

PLANNING COMMISSION

ATTACHMENT D

Final Environmental Impact Report and
Mitigation Monitoring and Reporting Program

**Final Environmental Impact Report
SCH No. 2023070350**

**Nisqualli Road Trailer Lot
Expansion Project**
City of Victorville, California

Lead Agency

City of Victorville
14343 Civic Drive
Victorville, CA 92392

CEQA Consultant

T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602

Project Applicant

Link Logistics
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Irvine, CA 92612

Lead Agency Discretionary Permit

Site Plan (Plan 23-00011)

May 2024



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SECTION 1.0 INTRODUCTION

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the City of Victorville, as the Lead Agency, has evaluated the comments received on the Draft Environmental Impact Report (Draft EIR) for the Nisqualli Road Trailer Lot Expansion Project (Project) (SCH No. 2023070350) and has prepared written responses to these comments. This document has been prepared in accordance with CEQA and represents the independent judgment of the lead agency.

According to State CEQA Guidelines Section 15132, the Final EIR shall consist of:

- (a) The Draft EIR or a revision of the draft;*
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary;*
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR;*
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and*
- (e) Any other information added by the Lead Agency.*

The Planning Commission will consider certification of the EIR, adoption of a Mitigation Monitoring and Reporting Program, and Findings of Fact as part of the approval process for the Project.

This Final EIR document is organized as follows:

Section 1 provides a brief introduction to this document, a summary of the public review process, and a list of commenters.

Section 2 provides responses to the public comments received on the Draft EIR during the public review period. Responses are provided in the form of individual responses to comment letters received. Comment letters are followed immediately by the responses to each letter.

Section 3 contains revisions and clarifications to the Draft EIR as a result of the comments received from agencies and interested persons as well as errata identified in the EIR. This information does not constitute significant new information and recirculation of the EIR for further review pursuant to CEQA Guidelines Section 15088.5 is not required.



1.1 PUBLIC REVIEW PROCESS

In compliance with Section 15201 of the State CEQA Guidelines, the City of Victorville (City) has taken steps to provide opportunities for public participation in the environmental review process. A Notice of Preparation (NOP) was distributed on July 21, 2023, to responsible agencies, local government agencies, and interested parties for a 30-day public review period (from July 21, 2023 to August 21, 2023) in order to solicit comments and inform agencies and the public of the Project. The NOP was also distributed to the State of California Office of Planning and Research, State Clearinghouse (SCH) for distribution to State agencies. The NOP was posted on the City's website, Valleywide Newspaper, and at the San Bernardino County Clerk's office on July 21, 2023. The Project was described; potential environmental effects associated with Project implementation were identified; and agencies and the public were invited to review and comment on the NOP. A copy of the NOP and comments received are included in Appendix A of the Draft EIR. The City received one (1) comment letter in response to the NOP. Table 1-1 of the Draft EIR provides a brief summary of the NOP comments received that address environmental and related issues.

CEQA requires that a Draft EIR have a review period lasting at least 45 days for projects that have been submitted to the SCH for review (State CEQA Guidelines, Section 15105[a]). The Draft EIR was distributed to various public agencies, organizations, and individuals on March 8, 2024; the EIR was available for public review and comment for a period of 45 days. The review period ended on April 22, 2024. The City used several methods to elicit comments on the Draft EIR. A Notice of Availability (NOA) and the Draft EIR was distributed to the SCH for distribution to State agencies and was posted on the City's website. The NOA was posted also at the San Bernardino County Clerk's office on March 8, 2024. The NOA was mailed to responsible agencies, local government agencies, and interested parties that received the NOP, to individuals who had previously requested the NOA or EIR, and to individuals who provided NOP comments on March 8, 2024. The NOA was also published in Valleywide Newspaper on March 8, 2024; the NOA and Draft EIR were made available for review, on the City's web site at: <https://www.victorvilleca.gov/government/city-departments/development/planning/environmental-review-notice>.

The Planning Commission, as the final approval body, is scheduled to hold a public hearing on June 12, 2024, to consider approving the proposed Project, associated actions, and certification of the Final EIR for the Project.

1.2 LIST OF EIR COMMENTERS

In accordance with Section 15132 of the State CEQA Guidelines, the following is a list of the agencies, organizations, and individuals that submitted comments on the Draft EIR. The City did not receive any comments from any state agencies or organizations. One comment letter was received from an individual and one comment letter was received from a Native American tribe.

Responses to each comment are in Section 2.0 of this Final Environmental Impact Report (Final EIR). The comment letters have been assigned a letter (i.e., A, B, C) and each comment within the transmittal is divided into sequential numbered comments (i.e., A-1, A-2, A-3).

<u>Comment</u>	<u>Date of Letter</u>
A. Marisol Villarreal	April 15, 2024
B. Morongo Band of Mission Indians	April 29, 2024



SECTION 2.0 RESPONSES TO COMMENTS RECEIVED DURING THE PUBLIC REVIEW PERIOD

All of the comment letters received by the City have been included and responded to in this Final EIR. Comments that address environmental concerns have been thoroughly addressed. Comments that do not require a response are indicated below and include those that (1) do not address the adequacy or completeness of the Draft EIR (i.e., are outside the scope of CEQA); (2) do not raise environmental issues; (3) do not address the Project; or (4) request the incorporation of additional information not relevant to environmental issues.

CEQA Guidelines Section 15204(a) outlines the parameters for public agencies and interested parties to submit comments and the Lead Agency's responsibility for responding to specific comments. Per CEQA Guidelines Section 15204(a), comments should be related to:

[T]he sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible... CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or suggested by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

CEQA Guidelines Section 15204(c) further advises that, "[r]eviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Additionally, CEQA Guidelines Section 15204(d) notes that, "[e]ach responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility;" but, pursuant to CEQA Guidelines Section 15204(e), "[t]his section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section [CEQA Guidelines Section 15204]."

Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments.*



- b) *The lead agency shall provide a written proposed response, either in a printed copy or in an electronic format, to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.*
- c) *The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice. The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.*
- d) *The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:*
 - 1. *Revise the text in the body of the EIR; or*
 - 2. *Include marginal notes showing that the information is revised in the response to comments.*

This section includes responses to substantive Draft EIR comments received by the City. With respect to comment letters received, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the City's responses to each applicable comment are included in this section. Brackets delineating the individual comments and a numeric identifier have been added to the right margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter. Responses to comments are being sent to the agencies, organizations, and individuals that provided comments at least 10 days prior to the Planning Commission's consideration of the Project and EIR.

As described in Section 3.0 *Draft EIR Clarifications and Revisions* of this document, no revisions to the Draft EIR were made or required as a result of comments received during the public review period. Because no new information was added to the Draft EIR, the response to comments do not result in any of the conditions set forth in Section 15088.5 of the State CEQA Guidelines; therefore, the EIR does not need to be recirculated prior to its certification.



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COMMENT LETTER A

Travis Clark

From: Marisol Villarreal <mvillarreal@sfsu.edu>
Sent: Monday, April 15, 2024 11:55 PM
To: Travis Clark
Cc: Alma Daisy Gutierrez
Subject: Public comment on Nisqualli Road Trailer Lot Expansion Project

[EXTERNAL EMAIL]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Clark,

My name is Marisol Villarreal and I am a graduate student at San Francisco State University. I have a background in environmental science, but how to engage with policy is new to me. This semester I am learning about the CEQA process and how public comment periods work. My professor is CC'd.

Environmental issues are very important to me, as I frequently hike and visit nature as often as I can. Usually I hike locally, but as of 2022 I have a new tradition where in Spring I drive South to the California Deserts for the flowers. This year I decided to add Victorville to my destinations because your city has an active Draft EIR (SCH number 2023070350).

I hiked the Mojave Narrows (you can view my track here <https://www.alltrails.com/explore/recording/morning-hike-at-mojave-narrows-a67f096>) along the Mojave River downslope in elevation from the Trailer Lot expansion project. I was awestruck by how magnificently beautiful it is. I have seen a lot of riparian habitat in the last few years, from the Anderson State Marsh in Clear Lake to the Bobelaine Audubon Wildlife Sanctuary East off of 99, and Kaweah Oaks preserve near Visalia. Every one of these was worth visiting, but the Mojave Narrows blew me away. While most of the others mentioned have cottonwood trees, they are very reduced width corridors, and in many ways are degraded habitat. Mojave Narrows is the first place I have been that I can truly call a cottonwood forest, and the floodplain was very wide. It was honestly magical.

As a result, I would like to publicly comment/share some concerns regarding the trailer lot expansion project.

Some of my comments are really questions that I hope the Lead Agency will consider to increase environmental protections of the Mojave River watershed.

1. With the proximity to the Mojave Narrows, **why aren't there greater precautions against runoff?** The hydrology study (J1) states "Curb Inlet capacities will be based on the 100-year storm event." I think that this concept of a storm that only comes every 100 years is outdated. With climate change, we are going to have more frequent high-intensity storms. With the increased volume/traffic of tires, the bar should be higher to keep free-running water, however ephemeral, that much cleaner.
2. The related appendix, J2, on Water Quality does indicate the construction of a large catch basin to prevent (some) runoff from entering the watershed, but I saw no mention of measures mitigating impact for birds that might be attracted to a new water source. **Why isn't impact to birds**



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COMMENT LETTER A

considered? I think that is a missing piece that should be addressed in the final EIR so as to truly minimize the environmental impact. Especially in a desert environment, animals, especially ones that can see water from afar (as birds) will be attracted to it.

Thank you for reading and I hope that you enjoy the river magic!



Morning hike at Mojave Narrows

Check out my activity on AllTrails.

www.alltrails.com

A-4
(CONT.)

Sincerely,

Marisol Villarreal

Student of MA in Geography, San Francisco State

inaturalist.org

Pronouns: she/her/ella



Responses to Comment A

Marisol Villarreal, dated April 15, 2024.

- A-1. The commenter provides introductory remarks and discusses how the Draft EIR relates to their view of environmental issues. No further response is required.
- A-2. The commenter states that they hiked the Mojave Narrows Regional Park and discusses the experience. The commenter then provides public comments regarding the Project which are addressed in response to Comments A-3 and A-4 below and requests the Lead Agency to consider increasing the environmental protections of the Mojave River watershed. No further response is required.
- A-3. The commenter inquires about the precautions against runoff with the Project's proximity to the Mojave Narrows. The commenter references the Project's hydrology study regarding the design of the curb inlet capacities and the 100-year storm event. The commenter believes that the concept of a storm that comes every 100 years is outdated and that due to climate change, there will be more frequent high-intensity storms. The commenter states that due to the increase in traffic volumes, the standard should be higher to keep free-running water, however ephemeral, that much cleaner.

The 100-year 24-hour flow rate refers to the magnitude of a storm event and the probability of that event occurring. That is, for a 100-year flood, there is a 1% chance in any given year of having a flood of that magnitude. A 100-year storm event would have a greater flow rate than a 10-year storm event. As discussed in Section 4.8, *Hydrology and Water Quality*, the Project has been designed to protect against both the 100 year 24-hour flow rate and 10 year 24-flow rate, regardless of when a particular storm event occurs. Specifically, as shown in Table 4.8-2 of the Draft EIR, *Existing vs. Proposed Hydrologic Conditions*, the results from the Hydrology Report demonstrate that the proposed drainage conditions would generate a higher peak runoff flowrate than the existing conditions of the Project site due to an increase in impervious area. Under existing conditions, the Project site's 100-year 24-hour flow rate for the Project site is approximately 15.5 cubic feet per second (cfs). Under the proposed conditions, the Project site's 100-year 24-hour flow rate for the Project site is approximately 24.0 cfs without storm drain improvements. The Project would construct storm drain inlet and underground storm drainpipes to convey the onsite drainage to the proposed detention/infiltration basin. With the proposed storm drain system improvements, the 100-year 24-hour flow rate for the Project site would be approximately 7.1 cfs. Therefore, the Project's proposed storm drain system demonstrates that it has sufficient volume to mitigate excess runoff and volume for the site. The proposed drainage facilities would convey stormwater away from the Project site and ensure flooding does not occur on any critical infrastructure onsite. With the proposed storm drain improvements, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.

Additionally, the Project would have a beneficial impact on water quality in the Mojave River Watershed. Under existing conditions, the runoff sheet flows untreated across an undeveloped site in a south to north direction. There are currently no water quality controls on site. The Project Applicant is required to comply with the Stormwater Pollution Prevention Plan during



construction and the Project's Water Quality Management Plan (WQMP) during operation. The WQMP (EIR *Technical Appendix J2*) identifies required Best Management Practices (BMPs) to be incorporated into the Project's design and operations to ensure that the Project would not result in substantial amounts of polluted runoff. The WQMP is a site specific post-construction water quality management program designed to address the pollutants of concern of a development project via BMPs, implementation of which ensures the on-going protection of the watershed basin.

As identified in Project's Preliminary WQMP, the proposed Project is designed to include site design, non-structural and structural source control BMPs. The Project's on-site storm drain system would include a detention/infiltration basin within the northern portion of the Project site to mitigate peak flows during storm events and for the purpose of water quality treatment. Non-structural source control BMPs would include education of property owners, tenants, and occupants on stormwater BMPs, activity restrictions, landscape management BMPs, BMP maintenance, local water quality ordinances, and spill contingency plan. Structural source control BMPs include storm drain system stenciling and signage, trash and waste storage areas, efficient irrigations systems and landscape design. Refer to Form 4.1-1 and Form 4.1-2 of the Project's preliminary WQMP (Technical Appendix J2) for the full list of nonstructural and structural source control BMPs. Compliance with the WQMP would be required as a condition of Project approval pursuant to Municipal Code Section 10.30.220, and long-term maintenance of on-site BMPs would be required to ensure their long-term effectiveness. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

- A-4 The commenter references the Project's Water Quality Management Plan regarding the construction of a large catch basin to prevent some runoff from entering the watershed. The commenter states that there is no mention of mitigation measures for impacts to birds that might be attracted to a new water source. The commenter asks why impacts to birds aren't considered and states that it should be addressed in the Final EIR to minimize the environmental impact.

As discussed in Section 3.0, *Project Description*, the Project's on-site storm drain system would include one (1) detention/infiltration basin (drainage subarea A4) within the northern portion of the Project site to mitigate peak flows during 10-year and 100-year storm events. The proposed basin would include an outlet structure with an orifice at an elevation of 1.5 feet to convey stormwater to the existing 24-inch storm drain line located north of the Project site. Detention ponds are designed to completely drain within 24 hours after the completion of a storm event; therefore, there would be no impacts to birds that might be attracted to a new water source. Additionally, as discussed in Section 4.2, *Biological Resources*, the Project would incorporate Mitigation Measure MM 4.2-2 to ensure that appropriate pre-construction surveys are conducted during the bird nesting season, and further ensure that any active nests are avoided and protected by an appropriate buffer area. Implementation of the required mitigation would reduce the Project's potential impacts to nesting birds to less-than-significant levels.



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COMMENT LETTER B

TRIBAL HISTORIC PRESERVATION OFFICE

VIA ELECTRONIC MAIL

planning@victorvilleca.gov

Travis Clark
Senior Planner
City of Victorville
Planning Department
14343 Civic Drive
Victorville, CA 92392

MORONGO
BAND OF
MISSION
INDIANS



A SOVEREIGN NATION

April 29, 2024

Re: Nisqualli Road Trailer Lot Expansion Project Case Plan 23-00011 City of Victorville, CA

The Morongo Band of Mission Indians (Tribe/MBMI) Tribal Historic Preservation Office received your letter regarding the above referenced Project. The proposed Project is located within the boundaries of the ancestral territory or traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians.

Thank you for notifying the MBMI about this Project. MBMI has reviewed supporting documentation and at this time, does not have any comments or concerns with the Project as Proposed. In the event of an inadvertent discovery during implementation of the Project, MBMI requests notification and consultation.

←
B-1
←

Respectfully,

Bernadette Ann Brierty
Tribal Historic Preservation Officer
Morongo Band of Mission Indians

CC: Morongo THPO

12700 Pumarra Road – Banning, CA 92220 – (951) 755-5259 – Fax (951) 572-6004 – THPO@morongo-nsn.gov



Responses to Comment B

Morongo Band of Mission Indians, dated April 29, 2024.

B-1. The commenter notes that the Morongo Band of Mission Indians (MBMI) Tribal Historic Preservation Office has received the NOA for the Project and that the Project is located within the boundaries of the ancestral territory or traditional use area of the Cahuilla and Serrano people of the MBMI. The commenter states that after review of the Draft EIR and supporting documentation, there are no comments or concerns with the Project and in the event of an inadvertent discovery during Project implementation, MBMI requests notification and consultation. In response to this comment, Mitigation Measures MM 4.2-2, MM 4.2-3, MM 4.11-1, and 4.11-2 have been revised accordingly to include MBMI as a tribal monitor for the Project. The revised mitigation measure further supports the conclusions in the Draft EIR and is not evidence of a new or greater impact not previously disclosed.

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

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

MM 4.11-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and Morongo Band of Mission Indians (MBMI) be contacted, as detailed in Mitigation Measure MM 4.3-2, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, to provide Tribal input regarding significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN and MBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN and MBMI



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for the remainder of the project, should YSMN and MBMI elect to place a monitor on-site.

- MM 4.11-2** Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN and MBMI. The Lead Agency and/or applicant shall, in good faith, consult with YSMN and MBMI throughout the life of the project.



SECTION 3.0 CLARIFICATIONS AND REVISIONS

Corrections to the Draft Environmental Impact Report (EIR) text generated either from responses to comments or independently by the City, are stated in this section of the Final EIR. The information included in this section does not constitute substantial new information that requires recirculation of the Draft EIR. Section 15088.5 of the State CEQA Guidelines states in part:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:*
- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.*
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.*
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.*
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.*
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.*

None of the information contained in this section constitutes significant new information or changes to the analysis or conclusions of the Draft EIR. There were no new significant environmental impacts identified following circulation of the Draft EIR. Likewise, there were no substantial increases in the severity of environmental impacts identified after circulation of the Draft EIR. Therefore, recirculation of the Draft EIR is not required because no new information was added to the EIR.

CLARIFICATIONS AND REVISIONS TO THE DRAFT EIR

This section includes recommended clarifications and revisions to the Draft EIR. This section is organized by respective sections of the Draft EIR. Deleted text is shown as strikeout and new text is underlined.



Section S.0 Executive Summary

1. Pages S-9, S-10, S-17, S-18 are hereby modified in response to Comment B-1.

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

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

MM 4.11-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and Morongo Band of Mission Indians (MBMI) be contacted, as detailed in Mitigation Measure MM 4.3-2, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, to provide Tribal input regarding significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN and MBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN and MBMI for the remainder of the project, should YSMN and MBMI elect to place a monitor on-site.

MM 4.11-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN and MBMI. The Lead Agency and/or applicant shall, in good faith, consult with YSMN and MBMI throughout the life of the project.

Section 4.3 Cultural Resources

1. Pages 4.3-14 and 4.3-15 are hereby modified in response to Comment B-1.



- MM 4.3-2** In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and Morongo Band of Mission Indians (MBMI) shall be contacted, as detailed within Mitigation Measure MM 4.11-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
- MM 4.3-3** If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN and MBMI for review and comment, as detailed within MM 4.11-1. The Monitoring and Treatment Plan shall include methodology for the handling and curation of artifacts and be submitted to the City of Victorville for review and approval. The archaeologist shall monitor the remainder of the Project site.

Section 4.11 Tribal Cultural Resources

1. Pages 4.11-9, and 4.11-10 are hereby modified in response to Comment B-1.

- MM 4.11-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and Morongo Band of Mission Indians (MBMI) be contacted, as detailed in Mitigation Measure MM 4.3-2, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, to provide Tribal input regarding significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN and MBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN and MBMI for the remainder of the project, should YSMN and MBMI elect to place a monitor on-site.
- MM 4.11-2** Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN and MBMI. The Lead Agency and/or applicant shall, in good faith, consult with YSMN and MBMI throughout the life of the project.

Mitigation Monitoring and Reporting Program Nisqualli Road Trailer Lot Expansion Project

State Clearinghouse No. 2023070350

Prepared for:

**City of Victorville
14343 Civic Drive
Victorville, CA 92392**

Prepared by:

**T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602
714-505-6360**

May 2024

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant environmental impacts. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code §21081.6).

The City of Victorville will coordinate the monitoring of the mitigation measures and regulatory requirements with each applicable City department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures and regulatory requirements. Monitoring will include: 1) verification that each mitigation measure and regulatory requirement has been implemented; 2) recordation of the actions taken to implement each mitigation measure and regulatory requirement; and 3) retention of records in the project file.

Project Objectives

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

- A. To improve an existing dirt lot, currently used for truck trailer storage, with an improved fenced and paved parking facility to help meet the needs for ancillary parking of the existing Church & Dwight Co. Inc warehouse;
- B. To further alleviate truck traffic along Nisqualli Road and Enterprise Way and parking along Enterprise Way;
- C. To improve the water quality through the installation of an on-site detention basin.

Overview of the Project

The proposed Project involves a discretionary application for a Site Plan (PLAN23-00011). The proposed Site Plan (PLAN23-00011) specifies a development plan for the Project site that provides for construction and operation of a fenced and paved truck trailer and/or vehicle parking facility consisting of 198 truck trailer parking stalls. The proposed truck trailer parking facility is intended to serve as ancillary truck trailer parking for the existing Church & Dwight warehouse located immediately south of the Project site. No structures would be located on the Project site as part of the Project. However, it should be noted that an 8-foot by 15-foot guard shack may be located at the southwestern corner of the proposed parking lot. The proposed Project would provide one driveway gated with a 7-foot-tall tubular steel gate connecting to Enterprise Way. This driveway would primarily serve as an exit.

Access to the Project site would be provided through existing driveways associated with the existing Church & Dwight warehouse. Specifically, limestone trucks would continue to enter the Church & Dwight site via the existing driveway along Enterprise Way and other truck/trailer traffic would continue to enter the Church & Dwight site via the existing driveway along Nisqualli Road to access the proposed trailer parking facility. The existing sidewalk along Enterprise Way would be retained. Refer to EIR Section 3.0, *Project Description*, for a detailed description of the proposed Project.

Mitigation Monitoring and Reporting Plan

This MMRP delegates responsibilities for monitoring the implementation of the Nisqualli Road Trailer Lot Expansion Project mitigation measures and applicable regulatory requirements and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure or regulatory requirement. The timing for monitoring and reporting is described in the monitoring and reporting summary table, below. Adequate monitoring requires demonstration of monitoring procedures and implementation of mitigation measures and regulatory requirements.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program during construction activities.

Program Changes

If minor changes are required to this MMRP, they will be made in accordance with the California Environmental Quality Act (CEQA) and would be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or minor modifications to mitigation measures that achieve the same or better end results. No change will be permitted unless the Mitigation Monitoring and Reporting Program continues to satisfy the requirements of Public Resources Code §21081.6.

Mitigation Monitoring and Reporting Program

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.2 Biological Resources					
Summary of Impacts					
Threshold a: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	MM 4.2-1 Impacts to Burrowing Owl: Prior to issuance of grading permits or any other permits allowing for the removal of vegetation on site, the City shall condition a qualified biologist to conduct two pre-construction presence/absence surveys for burrowing owls, one no less than 14 days prior to site disturbance, and one within 24 hours of site disturbance activities. If burrowing owls are detected on site, the owls will be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of CDFW. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required. If burrowing owls are detected within or adjacent to the proposed disturbance area, then the owls shall be passively relocated from the site to adjacent areas of suitable habitat. A qualified biologist shall prepare a Burrowing Owl Relocation and Protection Plan that shall document the relocation procedures. The Plan shall be submitted to CDFW for review and approval prior to relocating burrowing owls. Passive relocation shall be performed outside of the breeding season (October 1 to January 31), unless a qualified biologist verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Prior to performing the relocation, the biologist shall ensure that the adjacent relocation area contains suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. If the relocation site does not contain enough natural burrows, then artificial burrows shall be created. Until burrowing owls can be excluded from the impact area, the occupied burrows shall be avoided with adequate buffers as recommended by the biologist. During the breeding season, the avoidance buffer may be as high as	Project Applicant	City of Victorville Planning Department	Prior to grading permit issuance	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	500 meters depending on the type of disturbance occurring adjacent to the occupied habitat.				
<u>Threshold d:</u> Would the Project have substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<p>MM 4.2-2 Impacts to Nesting Birds: Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site, the City of Victorville Department of Engineering shall ensure that the following note is included on the grading plans. Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors.</p> <p><i>Vegetation clearing shall be conducted outside of the bird nesting season (February 1 through September 15) to the extent feasible. If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City of Victorville for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative</i></p>	Project Applicant	City of Victorville Department of Engineering	Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site	Less-than-Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<i>survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.</i>				
4.3 Cultural Resources					
Summary of Impacts					
Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	MM 4.3-1 In the event previously undiscovered archaeological resources are inadvertently discovered during ground disturbing activities, all construction work in the immediate vicinity of the discovery shall stop, and a qualified archaeologist shall determine if further mitigation measures are warranted.	Project Applicant; Qualified Archaeologist	City of Victorville; Qualified Archaeologist	Prior to the issuance of a grading permit; Prior to final grading inspection	Less than Significant Impact
	MM 4.3-2 In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and Morongo Band of Mission Indians (MBMI) shall be contacted, as detailed within Mitigation Measure MM 4.11-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Project Applicant; Qualified Archaeologist	City of Victorville; Qualified Archaeologist	During Project activities	
	MM 4.3-3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN and MBMI for review and comment, as detailed within MM 4.11-1. The Monitoring and Treatment Plan shall include methodology for the handling and curation of artifacts and be submitted to the City of Victorville for review and approval. The archaeologist shall monitor the remainder of the Project site.	Project Archaeologist	YSMN	During Project activities	

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
4.5 Geology and Soils					
<u>Threshold f.</u> Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p>MM 4.5-1 Prior to the approval of the Project's grading permits, a Paleontological Resource Impact Mitigation Project (PRIMP) shall be implemented, which describes monitoring and fossil collection procedures.</p> <p>a. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Full-time monitoring for paleontological resources from the surface will be conducted in areas where grading, excavation, or drilling activities occur in alluvium of the ancestral Mojave River to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources.</p> <p>b. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.</p> <p>c. Preparation of recovered specimens to a point of identification and permanent preservation will be conducted, including screen-washing sediments to recover small vertebrates and invertebrates if indicated by the results of test sampling. Preparation of any individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.</p>	Project Applicant	City of Victorville	Prior to initiation of any grading, drilling, and/or excavation activities	Less than Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	<p>d. All fossils must be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. The San Bernardino County Museum in Redlands, California, is the preferred institution by the County of San Bernardino. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, are the responsibility of the developer.</p> <p>e. Preparation of a final monitoring and mitigation report of findings and significance will be completed, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report, when submitted to and accepted by the appropriate lead agency (e.g., the City of Victorville), will signify satisfactory completion of the project program to mitigate impacts to any nonrenewable paleontological resources.</p>				
4.7 Hazards and Hazardous Materials					
Threshold a: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	MM 4.7-1 The Project Contractor shall adhere to the protocols and performance standards stipulated in the SMP (<i>Technical Appendix I2</i>). Contractors working at the site follow all applicable Cal/OSHA regulations for construction safety. A Completion Report shall be prepared at the conclusion of grading activities. The report shall document field monitoring activities and visual observations made during grading/excavations, as well as soil sampling locations and results. The report shall include a description of the location of impacted soil encountered, actions taken to characterize and mitigate impacts, confirmation soil sampling results, and disposition of any excavated soil. In addition, the report shall include a description of encountered subsurface structures and steps to remove and close such structures. The report shall be	Project Contractor	City of Victorville	At the conclusion of grading activities	Less than Significant Impact

THRESHOLD	MITIGATION MEASURES (MM)	RESPONSIBLE PARTY	MONITORING PARTY	IMPLEMENTATION STAGE	LEVEL OF SIGNIFICANCE AFTER MITIGATION
	reviewed and approved by the City of Victorville Planning Department, prior to issuance of building permits.				
4.12 Tribal Cultural Resources					
<p><u>Threshold a:</u> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</p>	MM 4.3-1 shall apply	Project Applicant; Project Archaeologist	City of Victorville; Qualified Archaeologist	Prior to the issuance of a grading permit; Prior to final grading inspection	Less than Significant Impact
	MM 4.11-1 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and Morongo Band of Mission Indians (MBMI) be contacted, as detailed in Mitigation Measure MM 4.3-2, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, to provide Tribal input regarding significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN and MBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN and MBMI for the remainder of the project, should YSMN and MBMI elect to place a monitor on-site.	Project Archaeologist	YSMN	During Project activities	
	MM 4.11-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN and MBMI. The Lead Agency and/or applicant shall, in good faith, consult with YSMN and MBMI throughout the life of the project.	Project Archaeologist	City of Victorville	During the life of the Project	