explaining why it selected certain thresholds and why it did not select targets set forth in the Governor's Executive Orders as CEQA thresholds. The Court held that the EIR did not obscure the existence or the contextual significance of those Executive Order targets.

Regarding Executive Order B-55-18, it is important to note that Executive Orders are not "applicable plans, policies, or regulations" within the meaning of CEQA Guidelines Appendix

G. Executive Orders direct state agencies to take certain actions but do not impose requirements on individual development projects or local jurisdictions. The 2045 carbon neutrality goal is a statewide objective that will be achieved through a combination of state-level regulatory programs, technology transitions, and market forces—not through individual project-level prohibitions on fossil fuel use.

The commenter's per-service-population calculation of approximately 20 MTCO₂e per employee is methodologically flawed. The 2017 Scoping Plan's per capita targets (6 MTCO₂e by 2030 and 2 MTCO₂e by 2050) are statewide per-resident targets that account for all sources of emissions divided by the state's total population. These targets cannot properly be applied to a single commercial/industrial project by dividing project emissions by project employees. As described in the Recirculated IS/MND (Table 4.8-3), adding the Project's 5,827 MTCO₂e/year to the CAP's 2030 forecast of 410,922 MTCO₂e/year and dividing by the projected Town population of 84,535 results in 4.93 MTCO₂e per capita, which is well below the CAP's target of 5.32 MTCO₂e/capita. This is the appropriate methodology for evaluating per capita GHG consistency at the community level.

Regarding the 2022 Scoping Plan's goal for 50% industrial energy electrification by 2045, this is a statewide goal to be achieved through regulatory programs administered by CARB and other state agencies over a 20-year timeframe. It is not a project-level requirement. The Project does not preclude future electrification of its operations as state programs are implemented over the Project's lifespan. Additionally, the Recirculated IS/MND notes that the Project incorporates EV charging infrastructure and complies with current Title 24 Building Energy Efficiency Standards, which progressively increase energy efficiency requirements.

COMMENT B-7 — *The Town Should Have Drafted an EIR and Mitigated to the Fair Share Level*

The commenter argues that no mitigation measures were considered for GHGs due to the determination of less-than-significant impact, and that the Town should have found significant impact for GHG emissions, prepared an EIR, and mitigated to the extent required by CEQA.

RESPONSE TO COMMENT B-7

Please refer to Responses to Comments B-2 through B-6 above. As demonstrated in Section 4.8, Greenhouse Gas Emissions, of the Recirculated IS/MND, the Project's GHG impacts are less than significant under both significance thresholds: (1) the Project's total annualized GHG emissions of 5,851.9 MTCO₂e/year are well below the MDAQMD annual significance threshold of 100,000 MTCO₂e/year; and (2) the Project is consistent with the Town's CEQA-qualified Climate Action Plan, with Town-wide per capita emissions of 4.93 MTCO₂e when including the Project, which is below the CAP target of 5.32 MTCO₂e per capita. Additionally, the Project achieved 247 points under the County of San Bernardino GHG Screening Tables, substantially exceeding the minimum 100 points. Because GHG impacts are less than significant, an EIR is not required and no GHG mitigation measures are necessary under CEQA.

The commenter provides no new substantial evidence of significant GHG impacts that would warrant preparation of an EIR. The commenter's disagreement with the Town's chosen significance thresholds and methodology does not constitute substantial evidence of a significant impact.

COMMENT B-8 — *Feasible Mitigation*

The commenter proposes several feasible mitigation measures including: rooftop solar panels; sponsorship of local renewable energy programs; requiring emergency generators or fire pumps to be powered by clean energy; entering into agreements with future tenants to enroll in the EPA's SmartWay program for trucking carriers; requiring use of electric equipment and vehicles to the extent possible, including requiring heavy-duty drayage trucks to be electric; strictly prohibiting idling on the premises; and incorporating truck charging stations proportionate to the number of loading dock stations.

RESPONSE TO COMMENT B-8

Please refer to Responses to Comments B-2 through B-7 above. As discussed in the Recirculated IS/MND, the Project's GHG impacts are less than significant, and therefore mitigation is not required under CEQA.

Notwithstanding the above, the Recirculated IS/MND demonstrates that the Project already incorporates a number of design features and measures that contribute to GHG reduction, as evaluated in Table 4.8-4 of the IS/MND. These include compliance with Title 24 Building Energy Efficiency Standards, provision of EV charging infrastructure, installation of sidewalks and pedestrian connections, water-efficient landscaping, and other features reflected in the Project's achievement of 247 points under the County of San Bernardino GHG Screening Tables. Additionally, the Updated CalEEMod Analysis Memorandum (Appendix A) reflects the assumption that 20 of the Project's 153 four-or-more-axle trucks would be zero-emission vehicles, consistent with regulatory trends under CARB's Advanced Clean Fleets regulation. The diesel fire pump (324 hp) operates only during emergencies, with routine testing of 1 hour per month as required by NFPA 25 and local fire code requirements, resulting in negligible emissions.

Because GHG impacts are less than significant, the suggested mitigation measures are not required. The comment does not provide substantial evidence that the Project's GHG emissions would be significant.

COMMENT B-9 — *Conclusion*

The commenter concludes that the Town should not have prepared an MND, but rather should have concluded there was a likelihood of significant GHG impact requiring an EIR. The commenter states the 100,000 ton CO₂e threshold was not adopted as a valid threshold under any jurisdiction, the Project was not consistent with applicable plans, and therefore an MND was not appropriate. The commenter requests to be placed on the list of interested parties to receive updates about the Project.

RESPONSE TO COMMENT B-9

As described in Responses to Comments B-1 through B-8 above, the Recirculated IS/MND has thoroughly and comprehensively disclosed, analyzed, and evaluated the Project's GHG impacts. The Project's GHG emissions are less than significant under multiple analytical frameworks: (1) comparison to the MDAQMD annual significance threshold; (2) consistency with the Town's CEQA-qualified Climate Action Plan; and (3) achievement of 247 points under the County of San Bernardino GHG Screening Tables (exceeding the 100-point minimum). The Updated CalEEMod Analysis Memorandum (Appendix A, May 2025) provides a comprehensive and updated emissions analysis reflecting the reduced project size of 354,260 square feet and current modeling parameters.

The commenter provides no new information, no substantial evidence of additional impacts, and no changes in conditions that would require additional review or recirculation of the Recirculated IS/MND. The commenter's disagreement with the Town's chosen analytical methodology does not constitute substantial evidence of a significant environmental impact.

Advocates for the Environment has been placed on the list of interested parties to receive updates regarding the Project, as requested.

LETTER C

TOWN OF APPLE VALLEY RESPONSES TO LETTER C- GSEJA (Blum, Collins & Ho LLP)

The following responses address comments submitted by Golden State Environmental Justice Alliance (GSEJA), through their attorneys Blum, Collins & Ho LLP, in a letter dated February 23, 2026, signed by Vashon Simien. The letter includes comments from the attorneys (Comments C-1 through C-12) and two attached expert reports: Attachment 1 by SWAPE (Matt Hagemann, P.G., C.Hg. and Paul Rosenfeld, Ph.D.) (Comments C-13 through C-20), and Attachment 2 by Dr. Shawn Smallwood, Ph.D. (Comments C-21 through C-28). The Town has identified and responds to each discrete comment below.

Attorney Comments (Simien, pp. 1–17)

COMMENT C-1 — *Introduction / Summary / Request for Notice (pp. 1–2)*

RESPONSE TO COMMENT C-1

These comments are introductory and reiterate the project description contained in the RMND. The commenter describes the Project as two industrial buildings totaling 354,260 square feet on an approximately 18.7-acre site, functioning as a single cold storage and distribution facility. The commenter requests that GSEJA be added to the public interest list for subsequent environmental documents, public notices, public hearings, and notices of determination. The Town acknowledges this request and will add GSEJA to the notification list. The specific technical comments raised in the remainder of the letter are addressed individually in Responses to Comments C-2 through C-28.

COMMENT C-2 — *Noncompliance with Public Resources Code Section 21082.1 / AB 819 (pp. 2–3)*

RESPONSE TO COMMENT C-2

The commenter asserts that the Recirculated MND was not submitted to the State Clearinghouse in compliance with Public Resources Code Section 21082.1(c)(4), as amended by AB 819, and that the Project cannot proceed until it is submitted for a 30-day review period.

The Town submitted the Recirculated SIS/MND to the State Clearinghouse via CEQAnet on January 6, 2026. The Notice of Intent to adopt the RMND was filed with the State Clearinghouse (SCH No. 2023080221) and circulated for a 30-day public review period from January 8, 2026 through February 23, 2026, consistent with Public Resources Code Section 21091(a) and CEQA Guidelines Section 15073(a). The RMND, all appendices (A through K), and the Notice of Intent are available on CEQAnet at <https://ceqanet.opr.ca.gov/2023080221>. The commenter's screenshot of the CEQAnet filing page does not demonstrate that the RMND was absent from the Clearinghouse—it shows the filing summary page, which lists documents by category. The full RMND was submitted and

available for public review. The Town has complied with all applicable CEQA noticing and filing requirements.

COMMENT C-3 — *Project Description: Site Coverage Exceeds 45% (pp. 3, 5–6)*

RESPONSE TO COMMENT C-3

The commenter asserts that the Project's site coverage is 45.9%, exceeding the 45% maximum permitted by Table III-2 of the North Apple Valley Industrial Specific Plan (NAVISP) for the I-SP land use designation.

The commenter's calculation is incorrect. As shown in RMND Table 3-1, the Project's site coverage is 45%, which is at or below the maximum permitted by the NAVISP development standards. The site coverage calculation accounts for the building footprint of 354,260 square feet on an 18.78-acre (818,017 square-foot) site, yielding a site coverage of approximately 43.3%. Even including associated structures (electrical and fire pump building), the total site coverage remains within the 45% maximum. The commenter does not identify what components were included in their 45.9% calculation, nor does the comment identify the specific mathematical basis for the discrepancy. The Project complies with NAVISP development standards, and no finding of significance is warranted on this basis.

COMMENT C-4 — *Project Description: Missing Plans and Earthwork Information (p. 3)*

RESPONSE TO COMMENT C-4

The commenter asserts the RMND lacks a floor plan, detailed site plan, detailed grading plan, and earthwork quantity information, and that Figure 3.4 has been edited to remove pertinent information.

The RMND includes a level of detail consistent with CEQA requirements for a Mitigated Negative Declaration. CEQA does not require construction-level floor plans, detailed grading plans, or earthwork quantity notes in an MND. The purpose of the environmental document is to evaluate potential environmental impacts, not to serve as a construction permit set. The RMND's project description (Chapter 3) and site plan (Figure 3.4) provide sufficient detail to evaluate the Project's environmental effects, including the building footprint, parking areas, access points, and landscaping. Construction-level plans, including grading plans and earthwork calculations, are reviewed during the building permit process by the Town's Engineering Department. This is standard practice and does not constitute improper deferral of environmental analysis, because the RMND's air quality analysis already includes construction-phase emissions that account for earthmoving activities based on the CalEEMod defaults for a project of this size (RMND, Appendix A).

COMMENT C-5 — *Air Quality, Energy, GHG: Environmental Justice and CalEnviroScreen (pp. 3–5)*

RESPONSE TO COMMENT C-5

The commenter argues the RMND does not include a meaningful analysis of environmental justice issues, citing CalEnviroScreen 4.0 data showing the Project's census tract (6071012101) ranks in the 80th percentile for ozone burden, 60th percentile for traffic burdens, 85th percentile for solid waste facility impacts, and 89th percentile for cardiovascular disease incidence. The commenter also describes the demographic composition and poverty rate of the census tract.

The Town acknowledges the environmental justice concerns raised by the commenter and the CalEnviroScreen data for the Project's census tract. However, CEQA does not currently require a standalone environmental justice analysis in a Mitigated Negative Declaration. The RMND evaluates the Project's air quality, health risk, greenhouse gas, and other environmental impacts using the established CEQA significance thresholds adopted by MDAQMD. As demonstrated in the RMND, the Project's criteria pollutant emissions are below all MDAQMD significance thresholds (RMND, Appendix A, Table C), and the screening-level HRA demonstrates that cancer risk and chronic hazard indices are below applicable thresholds (RMND, pp. 40–41). These thresholds are designed to protect public health, including in communities with existing pollution burdens. The CalEnviroScreen data describes existing conditions in the census tract but does not constitute evidence that the Project's incremental contribution to air quality or health risk would result in a significant impact. The commenter does not provide any analysis demonstrating that the Project's emissions, when combined with existing conditions, would exceed any applicable significance threshold.

COMMENT C-6 — *Energy: CalEEMod Is Not Approved Title 24 Compliance Software (pp. 4–6)*

RESPONSE TO COMMENT C-6

The commenter argues that CalEEMod is not listed as approved software for compliance with the 2025 Building Energy Efficiency Standards (Title 24, Part 6), and that the RMND must demonstrate Title 24 compliance using CBECC-Com or EnergyPro.

The commenter conflates two distinct analyses. CalEEMod is a CEQA emissions estimation tool developed by the California Air Pollution Control Officers Association (CAPCOA) for the purpose of quantifying a project's air quality, greenhouse gas, and energy-related impacts under CEQA. It is not, and was never intended to be, a Title 24 building energy compliance tool. Title 24 compliance is a building permit requirement administered by the California Energy Commission through approved compliance software (currently CBECC-Com and EnergyPro). Title 24 compliance is verified during the building permit process, not during CEQA review. The RMND's CEQA energy analysis appropriately uses CalEEMod to estimate construction and operational energy consumption and to evaluate whether the Project would result in wasteful, inefficient, or unnecessary consumption of energy resources (CEQA Guidelines, Appendix G, Section VI). The RMND also evaluates the Project's consistency with

applicable energy plans, including Title 24, and concludes that the Project will be required to comply with all applicable building energy efficiency standards at the time of permit issuance. This approach is consistent with standard CEQA practice throughout California. An EIR is not required because the commenter has not identified a potentially significant energy impact—only a procedural argument about which software should be used for a building permit analysis that occurs at a later stage.

COMMENT C-7 — *Land Use: Consistency with Climate Action Plan, General Plan, and SCAG Policies (pp. 6–8)*

RESPONSE TO COMMENT C-7

The commenter argues the RMND does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, and lists specific measures from the Town's Climate Action Plan, General Plan Circulation Element, and SCAG's 2020–2045 Connect SoCal RTP/SCS.

The RMND evaluates the Project's consistency with applicable land use plans, policies, and regulations as required by CEQA Guidelines Appendix G, Section XI. The RMND's Land Use analysis (Section 4.11) and GHG analysis (Section 4.8) address the Project's consistency with the Town's General Plan, the NAVISP, and the Climate Action Plan (CAP). Regarding the specific CAP measures cited by the commenter: ND-6 (employee housing within one mile) is a community-wide program measure, not a project-specific requirement; ND-7 (preserve trees) is addressed through the Project's compliance with the Western Joshua Tree Conservation Act and the RMND's biological resources analysis; ND-10 (bus stop installation) would require coordination with Victor Valley Transit Authority and is not a project-specific CEQA mitigation obligation; and ND-14 (passive solar design) is addressed through the Project's compliance with Title 24 energy efficiency standards and the 75% solar PV requirement.

Regarding the SCAG policies, the broad regional policies cited by the commenter (Policies 34, 45–53, 64–66) are aspirational regional planning goals, not project-level requirements with which individual developments must demonstrate consistency on a policy-by-policy basis. The RMND's VMT analysis (Section 4.17 and Appendix K) demonstrates the Project generates VMT below the applicable threshold, which is the primary metric by which SCAG's transportation and sustainability goals are implemented at the project level. The commenter does not demonstrate that the Project would conflict with any specific enforceable plan or regulation in a manner that would result in a significant environmental impact.

COMMENT C-8 — *Land Use: LOS Analysis Required (pp. 6, 11–12)*

RESPONSE TO COMMENT C-8

The commenter argues the RMND must include a Level of Service (LOS) analysis to demonstrate compliance with General Plan Circulation Element Program 1.A.4, which requires all intersections maintain LOS D.

Senate Bill 743 (2013) eliminated automobile delay and LOS as significance criteria under CEQA for projects within transit priority areas and, effective July 1, 2020, for all projects statewide (CEQA Guidelines Section 15064.3). Vehicle Miles Traveled (VMT) replaced LOS as the primary transportation metric for CEQA purposes. The RMND's transportation analysis (Section 4.17 and Appendix K) evaluates the Project's VMT per service population and concludes that impacts are less than significant. While General Plan Circulation Element Program 1.A.4 remains a local planning policy, CEQA does not require a LOS analysis to determine the significance of a project's transportation impacts. Compliance with the General Plan's LOS policy is a planning and development review matter addressed during the site plan review and conditions of approval process, not a CEQA significance determination. The commenter does not provide any evidence that the Project would generate traffic volumes sufficient to degrade any intersection below LOS D.

COMMENT C-9 — *Land Use: NAVISP Buildout and General Plan Buildout Analysis (pp. 8–10)*

RESPONSE TO COMMENT C-9

The commenter argues the RMND does not analyze the Project in relation to the buildout conditions of the NAVISP and General Plan, and asserts that the NAVISP buildout was based on 22% building coverage, whereas the Project proposes approximately 45%. The commenter also lists several other recent industrial projects and calculates that they cumulatively account for 48.5% of the General Plan buildout capacity for the Industrial Specific Plan designation.

The RMND tiers from the 2009 General Plan EIR and the NAVISP EIR (SCH #2006031112), both of which analyzed cumulative buildout of the NAVISP area and the Town's General Plan land use designations. Under CEQA's tiering provisions (CEQA Guidelines Section 15168), a subsequent project that is consistent with the land use designation and zoning analyzed in a program EIR need not reanalyze the overall buildout scenario unless there is substantial evidence that the project would result in new or substantially more severe impacts than those previously identified. The Project is consistent with the I-SP land use designation in the NAVISP, which permits warehouse and cold storage uses.

The commenter's observation that individual projects have been developed at higher building coverage ratios than the 22% assumed in the NAVISP buildout analysis does not, standing alone, demonstrate a significant environmental impact. Building coverage is a development standard, not a CEQA significance threshold. The NAVISP's buildout assumptions were used for cumulative impact analysis in the program EIR; they do not establish a cap on the total square footage that may be constructed. The relevant question under CEQA is whether the Project's specific environmental impacts have been adequately analyzed, not whether the Project's building coverage exceeds a planning assumption used in a 2006 EIR.

Furthermore, the commenter's cumulative buildout calculation aggregates square footages from projects across different stages of planning and development without accounting for

projects that may not proceed, phasing, or the distinction between gross building area and net new development. Each project listed by the commenter has undergone or is undergoing its own CEQA review. The RMND's environmental analysis, including air quality, GHG, VMT, and biological resources, evaluates the Project's incremental contribution to cumulative impacts using applicable CEQA methodologies and significance thresholds.

COMMENT C-10 — *Population and Housing: Employment Growth and SCAG Forecasts (pp. 10–11)*

RESPONSE TO COMMENT C-10

The commenter argues that the RMND does not provide a quantified analysis of construction and operational employment, and asserts that the Project's 308 employees represent 5.3% of Apple Valley's SCAG employment growth forecast from 2019 to 2035. The commenter further calculates that several recent industrial projects would cumulatively generate 12,726 employees, or 219% of the 2019–2035 forecast.

CEQA Guidelines Appendix G, Section XIV asks whether a project would induce substantial unplanned population growth, either directly or indirectly. The Project is located within the NAVISP, an area specifically planned for industrial development. Employment generated by the Project is consistent with the planned land use. The Project does not propose residential uses and therefore does not directly induce population growth. The commenter's comparison of cumulative employment to SCAG growth forecasts conflates employment generation with population growth. SCAG's employment forecasts are projections, not caps, and exceedance of a forecast does not, by itself, constitute a significant environmental impact under CEQA. The relevant question is whether the employment growth would induce substantial unplanned population growth requiring new housing in an area not planned for residential development.

The RMND appropriately concludes that the Project would not induce substantial unplanned population growth. The Project is consistent with the NAVISP, is served by existing infrastructure, and is located in an area planned for employment-generating uses. The commenter's assertion that the Town's available workforce may not be qualified for or interested in industrial employment is speculative and does not constitute substantial evidence of a significant impact. Workers may commute from throughout the region, as is typical for industrial employment centers in the High Desert and Inland Empire. The Project's VMT analysis already accounts for employee commute patterns using the SBTAM model.

COMMENT C-11 — *Transportation: VMT Methodology and Disclosure (pp. 11–13)*

RESPONSE TO COMMENT C-11

The commenter argues that the VMT analysis methodology, including the updated TAZ, SBTAM modeling inputs/outputs, and origin-destination matrices, are not included for public review, and that this fails to comply with CEQA's informational disclosure requirements. The

commenter also argues that Appendix E (now Appendix K) erroneously states the Project is exempt from VMT modeling.

Please refer to Response to Comment A-12 (Letter A). The RMND's VMT analysis was conducted using the San Bernardino Transportation Analysis Model (SBTAM), the standard travel demand model for San Bernardino County maintained by SBCTA. The VMT analysis methodology, assumptions, and results are described in Section 4.17 and Appendix K of the RMND. The model version was obtained from SBCTA in June 2022, with a base year of 2016. The results demonstrate that the Project's VMT per service population of 31.3 (base year) and 33.1 (cumulative) are below the applicable significance threshold.

Regarding public availability of the model files, SBTAM is a proprietary regional model maintained by SBCTA, and its raw input/output files are not customarily included in CEQA documents. The RMND describes the methodology in sufficient detail, including the TAZ adjustment process and the origin-destination matrix approach, for the analysis to be evaluated by the public and decision-makers. This level of disclosure is consistent with standard CEQA practice for VMT analyses throughout San Bernardino County.

The commenter's observation regarding Appendix K's reference to VMT screening is noted. Appendix K discusses both the screening analysis (which the Project does not pass, as the site is not in a low-VMT area) and the detailed SBTAM analysis that was subsequently conducted. The RMND relies on the detailed SBTAM analysis for its less-than-significant determination, not on the screening tool.

COMMENT C-11b — *Transportation: Truck/Delivery Van VMT Not Included (pp. 12–13)*

RESPONSE TO COMMENT C-11b

The commenter argues the RMND underreports VMT by excluding truck, trailer, and delivery van VMT generated by operational activities, and that it is misleading to exclude this activity from VMT analysis.

Please refer to Responses to Comments A-7 and A-25 (Letter A). The RMND's VMT analysis evaluates the Project using SBTAM, which is a travel demand model that accounts for all vehicle trip types associated with the Project, including employee trips and truck trips. The CalEEMod analysis separately accounts for heavy-duty truck VMT using the 40-mile average trip length based on SCAQMD WAIRE guidance. The commenter's assertion that employees will drive delivery vans as part of daily operations is speculative—the Project is a cold storage warehouse, not a last-mile delivery facility. Cold storage warehouses typically receive and ship goods via heavy-duty trucks, not employee-driven delivery vans. The commenter provides no evidence regarding the Project's specific operational profile to support the assumption that employee-driven delivery van trips would materially increase VMT.

COMMENT C-12 — *Transportation: Geometric Design, Truck Turning, Emergency Access, and Sight Distance (pp. 13–15)*

RESPONSE TO COMMENT C-12

The commenter argues the RMND lacks analysis of truck turning radii at Project driveways, on-site truck maneuvering, emergency vehicle access, and sight distance at driveway intersections. The commenter also argues that the Town's Engineering, Fire, and Sheriff's Department reviews are not included for public review.

The RMND states that the Project's transportation design was reviewed by the Town's Engineering Department, Fire Department, and Sheriff's Department during preliminary review (RMND, p. 175). These departments reviewed the Project's site plan for compliance with applicable design standards, including access, circulation, and emergency vehicle access. This review process is standard for development projects and is a condition of project approval, not a deferral of CEQA analysis. The RMND's finding that the Project would not substantially increase hazards due to a geometric design feature or incompatible use is based on the Project's location in an industrial area, consistency with the NAVISP, and the preliminary review by Town departments.

Detailed truck turning exhibits, sight distance analyses per AASHTO standards, and emergency access plans are construction-level engineering documents that are reviewed and approved during the building permit and site plan review process. CEQA does not require construction-level engineering plans in an MND. The commenter does not provide evidence that the Project's access or circulation design would result in a significant transportation safety impact. The Project proposes standard industrial site access from Navajo Road and Lafayette Street, consistent with the NAVISP's planned circulation network.

COMMENT C-12b — *Mandatory Findings of Significance: Cumulative Buildout and Employment (pp. 15–17)*

RESPONSE TO COMMENT C-12b

The commenter reiterates the buildout and employment generation arguments from Comments C-9 and C-10 in the context of mandatory findings of significance under CEQA Guidelines Section 15065.

Please refer to Responses to Comments C-9 and C-10. The RMND evaluates the Project's cumulative impacts in each resource area using applicable CEQA methodologies. The RMND tiers from the 2009 General Plan EIR and the NAVISP EIR, both of which addressed cumulative buildout. The commenter's recitation of cumulative square footages and employment figures from other projects does not constitute substantial evidence that this Project's incremental contribution to any environmental impact is cumulatively considerable. Each impact area in the RMND includes a cumulative analysis, and the Project's contributions are below applicable significance thresholds. No further response is required.

SWAPE Technical Analysis (Hagemann / Rosenfeld)

COMMENT C-13 — *SWAPE: Unsubstantiated Construction Phase Lengths (SWAPE pp. 2–3)*

RESPONSE TO COMMENT C-13

SWAPE argues that changes to the default CalEEMod construction phase lengths are not adequately justified, and that the model should have proportionately altered all phase lengths to match the 11-month construction duration.

The CalEEMod construction schedule was adjusted to reflect the Project applicant's proposed construction timeline of July 2026 through June 2027, as described in the RMND (p. 13, 68, Table 4.6-1). The justification provided in the CalEEMod output files states that default phase durations were used, except that architectural coatings were assumed to be applied during the building construction phase—a common and reasonable assumption for industrial projects where coating occurs concurrently with construction rather than as a separate phase. The overall construction duration of 11 months is substantiated by the Project applicant's construction schedule.

SWAPE's suggestion that all phases should be proportionately shortened would not necessarily produce more accurate results, as different construction phases have different equipment and labor requirements that do not scale linearly. The CalEEMod User's Guide permits modification of defaults when supported by project-specific information, and the adjustments here are consistent with that guidance. The total construction duration and overall emissions are not materially affected by the internal distribution of phase lengths, as the RMND reports both daily maximum and annual total emissions.

COMMENT C-14 — *SWAPE: Unsubstantiated Zero-Emission Trucks and Fleet Mix (SWAPE pp. 3–5)*

RESPONSE TO COMMENT C-14

SWAPE argues that the assumption of 20 zero-emission 4+-axle trucks is unsupported because it is not included as a formal mitigation measure, and that changes to the default vehicle fleet mix are not adequately justified.

Please refer to Response to Comment A-8 (Letter A). The 20 zero-emission truck assumption reflects the requirements of CARB's Advanced Clean Fleets (ACF) regulation, which is a self-executing state regulation that mandates fleet transition to zero-emission vehicles on a phased schedule. The assumption is a reasonable modeling input based on regulatory requirements that will be in effect at the time of Project operation. As noted in the Response to Comment A-8, even if all 153 4+-axle trucks were assumed to be diesel-powered, the Project's operational criteria pollutant emissions would remain below MDAQMD significance thresholds, as demonstrated by the substantial margin in Table C of Appendix A. Notwithstanding, as noted in the Recommended Actions for Letter A, the Town will consider formalizing the zero-emission truck assumption as a condition of approval.

COMMENT C-15 — *SWAPE: Incorrect Application of Operational Mitigation Measures in CalEEMod (SWAPE pp. 5–6)*

RESPONSE TO COMMENT C-15

SWAPE argues that the CalEEMod model includes operational mitigation measures (solar power, water conservation, waste reduction, alternative refrigerants) that are not formally included in an MMRP, and therefore cannot be relied upon.

The operational measures included in the CalEEMod model reflect Project Design Features (PDFs) that are inherent components of the Project as proposed, including the on-site photovoltaic system that provides 75% of electricity requirements (required by the 2022 Energy Code, Section 140.10), the water conservation strategy (required by the California Green Building Standards Code), and the use of R-449A refrigerant (a Project design specification). These are not optional mitigation measures that may or may not be implemented—they are integral to the Project design and/or required by applicable codes and regulations. As such, their inclusion in the CalEEMod model is appropriate. The Project's GHG consistency analysis (RMND, Table 4.8-4) documents the Project's compliance with applicable Climate Action Plan reduction measures. The Town's conditions of approval will incorporate applicable PDFs to ensure enforcement.

COMMENT C-16 — *SWAPE: Construction HRA Not Prepared (SWAPE pp. 5–7)*

RESPONSE TO COMMENT C-16

SWAPE argues the RMND fails to prepare a quantified construction-phase Health Risk Assessment (HRA), is inconsistent with the California DOJ warehouse best practices, and fails to evaluate combined construction and operational cancer risk.

Please refer to Response to Comment A-17 (Letter A). Construction-phase HRAs are not typically required because construction emissions are temporary and the OEHHA exposure duration assumptions (30-year residential, 9-year school child) are not appropriate for a temporary construction period. The RMND's construction period is approximately 11 months, which represents a small fraction of the 30-year residential exposure period used in HRA calculations. MDAQMD does not require construction-phase HRAs for projects with construction durations under two years.

Notwithstanding, as noted in the Recommended Actions for Letter A (Comment A-17), the Town will supplement the RMND with documentation of the screening HRA calculations, including emission rates, screening dispersion factors, and resulting ground-level concentrations.

COMMENT C-17 — *SWAPE: Operational HRA Results Not Disclosed (SWAPE pp. 7–8)*

RESPONSE TO COMMENT C-17

SWAPE argues the RMND fails to disclose the HRA results, supporting documentation, exposure assumptions, dose and risk equations, and the numeric cancer risk value.

The RMND states that the estimated incremental cancer risk at the nearest sensitive receptor is well below the 10-in-one-million significance threshold (RMND, p. 40). While the RMND provides the conclusion, the Town acknowledges that additional documentation of the HRA methodology, assumptions, and calculations would enhance transparency. As noted in the Recommended Actions for Letter A (Comment A-17), the Town will supplement the RMND with an attachment documenting the screening HRA calculations, including emission rates, screening dispersion factors, exposure assumptions (including age sensitivity factors and fraction of time at home values), and the resulting ground-level concentrations and cancer risk values. This supplemental documentation will confirm the methodology is consistent with OEHHA guidance and that results are below all applicable MDAQMD thresholds.

COMMENT C-18 — *SWAPE: Screening-Level HRA Demonstrates Potentially Significant Health Risk (SWAPE pp. 8–11)*

RESPONSE TO COMMENT C-18

SWAPE conducted a screening-level HRA using AERSCREEN and concluded that the combined construction and operational lifetime cancer risk at the maximally exposed individual receptor (MEIR) is approximately 116 in one million, exceeding the MDAQMD threshold of 10 in one million. SWAPE identifies the MEIR at approximately 200 meters downwind.

SWAPE's AERSCREEN analysis contains several significant methodological issues that result in a substantial overestimation of health risk. First, SWAPE models the entire 18.7-acre project site as a single continuous area emission source, which assumes DPM is emitted uniformly across the entire property at all times. In reality, construction equipment and operational truck activity are concentrated in specific areas of the site (loading docks, drive aisles, parking areas), not distributed uniformly over the entire parcel. This assumption inflates the modeled concentration at downwind receptors.

Second, SWAPE uses a 24-hour continuous emission rate for both construction and operations, dividing total annual emissions by 365 days and 24 hours per day. This significantly overestimates actual exposure because construction activities occur only during permitted daytime hours (typically 10–12 hours per day) and truck activity does not occur continuously 24 hours per day. Using 24-hour averaging artificially smooths the emission rate but applies it continuously, which is inconsistent with actual operations.

Third, SWAPE applies OEHHA residential exposure parameters, including a 30-year exposure duration beginning during the third trimester of pregnancy, to a receptor location identified

as the Victor Valley Community College Regional Public Safety Facility. This is a training facility, not a residence, and the application of residential exposure factors to a non-residential receptor substantially overstates the exposure duration and resulting risk. OEHHA guidance provides separate, less conservative exposure parameters for worker receptors.

Fourth, SWAPE's identification of the MEIR at 200 meters is based on the AERSCREEN model's automated distance calculations, which identify the distance of maximum concentration for the modeled source geometry. However, the nearest residential receptors may be at different distances and in different directions than the AERSCREEN maximum. A refined HRA using actual receptor locations and site-specific meteorological data (rather than screening-level defaults) would provide a more accurate assessment.

Fifth, SWAPE acknowledges that their analysis is a screening-level HRA known to be conservative, and recommends a refined HRA if the screening exceeds thresholds. The purpose of a screening-level analysis is to determine whether further evaluation is warranted, not to establish a final significance determination. As noted in the Recommended Actions for Letter A, the Town will supplement the RMND with documented HRA calculations. If those calculations demonstrate that any threshold may be approached, a refined HRA will be prepared.

COMMENT C-19 — *SWAPE: GHG — CAP Consistency Measures Not Formally Mitigated (SWAPE pp. 11–14)*

RESPONSE TO COMMENT C-19

SWAPE argues that the Project's GHG reduction measures (solar power, water conservation, waste reduction, alternative refrigerants) are not formally included as mitigation measures and therefore cannot be relied upon for the CAP consistency determination.

Please refer to Response to Comment C-15. The measures identified in the RMND's Table 4.8-4 are Project Design Features and/or regulatory requirements, not optional measures subject to elimination. The on-site photovoltaic system is required by the 2022 Energy Code. Water conservation is required by the California Green Building Standards Code. The R-449A refrigerant is a Project design specification. These measures are inherent to the Project as proposed and will be incorporated into the Town's conditions of approval. Please also refer to Response to Comment A-13 (Letter A) regarding additional GHG mitigation actions, including the installation of zero-emission truck charging infrastructure.

COMMENT C-20 — *SWAPE: Feasible Mitigation Measures (SWAPE pp. 14–16)*

RESPONSE TO COMMENT C-20

SWAPE provides a list of feasible mitigation measures from CARB and the California DOJ warehouse best practices, including Tier 4 construction equipment, zero-emission trucks, TRU electrical hookups, and vegetative barriers.

Several of the measures identified by SWAPE are already incorporated into the Project design or required by existing regulations. Specifically, the Project includes electrical hookups at all loading dock positions for TRU plug-in capability. The CARB Advanced Clean Fleets regulation independently requires fleet transition to zero-emission vehicles. The CARB In-Use Off-Road Diesel-Fueled Fleets Regulation independently requires Tier 4 equipment. Regarding the remaining measures, please refer to Response to Comment A-13 (Letter A), which addresses GHG mitigation measures. As noted in the Recommended Actions for Letter A, the Town will require installation of zero-emission truck charging infrastructure proportional to the number of dock doors as a condition of approval. The commenter's proposed measures that would regulate third-party truck operator behavior (e.g., requiring all trucks entering the site to be zero-emission) are beyond the Project applicant's control and therefore infeasible as project-level mitigation.

Shawn Smallwood, Ph.D. Analysis (Attachment 2)

COMMENT C-21 — *Smallwood: Introduction / Qualifications / Habitat Framework (Smallwood pp. 1–2)*

RESPONSE TO COMMENT C-21

Dr. Smallwood provides introductory remarks, states his qualifications, and discusses the CEQA policy framework for evaluating impacts to biological resources, including both special-status species and wildlife habitat generally. Dr. Smallwood emphasizes that CEQA requires evaluation of impacts to all wildlife species, not only special-status species.

Dr. Smallwood's qualifications are noted. The Town acknowledges that CEQA policy includes the protection of fish and wildlife populations and plant and animal communities (Public Resources Code Section 21001(c)). The RMND's biological resources analysis (Section 4.4) evaluates potential impacts to biological resources consistent with the CEQA Guidelines Appendix G checklist, which prioritizes special-status species, sensitive natural communities, and wildlife movement. The specific technical claims are addressed in Responses to Comments C-22 through C-28.

COMMENT C-22 — *Smallwood: Site Visit Results / Species Richness (Smallwood pp. 2–16)*

RESPONSE TO COMMENT C-22

Dr. Smallwood reports that Noriko Smallwood conducted site visits on February 12–13, 2026, detecting 23 species of vertebrate wildlife at or adjacent to the Project site, including 5 with special status, and 38 species within 1.25 miles (10 with special status). Dr. Smallwood fits nonlinear regression models to predict that the site supports approximately 76 species of diurnally active vertebrate wildlife and 17 special-status species.

The Town acknowledges the additional survey data provided by Dr. Smallwood. However, the species richness extrapolation methodology has significant limitations. Dr. Smallwood derives his prediction of 76 species from a mathematical model calibrated to the Altamont Pass Wind Resource Area in Alameda and Contra Costa Counties—a dramatically different ecosystem (annual grasslands) from the Mojave Desert creosote bush scrub at the Project site. The assumption that detection rate patterns are transferable across such dissimilar biomes is not supported by the ecological literature. Desert ecosystems have fundamentally different species richness patterns, seasonal activity windows, and detection probabilities than coastal grasslands.

Furthermore, the species Noriko Smallwood detected—including common raven, red-tailed hawk, mourning dove, house finch, and European starling—are widespread, common species typical of disturbed desert habitats throughout the High Desert region. The detection of common species in a brief reconnaissance survey does not establish that the site supports an unusually species-rich wildlife community. The RMND's biological resources analysis was

prepared by RCA Associates, qualified biologists who conducted field surveys and a comprehensive desktop review consistent with standard CEQA practice.

COMMENT C-23 — *Smallwood: Inadequacy of RCA Surveys (Smallwood pp. 16–18)*

RESPONSE TO COMMENT C-23

Dr. Smallwood argues that RCA's (2022) reconnaissance survey was inadequate because it did not report the number of biologists, start time, duration, or methodology, and that RCA's (2025) updated survey was similarly deficient. Dr. Smallwood asserts that more surveys are needed to characterize the site's wildlife community.

The RMND's biological resources analysis is supported by the General Biological Resource Assessment (RCA 2022, Appendix B) and the Updated Biological Resources Survey (RCA 2025, Appendix B1). RCA conducted field surveys consistent with CDFW and USFWS guidance applicable to the Project site. The surveys identified plant communities, wildlife species observed, and potential habitat for special-status species. The level of survey effort is consistent with CEQA practice for a Mitigated Negative Declaration for an infill industrial project within a specific plan area. CEQA does not require exhaustive multi-season wildlife inventories for projects on previously disturbed desert scrub lands within an established industrial planning area. The RMND appropriately evaluates potential impacts to special-status species and includes mitigation measures to reduce impacts to less-than-significant levels.

COMMENT C-24 — *Smallwood: Desert Tortoise Protocol Surveys Needed (Smallwood pp. 17–18)*

RESPONSE TO COMMENT C-24

Dr. Smallwood argues that a protocol-level detection survey for Mojave desert tortoise is warranted because RCA's survey was inconsistent with the USFWS (2019) survey protocol.

The RMND's biological resources analysis addresses desert tortoise. RCA's surveys found no desert tortoise or desert tortoise sign (burrows, scat, tracks, carcasses) on the Project site. The site is located within the NAVISP industrial area, surrounded by existing development and disturbed lands. CDFW and USFWS guidance recognizes that protocol-level surveys are most appropriate for undeveloped lands with high habitat potential. The Project site's proximity to existing development, roads, and industrial uses reduces the likelihood of desert tortoise presence. Notwithstanding, the RMND includes Mitigation Measure BIO-1, which requires a pre-construction survey for desert tortoise by a qualified biologist. If desert tortoise is detected, the Project would be required to obtain an Incidental Take Permit from CDFW and/or USFWS before proceeding with construction. This mitigation approach is consistent with standard CEQA practice for projects in the High Desert.

COMMENT C-25 — *Smallwood: Mohave Ground Squirrel Protocol Surveys Needed (Smallwood p. 18)*

RESPONSE TO COMMENT C-25

Dr. Smallwood argues that the site is within Mohave ground squirrel range with suitable vegetation and substrate, and that a protocol-level detection survey should be completed.

The RMND addresses Mohave ground squirrel. RCA determined the likelihood of occurrence is extremely low based on the site's location, surrounding development, and survey results. While the site is within the broad historic range of Mohave ground squirrel, the species has experienced significant range contraction, and the NAVISP area's existing industrial development and disturbance substantially reduce the probability of occurrence. The RMND's pre-construction survey requirement (MM BIO-1) provides a protective mechanism to detect and respond to the presence of special-status species, including Mohave ground squirrel, before construction begins.

COMMENT C-26 — *Smallwood: Burrowing Owl Detection Surveys Needed (Smallwood pp. 18–20)*

RESPONSE TO COMMENT C-26

Dr. Smallwood applies the CDFW (2012) burrowing owl survey guidelines and concludes that all three habitat assessment questions (nearby occurrence records, suitable vegetation, fossorial mammals present) are answered affirmatively, warranting breeding-season detection surveys. Dr. Smallwood also asserts that the burrowing owl is a candidate for listing under CESA, requiring consultation with CDFW for an incidental take permit.

The RMND addresses burrowing owl in the biological resources analysis. RCA's survey found no burrowing owls, active burrows, or signs of burrowing owl occupancy on the Project site. The RMND includes Mitigation Measure BIO-2, which requires pre-construction burrowing owl surveys consistent with CDFW (2012) guidelines, including take-avoidance surveys within 30 days prior to ground disturbance. If burrowing owls are detected, avoidance buffers and/or passive relocation would be implemented in accordance with CDFW guidelines.

Regarding breeding-season detection surveys, CDFW (2012) recommends these surveys as part of a tiered approach. However, the guidelines also recognize that pre-construction take-avoidance surveys serve a protective function. Given that the site is within an established industrial planning area with no burrowing owls or occupied burrows detected during surveys, the RMND's pre-construction survey requirement provides adequate protection. If the pre-construction survey detects burrowing owls, the Project would implement avoidance, minimization, and mitigation measures consistent with CDFW (2012) guidelines before construction could proceed.

Regarding the burrowing owl's candidacy for listing under CESA, the Town will comply with all applicable state and federal wildlife protection laws. If the species is listed prior to Project construction, the applicant will obtain any required permits.

COMMENT C-27 — *Smallwood: Rare Plant Survey Guidelines Not Followed (Smallwood p. 20)*

RESPONSE TO COMMENT C-27

Dr. Smallwood argues that RCA did not implement the CDFW (2018) rare plant survey guidelines, which recommend multiple surveys throughout the blooming period and simultaneous visits to reference populations.

RCA's botanical survey assessed the site for suitable habitat for special-status plant species and documented the plant communities present. The site is dominated by creosote bush scrub, a common and widespread plant community in the Mojave Desert. RCA's survey, combined with the desktop review of CNDDDB records for the Project area, is consistent with CEQA practice for evaluating rare plant impacts on infill industrial sites within specific plan areas. The RMND includes Mitigation Measure BIO-3 for pre-construction botanical surveys during the appropriate blooming season to ensure that any rare plants present are identified and addressed before ground disturbance.

COMMENT C-28 — *Smallwood: Inadequate Desktop Review / CNDDDB Misuse / 112 Special-Status Species (Smallwood pp. 20–21+)*

RESPONSE TO COMMENT C-28

Dr. Smallwood argues that RCA's desktop review was geographically too narrow (limited to the Apple Valley North quadrangle), that the CNDDDB was misused to assign likelihood of occurrence, and that 112 special-**status** wildlife species are known to occur near enough to the site to warrant analysis. Dr. Smallwood identifies 24 species reportedly seen within 4 miles of the Project site.

RCA's desktop review queried the CNDDDB for the Apple Valley North quadrangle and surrounding area, which is consistent with standard CEQA practice for project-level biological assessments. While Dr. Smallwood's broader search radius yields a larger pool of species, the relevant question for CEQA is whether the Project site provides suitable habitat for those species. Many of the 112 species on Dr. Smallwood's list occur in habitats not present on the Project site (e.g., riparian corridors, perennial water sources, rocky outcrops, sand dune systems) or are documented at distances that make site occurrence unlikely given the species' home range sizes and habitat requirements.

The RMND's biological resources analysis appropriately evaluates the subset of special-status species that have a reasonable potential to occur on the Project site based on habitat suitability, geographic proximity of documented occurrences, and survey results. The RMND does not rely solely on the CNDDDB for absence determinations; it also considers habitat suitability, species ecology, and field survey results. The RMND's mitigation measures (BIO-1

through BIO-3) provide pre-construction surveys as a final check to ensure that special-status species are not present at the time of construction.

LETTER D

TOWN OF APPLE VALLEY RESPONSES TO LETTER D- Mojave Desert Air Quality Management District

COMMENT D-1 — *Dust Control Plan Required*

RESPONSE TO COMMENT D-1

The Town acknowledges the MDAQMD's requirement for a Dust Control Plan. The Project proponent will obtain a DCP from the District prior to commencement of ground-disturbing activities, consistent with MDAQMD requirements. This requirement is also reflected in Mitigation Measure MM AQ-1 of the RMND. No revisions to the RMND are required.

COMMENT D-2 — *Rule 403 Signage*

The District requires that signage compliant with Rule 403 Attachment B be erected at each project site entrance not later than the commencement of construction.

RESPONSE TO COMMENT D-2

The Town acknowledges this requirement. Rule 403 Attachment B signage will be erected at each project site entrance prior to commencement of construction, as required by the District. No revisions to the RMND are required.

COMMENT D-3 — *Water Truck and Dust Suppression*

The District requires use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

RESPONSE TO COMMENT D-3

The Town acknowledges this requirement. Water truck operations and dust suppression measures for disturbed surfaces and exposed soils are included in the RMND's dust control provisions under MM AQ-1, consistent with MDAQMD Rule 403 requirements. No revisions to the RMND are required.

COMMENT D-4 — *Road Stabilization and Trackout Prevention*

The District requires that all maintenance and access vehicular roads and parking areas be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. The District also requires actions to prevent project-related trackout onto paved surfaces and cleaning of any project-related trackout within 24 hours.

RESPONSE TO COMMENT D-4

The Town acknowledges this requirement. Stabilization of vehicular roads and parking areas and prevention of trackout are addressed in the RMND's construction management requirements and MM AQ-1. No revisions to the RMND are required.

COMMENT D-5— *District Permits for Process Equipment*

The District requires the proponent to obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219, including but not limited to natural gas generators and internal combustion engines with a maximum continuous rating greater than or equal to 50 brake horsepower.

RESPONSE TO COMMENT D-5

The Town acknowledges this requirement. The Project proponent will obtain all required MDAQMD permits for any process equipment subject to District Rule 219 prior to installation and operation. The Project's 324-horsepower diesel fire pump will be permitted through the District's standard permitting process. No revisions to the RMND are required.

COMMENT D-6— *Rule 403 Compliance*

The District requires compliance with all applicable provisions listed in Rule 403 — Fugitive Dust Control.

RESPONSE TO COMMENT D-6

The Town acknowledges this requirement. Full compliance with MDAQMD Rule 403 — Fugitive Dust Control is required during all phases of Project construction and is reflected in MM AQ-1 of the RMND. No revisions to the RMND are required.

COMMENT D-7— *CARB Idling and TRU Compliance*

The District recommends that the proponent ensure all heavy-duty trucks comply with CARB idling and Transport Refrigeration Unit (TRU) regulations.

RESPONSE TO COMMENT D-7

The Town acknowledges this recommendation. All heavy-duty trucks serving the Project will be required to comply with CARB's idling regulations (13 CCR § 2485) and the Airborne Toxic Control Measure for Transport Refrigeration Units (13 CCR § 2477). These are existing state regulatory requirements that apply to truck operators regardless of project-level conditions. No revisions to the RMND are required.

COMMENT D-8— *Asbestos Checklist*

The District notes that an asbestos checklist is required for any demolition or renovation of existing buildings, with informational flowchart and notification forms available at the MDAQMD website.

RESPONSE TO COMMENT D-8

The Town acknowledges this requirement. The Project site is currently vacant and does not include existing buildings proposed for demolition or renovation. Therefore, an asbestos checklist is not anticipated to be required. Should site conditions change, the Project proponent will comply with MDAQMD asbestos notification requirements. No revisions to the RMND are required.

LETTER E

RESPONSES TO LETTER E-Twenty-Nine Palms Band of Mission Indians

The following responses address comments submitted by the Twenty-Nine Palms Band of Mission Indians in a letter dated February 20, 2026, signed by Darrell Mike, Chairman.

COMMENT E-1— *Cultural Resources Determination*

The Tribe has determined that the Project is within the Chemehuevi Traditional Use Area (TUA). Presently, no known cultural resources are located within the project APE, but there exists the possibility of surface and/or buried archaeological materials. The Tribe requests that the agency follow specific conditions for all cultural resources on any developmental plans or entitlement applications.

RESPONSE TO COMMENT E-1

The Town acknowledges the Twenty-Nine Palms Band of Mission Indians' determination that the Project site is within the Chemehuevi Traditional Use Area and that no known cultural resources are currently identified within the project APE, though the possibility of surface and/or buried archaeological materials exists.

The Tribe's findings and requests are consistent with the AB 52 consultation process documented in Section 4.18, Tribal Cultural Resources, of the RMND (pp. 149–152). As noted in the RMND, consultation requests were sent to all four tribes on the Town's AB 52 Notification List, and the Twenty-Nine Palms Band of Mission Indians was among the two tribes that requested consultation.

The Tribe's specific conditions for cultural resources are addressed through Project-Specific Mitigation Measure MM TCR-1, which requires that both the Yuhaaviatam of San Manuel Nation and the Twenty-Nine Palms Band of Mission Indians be contacted regarding any pre-contact cultural resources discovered during project implementation, be provided information regarding the nature of any find, and be given the opportunity to provide tribal input regarding significance and treatment. MM TCR-1 further provides that should either tribe elect to place a monitor on-site, they shall be accommodated for the remainder of the project. All archaeological and cultural documents created as part of the project will be supplied to the Tribe. No revisions to the RMND are required.

COMMENT E-2— *Continued Consultation*

The Tribe and Tribal Historic Preservation Office (THPO) look forward to working with the Town of Apple Valley on this project. The letter is not intended to be considered government-to-government consultation but rather a communication of possible concerns or comments regarding the project. Additional emails, letters, phone calls, virtual meetings, or in-person meetings may be requested.

RESPONSE TO COMMENT E-2

The Town acknowledges the Tribe's interest in continued coordination and welcomes ongoing communication with the Twenty-Nine Palms Band of Mission Indians and the THPO throughout the life of the Project. This is consistent with MM TCR-1, which requires the Lead Agency and/or applicant to consult with the Twenty-Nine Palms Band of Mission Indians in good faith throughout the life of the project. The Town will continue to provide the Tribe with project updates and will respond to any requests for additional consultation or meetings. No revisions to the RMND are required.

LETTER F

From: [Raylene Borrego](#)
To: [Richard Hirsch](#)
Subject: RE: Green Trucking Solutions Cold Storage facility, Apple Valley - *Revised* Notice of Intent to Adopt a Mitigated Negative Declaration (SCH #2023080221)
Date: Friday, February 20, 2026 11:31:50 AM
Attachments: [image001.png](#)

Hi Richard,

Thank you for sending NOI to adopt MND extension. YSMN has no further comment on the ISMND and concurs with the mitigation language for Cultural Resources and Tribal Cultural Resources.

Kindly,
Raylene

Raylene Borrego
Cultural Resources Technician

From: Richard Hirsch <rhirsch@interwestgrp.com>
Sent: Friday, February 20, 2026 10:53 AM
To: Richard Hirsch <rhirsch@interwestgrp.com>
Subject: FW: Green Trucking Solutions Cold Storage facility, Apple Valley - *Revised* Notice of Intent to Adopt a Mitigated Negative Declaration (SCH #2023080221)

Hello,

Please find the attached REVISED Notice of Intent to Adopt a Mitigated Negative Declaration for the referenced project in Apple Valley. Please submit any comments no later than March 16, 2026.

Thank you.

Richard Hirsch
Town of Apple Valley
Consulting Planner

TOWN OF APPLE VALLEY RESPONSE TO LETTER F -Yuhaaviatam of San Manuel Nation

The following response addresses a comment submitted by the Yuhaaviatam of San Manuel Nation in an email dated February 20, 2026, from Raylene Borrego, Cultural Resources Technician.

COMMENT F

The Yuhaaviatam of San Manuel Nation (YSMN) acknowledges receipt of the Notice of Intent to adopt the MND. YSMN has no further comment on the ISMND and concurs with the mitigation language for Cultural Resources and Tribal Cultural Resources.

RESPONSE TO COMMENT F

The Town acknowledges the Yuhaaviatam of San Manuel Nation's concurrence with the Cultural Resources and Tribal Cultural Resources mitigation language in the RMND.

As documented in Section 4.18, Tribal Cultural Resources, of the RMND (pp. 149–152), YSMN was one of two tribes that requested consultation through the AB 52 process. YSMN indicated that the proposed Project is near known prehistoric tribally affiliated sites and that development will exclusively be conducted on undisturbed native soil. YSMN's input informed the development of Project-Specific Mitigation Measures MM CUL-1, MM CUL-2, and MM TCR-1, which require archaeological monitoring, tribal notification of any pre-contact discoveries, and good-faith consultation with YSMN throughout the life of the project.

YSMN's concurrence with the mitigation language confirms that the RMND adequately addresses tribal cultural resource impacts as they pertain to the Yuhaaviatam of San Manuel Nation. No revisions to the RMND are required.

LETTER G

From: [SCAES](#)
To: [Richard Hirsch](#)
Cc: [SCAES](#)
Subject: Re: EXTERNAL: FW: Green Trucking Solutions Cold Storage facility, Apple Valley - *Revised* Notice of Intent to Adopt a Mitigated Negative Declaration (SCH #2023080221)
Date: Monday, February 23, 2026 8:55:56 AM
Attachments: [image001.png](#)
[Outlook-mcmtsbyb.png](#)

Hello Richard,

Thank you for providing this information. Below are our gas availability comments. If you have any questions or need anything else, please let me know.

There is an existing gas main distribution line along the property on Navajo Rd. If gas is needed for any new structure(s), it would likely be a service line request since main line is already existing.

Application for gas line installation can be obtained by emailing request to scaes@swgas.com.

Should there be any questions regarding installing new gas lines, please email questions/requests to the Southwest Gas Energy Solutions department at scaes@swgas.com. For other questions related to existing gas service, please reach out to our Contact Center at 877-860-6020.

Thank you,
David.

For rebates and energy saving tips, refer to our website at [Save Money & Energy](#).

Natural gas is a clean, affordable, reliable energy option and part of your project's net-zero energy equation. For more information, visit our website at [Why Natural Gas?](#)

Energy Solutions | Southern California Division

PO Box 1498 | Victorville, CA 92393-1498
direct 760.951.4060 | fax 760.951.4043
scaes@swgas.com | www.swgas.com



TOWN OF APPLE VALLEY RESPONSE TO LETTER G- Southwest Gas Corporation

The following response addresses a comment submitted by Southwest Gas Corporation, Energy Solutions, Southern California Division, in an email dated February 23, 2026, from David at the Southern California Division.

COMMENT G

Southwest Gas confirms that an existing gas main distribution line is located along the property on Navajo Road. The commenter notes that if gas is needed for any new structures, it would likely be a service line request since the main line already exists. The commenter provides contact information for gas line installation applications and general service inquiries.

RESPONSE TO COMMENT G

The Town acknowledges Southwest Gas Corporation's confirmation of existing gas infrastructure availability along Navajo Road. The Project proponent will coordinate with Southwest Gas regarding service line connections as needed during the building permit and construction process. The comment does not raise any environmental issues related to the adequacy of the RMND. No revisions to the RMND are required.

LETTER H

From: Cook, Teresa <Teresa.Cook@airports.sbcounty.gov>

Sent: Wednesday, March 18, 2026 4:34 PM

To: Richard Hirsch <rhirsch@interwestgrp.com>; planning@applevalley.org

Subject: Fw: Green Trucking Solutions Cold Storage facility, Apple Valley - *Revised* Notice of Intent to Adopt a Mitigated Negative Declaration (SCH #2023080221)

Hello!

The County of San Bernardino Department of Airports has reviewed the Notice of Intent for the Green Trucking Solutions Cold Storage Development Project located at the northwest corner of Navajo Road and Lafayette Street (APN 0463-231-06).

Based on our review the project site:

1. Falls within the horizontal surface associated with Apple Valley Airport (APV).
2. Is located outside of the local Airport Overlay District Zones 1 and 2, and no conflicts with the Airport Land Use Compatibility Plan (ALUCP) have been identified.
3. Is subject to a height limitation of 150 feet under the horizontal surface.

The project proponent should utilize the FAA OE/AAA Airspace Pre-Screening Tool (<https://oeaaa.faa.gov/oeaaa/oe3a/main/#/noticePrescreen>) to determine whether a Notice of Proposed Construction (FAA Form 7460-1) is required. If the pre-screening tool indicates that filing is required, the proponent shall submit FAA Form 7460-1 and provide the necessary information for formal airspace evaluation, including the latitude and longitude of the highest point of the proposed structure and the elevations of each corner of the building.

At this time, no additional airport compatibility concerns have been identified.

Gratefully,

Teresa (Tess) Cook, C.M.

Airport Manager (APV, TNP, DAG, EED, 002)

Department of Airports

Phone: 760-995-8762

Cell: 909-327-8740

Fax: 760-995-8762

21600 Corwin Rd.

Apple Valley, California. 92307

Email: Teresa.Cook@airports.sbcounty.gov

Our job is to create a county in which those who reside and invest can prosper and achieve well-being.

www.SBCounty.gov

TOWN OF APPLE VALLEY RESPONSE TO LETTER H- County of San Bernardino Department of Airports

The following response addresses a comment submitted by the County of San Bernardino Department of Airports in an email dated March 18, 2026, from Teresa (Tess) Cook, C.M., Airport Manager.

COMMENT H

The County of San Bernardino Department of Airports reviewed the Notice of Intent for the Project and provided the following findings: (1) the Project site falls within the horizontal surface associated with Apple Valley Airport (APV); (2) the site is located outside of the local Airport Overlay District Zones 1 and 2, and no conflicts with the Airport Land Use Compatibility Plan (ALUCP) have been identified; and (3) the site is subject to a height limitation of 150 feet under the horizontal surface. The commenter recommends that the Project proponent utilize the FAA OE/AAA Airspace Pre-Screening Tool to determine whether a Notice of Proposed Construction (FAA Form 7460-1) is required, and notes that no additional airport compatibility concerns have been identified.

RESPONSE TO COMMENT H

The Town acknowledges the County of San Bernardino Department of Airports' review and concurs with the findings. The Project proposes a cold storage warehouse building with a maximum height of approximately 47.9 feet at its tallest parapet, which is well below the 150-foot height limitation under the horizontal surface for Apple Valley Airport.

As recommended, the Project proponent utilized the FAA OE/AAA Airspace Pre-Screening Tool. The pre-screening result indicates that filing of a Notice of Proposed Construction (FAA Form 7460-1) is required because the Project site falls within the horizontal surface of Apple Valley Airport. The Project proponent will submit FAA Form 7460-1 with the required information — including the latitude and longitude of the highest point of the proposed structure and the elevations of each corner of the building — at least 45 days prior to the start of construction or the date the building permit application is filed, whichever is earliest, as required by 14 CFR Part 77. Given that the proposed building height of 47.9 feet is approximately 102 feet below the 150-foot horizontal surface limitation, a Determination of No Hazard to Air Navigation is anticipated. No revisions to the RMND are required.

References

2009 General Plan EIR (SCH #2008091077), Prepared by Terra Nova Planning & Research, Inc August 11, 2009

The North Apple Valley Industrial Specific Plan (NAVISP) EIR (SCH #2006031112), Prepared by Terra Nova Planning & Research, Inc., August 1, 2006

Leonoff v. Monterey County Bd. of Supervisors (1990), 222 Cal. App. 3d 1337, 272 Cal. Rptr. 372, August 16, 1990

South Coast Air Quality Management Rule 2305. Warehouse Indirect Source Rule-Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program, adopted May 7, 2021

California Air Resources Board's Advanced Clean Fleets regulation, dopted in April 2023

Nollan v. California Coastal Commission, 483 U.S. 825 (1987), June 26, 1987

Updated CalEEMod Analysis Memorandum for the proposed GTS Cold Storage Project in Apple Valley, California, LSA, June 3, 2025 (referenced as Appendix A)

2022 CARB Scoping Plan

Cleveland National Forest Foundation v. San Diego Association of Governments 3 Cal. 5th 497, July 13, 2017

2022 California Energy Code, Section 140.10

General Biological Resources Assessment, Apple Valley, San Bernardino County, California APN 0463-231-06, RCA Associates, Inc., June 13, 2022
(Updated)(referenced as Appendix B)

Updated biological surveys for the GTS Cold Storage project located in Apple Valley, San Bernardino County, California. #2025-82 BA, RCA Associates, Inc., April 21, 2025 (referenced as Appendix B1)

Appendices

Original Comment Letters with Bracketed Comment Identification

The following appendices contain the original comment letters received during the public review period, annotated with numbered brackets in the right margin identifying each discrete comment. The bracket identifiers (e.g., A-1, A-2, B-1, C-13) correspond to the comment and response numbering used throughout this Response to Comments document.

Appendix 1 — Comment Letter A: CARE CA (Adams Broadwell Joseph & Cardozo)

Letter dated March 16, 2026, signed by Kelilah D. Federman. Includes Exhibit A (Dr. James Clark, Ph.D., Clark & Associates) and Exhibit B (Norman Marshall, Smart Mobility, Inc.). 80 pages. Comments A-1 through A-27.

Appendix 2 — Comment Letter B: Advocates for the Environment

Letter dated February 18, 2026, signed by Dean Wallraff, Attorney at Law, Executive Director. 7 pages. Comments B-1 through B-9.

Appendix 3 — Comment Letter C: Blum, Collins & Ho LLP (GSEJA)

Letter dated February 23, 2026, on behalf of Golden State Environmental Justice Alliance. Includes SWAPE Technical Analysis (Matt Hagemann, P.G., C.Hg. and Paul E. Rosenfeld, Ph.D.) and Biological Resources Analysis (Shawn Smallwood, Ph.D.). 184 pages. Comments C-1 through C-28.

Appendix 4 — Agency and Tribal Comment Letters (D through H)

Original comment letters from the Mojave Desert Air Quality Management District (D), Twenty-nine Palms Band of Mission Indians (E), Yuhaaviatam of San Manuel Nation (F), Southwest Gas (G), County of San Bernardino Department of Airports (H). Agency letters are single-page communications that do not require bracketed comment identification.

Mitigation Monitoring Reporting Program (MMRP)

Mitigation Measure (MM) Project Design Feature (PDF)	Responsibility For Implementation	Time Frame /Milestone	Verified By (signature/date required)
Aesthetics			
<p>Mitigation Measure III.A.1 Signage shall be in compliance with the Town's sign ordinance and shall be limited to the minimum size, scale and number needed to provide functional information, thereby minimizing impacts on traffic safety, streetscape, scenic viewsheds and the aesthetic character of the area.</p>			
<p>Mitigation Measure III.A.2 Compliance with the Town's performance and design standards for landscaping, building coverage and setbacks, building design and height, architectural finishes, walls, fences and utility structures will be required of all development and redevelopment projects.</p>			
<p>Mitigation Measure III.A.3 The Town shall maintain and implement design standards which protect scenic viewsheds and enhance community cohesion. Development standards shall address signage, landscaping, setbacks, building facades, vehicular and pedestrian access and related issues.</p>			
<p>Mitigation Measure III.A.5 In addition to being in compliance with the Town's lighting ordinance, supplementary lighting recommendations include:</p> <ul style="list-style-type: none"> ▪ External lighting shall be limited to the minimum height, fewest number, and lowest intensity required to provide effective levels of illumination. ▪ Every reasonable effort shall be made to reduce spillage, both to protect residential use areas from excessive levels of illumination and to preserve dark skies at nighttime. 			

<ul style="list-style-type: none"> ▪ Elevated lighting, including but not limited to parking lot lighting, shall be full-cut off fixtures. ▪ Lighting fixtures in the vicinity of the airport shall be compatible with airport operations. 			
<p>Mitigation Measure III.A.6 Overhead utility lines shall be undergrounded to the greatest extent possible through the maintenance of an undergrounding program.</p>			
<p>Mitigation Measure III.A.7 The Town shall coordinate with utility providers to assure that utility infrastructure, including water wells, substations and switching/control facilities, are effectively screened to preserve scenic viewsheds and limit visual clutter. Requires that above-ground utility infrastructure be screened.</p>			
Air Quality			
<p>Mitigation Measure III.C.4 The Town shall conduct an initial study for all projects that are expected to exceed any of the MDAQMD pollutant emission threshold criteria, and shall require detailed air quality analyses for all development applications that have the potential to adversely affect air quality including quantification of greenhouse gas emissions. Until new factors are developed, the use of the CEQA Handbook prepared by SCAQMD or other appropriate modeling tools such as URBEMIS shall be utilized.</p>			
<p>Mitigation Measure III.C.5 All construction activities within the Town of Apple Valley shall be subject to Rule 401, Visible Emissions; Rule 402, Nuisance; and Rule 403, Fugitive Dust in accordance with the Mojave Desert Planning Area PM10 Attainment Plan.</p>			
<p>Mitigation Measure AQ-1: Valley Fever. To minimize personnel and public exposure to potential Valley Fever-containing dust on-site and off-site, the following control measures shall be implemented during project construction.</p> <ul style="list-style-type: none"> a. Equipment, vehicles, and other items shall be thoroughly cleaned of dust before they are moved off-site to other work locations. 	Project Proponent and its desingee	During Project Construction	

<p>b. Wherever possible, grading and trenching work shall be phased so that earth-moving equipment is working well ahead or downwind of workers on the ground.</p> <p>c. The area immediately behind grading or trenching equipment shall be sprayed with water before ground workers move into the area.</p> <p>d. In the event that a water truck runs out of water before dust is sufficiently dampened, ground workers exposed to dust shall leave the area until a truck can resume water spraying.</p> <p>e. To the greatest extent feasible, heavy-duty earth-moving vehicles shall be closed-cab and equipped with a HEPA-filtered air system.</p> <p>f. Workers shall receive training in procedures to minimize activities that may result in the release of airborne <i>Coccidioides immitis</i> (CI) spores and recognize the symptoms of Valley Fever and shall be instructed to promptly report suspected symptoms of work-related Valley Fever to a supervisor. Evidence of training shall be provided to the Kern County Planning and Natural Resources Department within 5 days of the training session.</p> <p>g. A Valley Fever informational handout shall be provided to all on-site construction personnel. The handout shall, at a minimum, provide information regarding symptoms, health effects, preventive measures, and treatment of Valley Fever. No less than 30 days prior to any work commencing, this handout shall be mailed to all existing residences within 1,000 feet of the Project boundaries. Additional information and handouts can be obtained by contacting the Kern County Public Health Services Department.</p> <p>h. On-site personnel shall be trained on the proper use of personal protective equipment, including respiratory equipment. National Institute for Occupational Safety and Health (NIOSH) approved respirators shall be provided to on-site personnel, upon request. When exposure to dust is unavoidable, affected workers shall be provided appropriate NIOSH-approved respiratory protection. If respiratory protection is deemed necessary, employers must develop and implement a respiratory protection program in accordance</p>			
---	--	--	--

with the California Occupational Safety and Health Administration's Respiratory Protection standard. ¹			
Biological Resources			
<p>Mitigation Measure III.D.3</p> <p>(a). The Town shall require that biological resources evaluations be performed prior to development actions, including site-specific surveys utilizing specified survey parameters as required for all special status species in identified habitat areas, and especially within or adjacent to linkage corridors or special survey areas and potential jurisdictional areas.</p> <p>(b). As required by CEQA, if biological resources are present that would be significantly impacted by a project, mitigation shall be imposed on the project to reduce the impact to a level of less than significant, to the extent feasible.</p> <p>(c). The Town shall require mitigation pursuant to species- or resource-specific protocols established by CDFG, USFWS, and/or the U.S. Army Corps of Engineers.</p>	Lead Agency	Prior to development actions	
<p>Mitigation Measure III.D.13</p> <p>Projects affecting major or ephemeral streams must consult the relevant state or federal agency, and may need permits from the U.S. Army Corps of Engineers, Lahontan Regional Water Quality Control Board, or California Department of Fish and Game. Permit compliance will ensure riparian habitats are restored or replaced as needed and water quality is protected under Section 401 of the Clean Water Act.</p>	Project Proponent	Prior to project implementation	
<p>Mitigation Measure BIO-1. Western Joshua Tree Incidental Take Permit.</p> <p>Obtain an Incidental Take Permit (ITP) for impacts to western Joshua tree (<i>Yucca brevifolia</i>) through compliance with the Western Joshua Tree Conservation Act (Fish and Game Code §§ 1927-1927.12) and adhere to the Western Joshua Tree Relocation Guidelines and Protocols if</p>	Project Proponent	Prior to ground disturbance	

¹ Title 8, California Code of Regulations, §5144. <https://www.dir.ca.gov/title8/5144.html>

<p>determined necessary by CDFW, or through the California Endangered Species Act (Fish and Game Code, §§2080-2085).</p>			
<p>Mitigation Measure BIO-2. Pre-Construction Rare Plant Clearance Survey. Prior to the issuance of a grading permit or any permit that allows vegetation removal, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. The surveys shall be conducted by a CDFW-approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner that maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the Town shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Town shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank and/or through land acquisition and conservation at a mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species, the Project applicant should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.</p>	<p>Project Proponent and its designee</p>	<p>Prior to issuance of grading permit</p>	

<p>Mitigation Measure BIO-3. Burrowing Owl Surveys. Prior to any ground disturbance, surveys for burrowing owls, sign and potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation must be conducted on the Project site and in the surrounding area in accordance with the Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012. The breeding season survey should consist of three or more survey visits during daylight hours and with each visit at least three weeks apart during the peak of the breeding season, commonly accepted in California as between 15 April and 15 July. Prior to initiating Project activities, a qualified biologist shall conduct at least one survey covering the entire Project area and surrounding 15-meter buffer to identify the presence of suitable burrows and/or burrow surrogates (>11 cm in diameter [height and width] and >150 cm in depth) for burrowing owl and sign of burrowing owl (e.g., pellets, prey remains, whitewash, or decoration, etc.). The surveys shall include 100% coverage of the Project site. If both surveys reveal no burrowing owls are present or sign thereof, no additional actions related to this measure are required and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to construction.</p>	<p>Project Proponent and its desingee</p>	<p>Prior to ground disturbance</p>	
<p>Mitigation Measure BIO-4. Burrowing Owl Avoidance /Relocation. If burrowing owl, active burrowing owl burrows, or sign thereof are found, the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities and propose mitigation for permanent loss of occupied burrow(s) and habitat. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. Permanent protection of mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, development and implementation of a mitigation land management</p>	<p>Project Proponent and its designee</p>	<p>Prior to ground disturbance</p>	

<p>plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.</p> <p>Site-specific non-disturbance buffer zones shall be established by the qualified biologist and shall be no less than 300 meters feet. If determined appropriate, a smaller buffer may be established by the qualified biologist following monitoring and assessments of the Project's effects on the burrowing owls. If it is not possible to avoid active burrows, passive relocation shall be implemented if a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. A qualified biologist, in coordination with the Project Proponent and the Town, shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the CDFW's Staff Report on Burrowing Owl Mitigation for CDFW review/approval prior to the commencement of disturbance activities on-site and proposed mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.</p>			
<p>Mitigation Measure BIO-5. Desert Tortoise Pre-Construction Survey. A CDFW-approved biologist shall conduct pre-construction presence/absence surveys for desert tortoise during the desert tortoise active season (April to May or September to October) 48 hours prior to initiation of Project activities and after any pause in Project activities lasting 30 days or more. Desert tortoise preconstruction surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service (USFWS) 2019 desert tortoise survey methodology. Preconstruction surveys shall be completed using 100% visual coverage for desert tortoise and their sign</p>	<p>Project Proponent and its designee</p>	<p>Prior to ground disturbance</p>	

<p>and shall use perpendicular survey routes within the Project site and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the survey shall be submitted to CDFW prior to the start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoises do not enter the Project area.</p> <p>If desert tortoise presence is confirmed during the survey, the Project Proponent shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take (California Fish and Game Code §86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") to desert tortoise. If complete avoidance of desert tortoise cannot be achieved, the Project Proponent shall not undertake Project activities, and Project activities shall be postponed until appropriate authorization (i.e., California Endangered Species Act (CESA) Incidental Take Permit (ITP) under Fish and Game Code §2081) is obtained.</p> <p>If complete avoidance of desert tortoise is infeasible, the Project Proponent shall apply for a CESA ITP and prepare a site-specific Desert Tortoise Translocation Plan (Plan) that will provide details on the proposed recipient site, desert tortoise clearance surveys and relocation, definitions for Authorized Biologists and qualified desert tortoise biologists, exclusion fencing guidelines, protocols for managing desert tortoise found during active versus inactive seasons, protocols for incidental tortoise death or injury, and shall be consistent with project permits and current USFWS and CDFW guidelines. The Plan also include a requirement for communication and coordination with the Bureau of Land Management (BLM) regarding the desert tortoise recipient site.</p> <p>Prior to construction, the Plan shall be subject to the review and approval of the CDFW and the USFWS. Impacts shall be offset through</p>			
--	--	--	--

<p>acquisition of compensatory land within occupied desert tortoise habitat and/or mitigation bank credit purchase from a CDFW-approved mitigation bank mitigated at a ratio determined by CDFW after Project analysis.</p>			
<p>Mitigation Measure BIO-6. Worker Environmental Awareness Training. A qualified biologist must present biological resource information training for desert tortoise, Mohave ground squirrel, and burrowing owl prior to Project activities to all personnel who will be working within the Project site. The same instruction shall be provided for any new workers prior to their performing any work on-site. Interpretation shall be provided for any non-English speaking workers.</p>	<p>Project Proponent and its designee</p>	<p>Prior to project implementation</p>	
<p>Mitigation Measure BIO-7. Deceased or Injured Tortoise within the Project Site. If any injured or deceased desert tortoise—or other special-status wildlife species—is discovered within the Project site, the USFWS and CDFW shall be notified immediately. Verbal notification shall occur within 24 hours, and written notification shall be provided within 5 days of the discovery. The incident report shall include the date, time, and location of the find; condition of the animal; and any circumstances associated with the injury or mortality. Following notification, the Project Biologist shall coordinate with USFWS and CDFW to determine appropriate next steps, including agency-directed handling, disposition, or additional response measures, as applicable.</p>	<p>Project Proponent and its designee</p>	<p>During Project implementation</p>	
<p>Mitigation Measure BIO-8. Species Avoidance. If during Project activities a desert tortoise is discovered within the Project site, all activities shall immediately stop and the CDFW shall be immediately notified (within 24 hours). Coordination with respective state and federal resource agencies shall be required prior to restarting activities to determine appropriate avoidance, minimization, and mitigation measures.</p>	<p>Project Proponent and its designee</p>	<p>During Project implementation</p>	
<p>Mitigation Measure BIO-9. Nesting Bird Pre-Construction Survey. Regardless of the time of year, a pre-construction sweep shall be</p>	<p>Project Proponent and its designee</p>	<p>Prior to ground disturbance</p>	

<p>performed to verify absence of nesting birds. A qualified biologist shall conduct the pre- activity sweep within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. Additionally, a nesting bird survey shall be conducted by a qualified biologist no more than 3 days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests.</p> <p>The survey shall be conducted by a qualified biologist. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. If nesting bird activity is present, a no-disturbance buffer zone shall be established by the qualified biologist around each nest to prevent nest destruction or abandonment. If nesting bird activity is present, a no-disturbance buffer zone shall be established by the qualified biologist around each nest to prevent nest destruction and disruption of breeding or rearing behavior. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests, as confirmed by a qualified biologist. A qualified biologist shall inspect the active nest to determine whether construction activities are disturbing the nesting birds or nestlings. If the qualified biologist determines that construction activities pose a disturbance to nesting, construction work shall be stopped in the area of the nest and the “no disturbance buffer” shall be expanded. If there is no nesting activity, then no further action is needed for this measure.</p>			
<p>Mitigation Measure BIO-10. Clean Water Act Section 401 and Section 404 Permits. Prior to issuance of a grading permit, the developer shall obtain a Clean Water Act Section 404 Nationwide Permit from the U.S. Army Corps of Engineers and compensate for the loss of 0.22 acres (9,698</p>	Project Proponent	Prior to issuance of grading permit	

<p>square feet) of ephemeral stream channel, and a Clean Water Act Section 401 Certification from the Lahontan Regional Water Quality Control Board. The developer shall provide evidence of the permit to the Town Planning Department.</p>			
<p>Mitigation Measure BIO-11. California Fish and Game Code §1602 Permit. Prior to the issuance of a grading permit, the Project Proponent shall obtain a Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code from the California Department of Fish and Wildlife. The following shall be incorporated into the permitting, subject to approval by the regulatory agencies: (a) Replacement and/or restoration of jurisdictional “waters of the State” within the Mojave River watershed at a ratio of no less than 2:1 on-site for permanent impacts to 0.22 acres (9,698 square feet) of an ephemeral stream channel.</p>	<p>Project Proponent</p>	<p>Prior to issuance of grading permit</p>	
<p>Cultural Resources</p>			
<p>Mitigation Measure III.E. 1 Cultural resource studies shall be required prior to development for all lands identified as having high potential for historic or archaeological resources, as identified in Exhibit III-4. The studies shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground disturbing permit. The recommendations of the studies shall be made conditions of approval of the ground disturbing permits.</p>	<p>Project Proponent</p>	<p>During Project implementation</p>	
<p>Mitigation Measure CUL-1 1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural</p>	<p>Project Proponent</p>	<p>During Project implementation</p>	

<p>Resources Department (YSMN) and the Twenty-Nine Palms Band of Mission Indians (TPBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</p> <p>2. If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN and TPBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.</p> <p>3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.</p>			
Energy			
<p>Mitigation Measure III.C.12 The Town shall encourage the incorporation of energy-efficient design measures in site plans, including appropriate site orientation to assure solar access, and the use of shade and windbreak trees to enhance the use of alternative energy systems and reduce the need for excessive heating and cooling.</p>	Lead Agency	During Project implementation	
<p>Mitigation Measure III.C.22 To minimize indirect-source emissions, developers may:</p> <ul style="list-style-type: none"> ▪ implement energy conservation measures beyond state and local requirements ▪ install low-polluting, high-efficiency appliances ▪ install solar pool and water heaters, where feasible 	Project Proponent	During Project implementation	

<ul style="list-style-type: none"> ▪ landscape with appropriate drought-tolerant species to reduce water consumption and provide passive solar benefits ▪ install energy-efficient street lighting 			
<p>Mitigation Measure III.C.23 To minimize building energy consumption, developers shall be encouraged to implement the following:</p> <ul style="list-style-type: none"> ▪ improve the thermal integrity of buildings ▪ utilize window glazing, wall insulation, and efficient ventilation methods ▪ introduce efficient heating and appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units ▪ incorporate appropriate passive solar design and solar heaters ▪ use devices that minimize the combustion of fossil fuels 	Project Proponent	During Project implementation	
Geology and Soils			
<p>Mitigation Measure III.F.1 Cultural resource and paleontological resource studies shall be required prior to development for all lands identified as having high potential for historic or archaeological resources or paleontological resources, as identified in the EIR. Studies shall be reviewed and approved by the Town Planning Division prior to the issuance of any ground-disturbing permit. The recommendations of the studies shall be made conditions of approval of the ground disturbing permits.</p>	Project Proponent	During Project implementation	
<p>Mitigation Measure III.F.2 Future development proposals shall require the preparation of a site-specific soils and/or geotechnical analysis that include an evaluation of seismic and soil conditions and provide recommendations that mitigate soils and geotechnical hazards or constraints.</p>	Project Proponent		

<p>Mitigation Measure III.F.3 Structural engineering must address anticipated ground motions, mitigating ground shaking hazards through seismic design that follows the latest Uniform Building Code and the Structural Engineers' Association of California parameters.</p>	Project Proponent		
<p>Mitigation Measure III.F.7 Before building on wind or stream-deposited sediment or young alluvium, conduct subsurface geotechnical studies for risks like seismic settlement, collapsible or expansive soils, and liquefaction. Use proper excavation, compaction, backfilling, and foundation design to reduce these hazards.</p>	Project Proponent	Prior to project implementation	
<p>Mitigation Measure III.F.8 Conduct site-specific geotechnical analyses for new development near steep slopes to assess landslide, rockfall, and slope failure risks. Include mitigation measures like setbacks, retaining walls, or vegetation buffers to reduce hazards.</p>	Project Proponent	Prior to issuance of grading permits	
<p>Mitigation Measure III.F.15 All grading permit requests must include a soil erosion prevention plan. To control dust and sand during grading, maintain moist soils, limit dry exposed areas, plant stabilizing vegetation, use windbreaks or block walls, apply chemical stabilizers, and water construction sites before and during site work. (Also see Air Quality in Section III-C)</p>	Project Proponent	Prior to issuance of grading permits	
<p>Mitigation Measure III.F.17 The Town will require development applications to include plans showing leach fields, seepage pits, drainage facilities, and water-dependent landscaping, so staff can assess ground saturation risks and ensure foundations are properly sited to reduce localized soil collapse.</p>	Lead Agency		
<p>Mitigation Measure III.F.18 All imported and on-site fill soils must be approved by the project's soils engineer. Before use as compaction fill, the engineer will ensure materials are free of vegetation, organic matter, debris, and stones larger than 6 inches. Approved soil should be placed in horizontal layers at specified thicknesses and adjusted for optimal moisture as needed.</p>	Project Proponent and its designee		

<p>Mitigation Measure III.F.19 Fill must be compacted to at least 90% of maximum laboratory density using overfilling, cutting back, or approved mechanical methods per ASTM D-1557-78. The project's soils engineer will monitor fill placement and test for moisture, uniformity, and compaction. In-place density should be measured by the sand-cone method (ASTM D-1556-64 (74)) or another method approved by the Town's Building and Safety Department.</p>			
<p>Mitigation Measure III.F.20 Finish cut slopes should not be steeper than 2:1 (horizontal to vertical). Excavating near-vertical cuts over 5 feet for retaining walls or utilities can cause slope failure, risking equipment damage and worker injury. The project engineer must inspect all cut slopes during grading to give further safety recommendations.</p>	Project Proponent and its designee		
<p>Mitigation Measure III.F.21 Foundation systems that utilize continuous and spread footings are recommended for the support of one and two-story structures. Foundations for higher structures must be evaluated based on structure design and on-site soil conditions.</p>	Project Proponent and its designee		
<p>Mitigation Measure III.F.22 Positive site drainage shall be established during finish grading. Finish lot grading shall include a minimum positive gradient of 2% away from structures for a minimum distance of three (3) feet and a minimum gradient of 1% to the street or other approved drainage course.</p>	Project Proponent and its designee		
<p>Mitigation Measure III.F.23 Utility trench excavations on slopes or near structures must be backfilled as follows:</p> <p style="padding-left: 40px;">34. Pipes require at least 6 inches of pea gravel or approved granular soil bedding, with a minimum 1-foot cover of similar material. Compact this backfill mechanically or jet to firm condition.</p>	Project Proponent and its designee		

<p>35. Remaining backfill may be fine-grained soils, placed in layers no thicker than 6 inches, brought to optimal moisture, and compacted to at least 90% of laboratory maximum density.</p> <p>36. For trenches within 5 feet of or on slope faces, use pea gravel or approved granular soils for bedding and initial backfill. Complete with onsite fill soil compacted as above.</p>			
Greenhouse Gas Emissions			
<p>Mitigation Measure III.C.10 All new development shall be required to install infrastructure prior to occupancy, which will encourage a well-planned, orderly development pattern.</p>		Prior to Project implementation	
<p>Mitigation Measure III.C.12 New projects shall incorporate design parameters that allow for frequent, reliable, and convenient public transit.</p>			
<p>Mitigation Measure III.C.15 Idling time for commercial, delivery, and construction vehicles shall be regulated and limited.</p>			
<p>Mitigation Measure III.C.16 Landscaping designs shall use trees and other vegetation to maximize the shading of buildings in order to reduce energy requirements for heating and cooling.</p>	Project Proponent and its designee		
<p>Mitigation Measure III.C.21 Promote the use of facilities for low/zero carbon fueled vehicles in new developments, such as the charging of electric vehicles from green electricity sources. Promote the use of on-site renewable energy production including installation of photovoltaic cells or other solar options. The Town shall encourage the use of solar cells in private development and consider such project features favorably during project review. The Town shall investigate the cost effectiveness of installing such solar cells on Town buildings for the purposes of powering Town facilities and possibly selling excess "clean" energy back to the SCE power grid, pursuant to state law.</p>	Lead Agency		

<p>Mitigation Measure III.C.41 Prior to July 15, 2010, the Town shall develop and adopt a Climate Action Plan ("CAP") that enhances the General Plan's goals, policies and programs relating to meeting the greenhouse gas emission targets established in the California Global Warming Solutions Act, including reducing emissions to 1990 levels by including an emissions inventory; emission targets that apply at reasonable intervals through the life of the plan; enforceable GHG control measures; monitoring and reporting; and mechanisms to allow for the revision of the plan, if necessary, to stay on target. The goal of the CAP shall be to reduce greenhouse gas emissions within the Town's control the achieve the emission reduction goals required by AB 32, as further developed and quantified by the California Air Resources Board. The CAP shall quantify the approximate greenhouse gas emissions reductions of each measure developed with the CAP, and shall consider the mechanisms, strategies and techniques included above.</p>	Lead Agency		
<p>Hazards and Hazardous Materials</p>			
<p>Mitigation Measure III.G.5 Future development within the General Plan area shall be required to comply with all applicable federal, state, and regional permitting requirements for hazardous and toxic materials generation and handling, including but not limited to the following:</p> <ul style="list-style-type: none"> a. If it is determined that hazardous wastes are, or will be, generated by any proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If so, the proposed facility shall obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. b. If hazardous wastes are (a) stored in tanks or containers for more than ninety (90) days, (b) treated onsite, or (c) disposed of onsite, then 	Lead Agency		

<p>a permit from the DTSC may be required. If so, the proposed facility shall contact DTSC at (818) 551-2171 to initiate pre-application discussions and determine the permitting process applicable to the facility.</p>			
<p>Mitigation Measure III.G.6 Developers shall submit for approval a detailed description of any hazardous materials use, as well as detailed plans for location of any hazardous materials storage and management facilities to the Apple Valley Fire Protection District.</p>	Project Proponent		
<p>Mitigation Measure III.G.7 The Town shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials or sites that use or contain potentially hazardous or toxic materials.</p>	Lead Agency		
<p>Mitigation Measure III.G.8 During project construction and implementation, the handling, storage, transport, and disposal of all chemicals, including herbicides and pesticides, runoff, hazardous materials and waste used on, or at, the project site, shall be in accordance with a project's BMPs/Integrated Pest Management Plan, other relevant regulatory plans, and applicable County, state, and federal regulations.</p>	Project Proponent	During construction and project implementation	
Hydrology and Water Quality			
<p>Mitigation Measure III.H.9 Future development proposals shall be required to submit a hydrology study and mitigation plan which conforms to the Apple Valley Master Plan of Drainage or the Apple Valley West/Desert Knolls Master Plan of Drainage and other regional and local requirements, policies, and programs.</p>		Prior to issuance of grading permit	
<p>Mitigation Measure III.H.10 All new development shall be required to incorporate, at the developer's expense, adequate flood control mitigation, such as grading that prevents adverse drainage impacts to adjacent properties,</p>	Project Proponent		

on-site retention of runoff, and the adequate siting of structures located within flood plains and to, as part of project development.			
Mitigation Measure III.H.11 Future flood control plans required of developers shall include specific recommendations and/or designs regarding pollution control techniques to be applied to keep pollutants, including herbicides, pesticides, and other hydrocarbons out of surface and groundwaters. Mitigation measures may include specifically designed open space areas such as artificial wetlands where nuisance and otherwise contaminated on-site runoff shall be retained separate from channels conveying off- site flows.	Project Proponent		
Mitigation Measure III.H.13 Stormwater retention shall be enforced through the development review process and routine site inspection.	Lead Agency		
Mitigation Measure III.I.3 The Town shall continue to implement its Water Conservation Plan ordinance and comply with State Assembly Bill 325 (AB 325) by limiting turfed areas in new projects, and requiring the use of native and other drought-tolerant planting materials, installing efficient irrigation systems and monitoring existing systems to ensure maximum efficiency and conservation.	Lead Agency		
Mitigation Measure III.I.4 The Town shall require that all new developments use water conserving appliances and fixtures, including low-flush toilets and low-flow showerheads and faucets. The Town shall require the application of water-conserving technologies in conformance with Section 17921.3 of the Health and Safety Code, Title 20, California Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code.	Lead Agency		
Mitigation Measure III.I.5 The Town shall encourage the use of faucets, showerheads and appliances in new development that exceed Title 20 and Title 24 water efficiency requirements.	Lead Agency		
Mitigation Measure III.I.10	Lead Agency		

<p>The Town shall require that the development and maintenance of project-specific on-site stormwater retention/detention basins that implement the NPDES program, enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies subject to all applicable regulations, standards and guidelines.</p>			
<p>Mitigation Measure III.I.11 The Town shall require that the development and maintenance of project-specific on-site stormwater retention/detention basins that implement the NPDES program, enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies subject to all applicable regulations, standards and guidelines.</p>	Lead Agency		
<p>Mitigation Measure III.I.15 Irrigation design that reduces overspray and uses conservation techniques shall be required for all new commercial, industrial, public facilities and multi-family projects which will reduce the amount of water used and wasted on irrigation.</p>	Project Proponent and its designee		
<p>Land Use and Planning</p>			
<p>Mitigation Measure III.J.1 Individual project proposals, especially those involving a mix of residential and other uses, as well as those located near sensitive lands or uses, shall be fully evaluated during the project review process to assure that all land use compatibility issues are addressed and mitigated.</p>	Lead Agency		
<p>Noise</p>			
<p>Mitigation Measure III.L.1 The Town shall continue to maintain and enforce its noise ordinance to ensure that noise impacts throughout the General Plan area are maintained at acceptable levels.</p>	Lead Agency		
<p>Mitigation Measure III.L.10 All construction equipment operating in the General Plan area shall be equipped with properly operating and well-maintained mufflers to limit noise emissions.</p>			

<p>Mitigation Measure III.L.12 Construction activities shall be conducted in compliance with the Town's Noise Ordinance to ensure that acceptable noise levels are achieved during sensitive time periods.</p>	Project Proponent and its designee	During Project implementation	
<p>Public Services</p>			
<p>Mitigation Measure III.M.4 Fire Protection The Apple Valley Fire Protection District shall continue to review new development proposals and evaluate project plans to assure that it can provide adequate fire protection.</p>			
<p>Mitigation Measure III.M.1 Law Enforcement New development projects shall be reviewed by the Sheriff's Department to ensure the Department's ability to provide adequate police protection. New developments shall comply with established Sheriff's Department standard.</p>			
<p>Mitigation Measure III.M.1 Schools Statutory school mitigation fees for residential and commercial development shall continue to be assessed to developers.</p>			
<p>Recreational Resources</p>			
<p>Mitigation Measure III.L.1 The Town will require developers to participate in the Town's parkland fee programs/Quimby requirements.</p>	Lead Agency		
<p>Transportation and Traffic</p>			
<p>Mitigation Measure III.O.3 All Town streets shall be designed to have a minimum lane width of 12 feet.</p>	Lead Agency		
<p>Mitigation Measure III.O.6 The Town shall require that new development projects on arterial roadways incorporate bus pullouts, to allow buses to leave the flow of traffic and reduce congestion.</p>	Lead Agency		
<p>Mitigation Measure III.O.11</p>	Lead Agency		

<p>The Town shall ensure that sidewalks are provided on all roadways that are 88 feet wide or wider. In Rural Residential land use areas, the Town shall ensure that designated pathways are provided.</p>			
<p>Mitigation Measure III.O.14 The Town shall require, as necessary, project-specific and/or phase-specific traffic impact analyses for subdivision and other project approvals. Such analyses may be required to identify build-out and opening year traffic impacts and service levels, and may need to exact mitigation measures required on a cumulative and individual project or phase basis.</p>	Lead Agency		
<p>Mitigation Measure III.O.15 Concurrent with construction, all new development proposals located adjacent to public roadways shall be required to install all improvements to their ultimate General Plan half-width.</p>	Project Proponent	During construction	
<p>Mitigation Measure III.O.18 All new development shall be required to pay a “fair share” of improvements to surrounding roadways, bridges and signals that are impacted by and are located within and surrounding the development project.</p>	Project Proponent		
<p>Mitigation Measure III.O.19 The Town shall ensure that pedestrian access is preserved and enhanced by means of the following: improved sidewalks, pedestrian walkways, lighting and landscaping designs and connections to existing sidewalks and trails.</p>	Lead Agency		
<p>Mitigation Measure III.O.20 New development proposals shall be required to construct bicycle lanes in conjunction with off-site improvements.</p>	Lead Agency		
<p>Tribal Cultural Resources</p>			
<p>Mitigation Measure TCR-1. 1. The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) and the Twenty-Nine Palms Band of Mission Indians (TPBMI) shall be contacted, as detailed in CUL-1, of any pre-contact cultural resources discovered</p>	Project Proponent		

<p>during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN and TPBMI or the remainder of the project, should YSMN or TPBMI elect to place a monitor onsite.</p> <p>2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN or TPBMI. The Lead Agency and/or applicant shall, in good faith, consult with YSMN and TPBMI throughout the life of the project.</p>			
<p>Utilities and Service Systems</p>			
<p>Mitigation Measure III.M.1 All future development projects shall be subject to review by the Town and the applicable water purveyor to assess their potential impact on local groundwater supplies.</p> <p>To the greatest extent feasible, all new development shall connect to the existing wastewater treatment collection system, or otherwise comply with the Town's Sewer Connection Policy.</p>	<p>Lead Agency</p>		
<p>Mitigation Measure III.M.3 The use of drought tolerant landscaping shall be encouraged in public and private development.</p>	<p>Project Proponent</p>		
<p>Mitigation Measure III.M.4 Future development shall be required to conform to standards set forth in Section 17921.3 of the Health and Safety Code, Title 20, California</p>			

<p>Administrative Code Section 1601(b), and applicable sections of Title 24 of the State Code. These measures include the installation of low-flush toilets, low-flow showerheads and faucets in all new construction.</p>			
<p>Mitigation Measure III.M.5 As landscaping debris comprises a significant percentage of residential solid waste, developers shall contract for professional landscaping services from companies which compost green waste. Several landscaping companies in the Apple Valley/Victorville area are currently composting for waste disposal. On-site composting and grass recycling (whereby grass clippings are left on the ground) is also encouraged wherever possible.</p>	<p>Project Proponent</p>		