

***FINAL***

***ENVIRONMENTAL***

***IMPACT REPORT***

***FOR***

***YUCCA VALLEY GENERAL***

***PLAN UPDATE***

***SCH NO. 2012111021***



*prepared for:*

***TOWN OF YUCCA  
VALLEY***

Contact:  
Shane Stueckle  
Deputy Town Manager

*prepared by:*

***THE PLANNING  
CENTER/DC&E***

Contact:  
Nicole Vermilion  
Associate Principal

***NOVEMBER 2013***

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*prepared for:*

**TOWN OF YUCCA  
VALLEY**

57090 29 Palms Highway  
Yucca Valley, CA 92284  
Tel: 760.369.6575

Contact:  
Shane Stueckle  
Deputy Town Manager

*prepared by:*

**THE PLANNING  
CENTER/DC&E**

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Website: [www.planningcenter.com](http://www.planningcenter.com)

Nicole Vermilion  
Associate Principal

**TYV-01.0L**

**NOVEMBER 2013**

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# 1. Introduction

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## 1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and CEQA Guidelines (California Administrative Code Section 15000 et seq.).

According to CEQA Guidelines, Section 15132, the FEIR shall consist of:

- (a) The Draft Environmental Impact Report (DEIR) or a revision of the Draft;
- (b) Comments and recommendations received on the DEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies comments on the DEIR;
- (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.

This document contains responses to comments received on the DEIR for the Yucca Valley General Plan during the public review period, which began August 28, 2013, and closed on October 14, 2013. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

## 1.2 FORMAT OF THE FEIR

This document is organized as follows:

**Section 1, Introduction.** This section describes CEQA requirements and content of this FEIR.

**Section 2, Response to Comments.** This section provides a list of agencies and interested persons commenting on the DEIR; copies of comment letters received during the public review period, and individual responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A-1 through A-4 for letters received from agencies and organizations). Individual comments have been numbered for each letter and the letter is followed by responses with references to the corresponding comment number.

**Section 3. Revisions to the Draft EIR.** This section contains revisions to the DEIR text and figures as a result of the comments received by agencies and interested persons as described in Section 2, and/or errors and omissions discovered subsequent to release of the DEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the FEIR. The Town of Yucca Valley staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA



# 1. Introduction

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Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.

## 1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (a) outlines parameters for submitting comments, and reminds persons and public agencies that the focus of review and comment of DEIRs should be “on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which 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 demanded 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, “Reviewers 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 Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This 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.”

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

## 2. Response to Comments

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Section 15088 of the CEQA Guidelines requires the Lead Agency (Town of Yucca Valley) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the Town of Yucca Valley's responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the DEIR during the public review period.

<b>Number Reference</b>	<b>Commenting Person/Agency</b>	<b>Date of Comment</b>	<b>Page No.</b>
<b>Agencies &amp; Organizations</b>			
A1	Scott Morgan, State Clearinghouse, Office of Planning and Research	10/15/13	2-3
A2	Alan De Salvio, Mojave Desert Air Quality Management District	09/04/13	2-9
A3	Sonia Pierce, Marstel-Day, LLC	09/27/13	2-13
A4	Dave Singleton, Native American Heritage Commission	09/20/13	2-17



## 2. Response to Comments

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## 2. Response to Comments

LETTER A1 – State Clearinghouse (3 pages)

 Edmund G. Brown Jr. Governor	<p>STATE OF CALIFORNIA Governor's Office of Planning and Research State Clearinghouse and Planning Unit</p>	 Ken Alex Director
October 15, 2013		
Shane Stueckle City of Yucca Valley 58928 Business Center Drive Yucca Valley, CA 92284		
Subject: General Plan Update SCH#: 2012111021		
Dear Shane Stueckle:		
<p>The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 14, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.</p>		
Please note that Section 21104(c) of the California Public Resources Code states that:		
<p style="margin-left: 40px;">"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."</p>		
These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.		
This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.		
Sincerely,		
 Scott Morgan Director, State Clearinghouse		
Enclosures cc: Resources Agency 1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044 TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov		
		  <b>RECEIVED</b> <b>OCT 17 2013</b> TOWN OF YUCCA VALLEY COMM DEV

## 2. Response to Comments

### Document Details Report State Clearinghouse Data Base

**SCH#** 2012111021  
**Project Title** General Plan Update  
**Lead Agency** Yucca Valley, City of

**Type** EIR Draft EIR

**Description** The proposed project is an update to the Town of Yucca Valley General Plan. The Yucca Valley General Plan Update is intended to shape development within the Town of twenty years and beyond, and involves reorganization of the current General Plan into the following elements: Land Use, Circulation, Safety, Noise, Open Space and Conservation, and Housing. The General Plan Update will also revise the General Plan use map.

#### Lead Agency Contact

**Name** Shane Stueckle  
**Agency** City of Yucca Valley  
**Phone** 760 369-6575  
**email**  
**Address** 58928 Business Center Drive  
**City** Yucca Valley **State** CA **Zip** 92284  
**Fax**

#### Project Location

**County** San Bernardino  
**City** Yucca Valley  
**Region**  
**Lat / Long** 34° 07' 27" N / 116° 25' 05" W A1-2  
**Cross Streets** Various  
**Parcel No.** Various  
**Township** 1N,S **Range** 5,6E **Section** Variou **Base** SBB&M

#### Proximity to:

**Highways** SR 62 and 247  
**Airports** Yucca Valley  
**Railways**  
**Waterways**  
**Schools** Various  
**Land Use** Various

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 6; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Regional Water Quality Control Board, Region 7; Native American Heritage Commission; Public Utilities Commission

**Date Received** 08/29/2013 **Start of Review** 08/29/2013 **End of Review** 10/14/2013

# 2. Response to Comments

Appendix C

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2012111021

Project Title: Town of Yucca Valley General Plan Update

Lead Agency: Town of Yucca Valley Contact Person: Shane Stueckle  
 Mailing Address: 56928 Business Center Drive Phone: (760) 369-6575  
 City: Yucca Valley, CA Zip: 92284 County: San Bernardino

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Project Location: County: San Bernardino City/Nearest Community: Yucca Valley Zip Code: 92284  
 Cross Streets: Various

Longitude/Latitude (degrees, minutes and seconds): 34 ° 07 ' 27 " N / 116 ° 25 ' 05 " W Total Acres: 25,492  
 Assessor's Parcel No.: Various Section: Various Twp.: 1N, 1S Range: 5E, 6E Base: SBD  
 Within 2 Miles: State Hwy #: SR-62 and SR-247 Waterways: N/A  
 Airports: Yucca Valley Airport Railways: N/A Schools: Various

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Document Type:

CEQA:  NOP  Draft EIR  NEPA:  NOI  Other:  Joint Document  
 Early Cons  Supplement/Subsequent EIR  EA  Final Document  
 Neg Dec  (Prior SCH No.) ARB 20 2013  Draft EIS  Other: \_\_\_\_\_  
 Mit Neg Dec  Other: \_\_\_\_\_

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AUG 20 2013

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STATE CLEARINGHOUSE

Local Action Type:

General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: \_\_\_\_\_

Development Type:

Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Transportation: Type \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Power: Type \_\_\_\_\_ MGD  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Waste Treatment: Type \_\_\_\_\_ MGD  
 Educational: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
 Recreational: \_\_\_\_\_  Water Facilities: Type \_\_\_\_\_ MGD  Other: General Plan Update

Project Issues Discussed in Document:

Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Damages/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other: Greenhouse Gases

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Present Land Use/Zoning/General Plan Designation:  
Various

Project Description: *(please use a separate page if necessary)*  
 The proposed project is an update to the Town of Yucca Valley General Plan. The Yucca Valley General Plan Update is intended to shape development within the Town for twenty years and beyond, and involves reorganization of the current General Plan into the following elements: Land Use, Circulation, Safety, Noise, Open Space and Conservation, and Housing. The General Plan Update will also revise the General Plan land use map.

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State Clearinghouse Contact: SK (916) 445-0613

State Review Began: 08-29 - 2013

SCH COMPLIANCE 10-14 - 2013

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2012111021

Please forward late comments directly to the Lead Agency

AQMD/APCD 39/26

(Resources: 08/21)

Project Sent to the following State Agencies

<input checked="" type="checkbox"/> Resources	<input checked="" type="checkbox"/> State/Consumer Svcs
<input type="checkbox"/> Boating & Waterways	<input type="checkbox"/> General Services
<input type="checkbox"/> Coastal Comm	<input type="checkbox"/> Cal EPA
<input type="checkbox"/> Colorado Rvr Bd	<input type="checkbox"/> ARB: Airport/Energy Projects
<input checked="" type="checkbox"/> Conservation	<input type="checkbox"/> ARB: Transportation Projects
<input checked="" type="checkbox"/> CDFW # <u>0</u>	<input type="checkbox"/> ARB: Major Industrial Projects
<input type="checkbox"/> Delta Protection Comm	<input type="checkbox"/> SWRCB: Div. Financial Assist.
<input checked="" type="checkbox"/> Cal Fire	<input type="checkbox"/> SWRCB: Wtr Quality
<input type="checkbox"/> Historic Preservation	<input type="checkbox"/> SWRCB: Wtr Rights
<input checked="" type="checkbox"/> Parks & Rec	<input checked="" type="checkbox"/> Reg. WQCB # <u>7</u>
<input type="checkbox"/> Central Valley Flood Prot.	<input type="checkbox"/> Toxic Sub Ctrl-CTC
<input type="checkbox"/> Bay Cons & Dev Comm.	<input type="checkbox"/> Yth/Adlt Corrections
<input checked="" type="checkbox"/> DWR	<input type="checkbox"/> Corrections
<input checked="" type="checkbox"/> Cal EMA	
<input type="checkbox"/> Resources, Recycling and Recovery	
<input checked="" type="checkbox"/> Bus Transp Hous	<input type="checkbox"/> Independent Comm
<input checked="" type="checkbox"/> Aeronautics	<input type="checkbox"/> Energy Commission
<input checked="" type="checkbox"/> CHP	<input type="checkbox"/> NAHC
<input checked="" type="checkbox"/> Caltrans # <u>8</u>	<input type="checkbox"/> Public Utilities Comm
<input type="checkbox"/> Trans Planning	<input type="checkbox"/> State Lands Comm
<input checked="" type="checkbox"/> Housing & Com Dev	<input type="checkbox"/> Tahoe Rgl Plan Agency
<input type="checkbox"/> Food & Agriculture	
<input type="checkbox"/> Public Health	
	<input type="checkbox"/> Conservancy
	<input type="checkbox"/> Other: _____



A1-2  
cont'd

## 2. Response to Comments

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## 2. Response to Comments

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**A1. Response to Comments from Scott Morgan, Director, State Clearinghouse, Governor's Office of Planning and Research, dated October 15, 2013.**

- A1-1 The comment states that the Town of Yucca Valley has complied with State Clearinghouse requirements for public review of the Draft Environmental Impact Report (EIR) for the proposed project.
- A1-2 The comment is the listing of the Draft EIR in the State Clearinghouse data base. No response is needed.



## 2. Response to Comments

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## 2. Response to Comments

LETTER A2 –Mojave Desert Air Quality Management District (1 page)



### Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

September 4, 2013

Shane Stueckle  
Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

**Re: Yucca Valley General Plan Update Draft Environmental Impact Report**

Dear Mr. Stueckle:

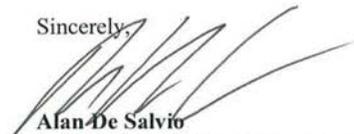
The Mojave Desert Air Quality Management District (MDAQMD) has reviewed the Yucca Valley General Plan Update Draft Environmental Impact Report. The proposed project is an update to the Town of Yucca Valley General Plan. The Yucca Valley General Plan Update is intended to shape development within the Town for at least the next 20 years and involves reorganization of the current General Plan into the following elements: Land Use, Circulation, Safety, Noise, Open Space and Conservation, and Housing. The General Plan Update will also revise the General Plan land use map, Proposed Land Use Plan. Buildout of the Yucca Valley General Plan Update would result in a projected population of 64,565, 27,229 residential units, 20,963,702 square feet of nonresidential development, and 34,926 employees in the Town.

The District has reviewed the DEIR and has the following comments:

1. Table 5.2-2: State attainment status for ozone is "Moderate." | A2-1
2. Table 5.2-2: Rather than "No Federal Standard," the Federal one-hour ozone standard is "Revoked." | A2-2
3. The District concurs with the Air Quality Impacts 5.2-1 through 5.2-6. The District believes that the "Relevant General Plan Policies and Implementation Actions" listed in Section 5.2.4 could be referenced as mitigation for Air Quality Impacts 5.2-1 through 5.2-4, even though it is not a quantifiable value. | A2-3
4. Section 5.2.4 Circulation Implementation Actions C20 references "new unpaved roads." The District does not support the development of any new unpaved roads. | A2-4

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

  
**Alan De Salvo**  
Supervising Air Quality Engineer

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SEP 09 2013

TOWN OF YUCCA VALLEY  
COM DEV

AJD/tw YV General Plan Update DEIR

City of Adelanto    Town of Apple Valley    City of Barstow    City of Blythe    City of Hesperia    City of Needles    County of Riverside    County of San Bernardino    City of Twentynine Palms    City of Victorville    Town of Yucca Valley

## 2. Response to Comments

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## 2. Response to Comments

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### **A2. Response to Comments Alan De Salvio, Supervising Air Quality Engineer, Mojave Desert Air Quality Management District, dated September 4, 2013.**

- A2-1 Table 5.2-2 has been updated in the Final EIR to reflect the Mojave Desert Air Basin (MDAB) is designated by the State as “Moderate” attainment for ozone (see Chapter 3, *Revisions to the DEIR*).
- A2-2 Table 5.2-2 has been updated in the Final EIR to reflect the federal one-hour ozone standard is “Revoked” (see Chapter 3, *Revisions to the DEIR*).
- A2-3 The Town’s General Plan Policies and Implementation Actions would reduce air quality impacts from buildout of the Town’s land use plan to the extent feasible.
- A2-4 The Town’s General Plan includes Policies and Implementation Actions to ensure that as the Town grows, new development will be encouraged to provide paved roadways. Policy C1-20 requires that new development that will have roadways that serve 500 or more daily trips per day pave these roads unless it is considered infeasible (there is no funding for the improvement, or when the majority of the residents on that facility desire it to be unpaved). In these circumstances, Policy C1-21 and Implementation Action C120 requires the application of non-toxic soil binders for roadways where traffic volumes exceed 500 trips per day. With implementation of these General Plan Policies and Implementation Actions, creation of new unpaved roads and fugitive dust emissions from travel on unpaved roadways within the Town would be minimized.



## 2. Response to Comments

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## 2. Response to Comments

LETTER A3– Marstel-Day, LLC (1 page)

**From:** Sonia Pierce [<mailto:spierce@marstel-day.com>]  
**Sent:** Friday, September 27, 2013 10:40 AM  
**To:** Wendy Grant  
**Cc:** Shane Stueckle  
**Subject:** Yucca Valley General Plan Update

Hello Wendy,

It has been very nice working with you over the last year. Looks like things are finally wrapping up.

I had a question about the Draft EIR. Appendix B has comments letter. I was looking to see if there was a place where the comments from Appendix B were addressed. I'm not complaining because the Noise Element looks like it understands our comments. But does the Environmental Analysis need to match the General Plan? Chapter 5-10 has the former Policy N 1-21. It has been changed to

A3-1

A3-2

N 1-21 Consult with the Marine Corps Air Ground Combat Center on solutions to noise complaints that are sensitive to the residents of the Town and do not impede the mission of the Marine Corps Base.

One item Regarding Chapter 7, The Noise Element Policy N 1-21. There is a small typo on Corps. The "s" was left off. That is the thing about using Corps. The "s" sometimes gets dropped.

A3-3

Thank you for your time and consideration.

**Sonia Pierce, Planner**  
**Marstel-Day, LLC**  
Conservation and Consulting from Sea to Stars  
<http://Marstel-Day.com>  
[SPierce@Marstel-Day.com](mailto:SPierce@Marstel-Day.com)  
Office: (760) 830-3772  
Mobile: (540) 645-0263



## 2. Response to Comments

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## 2. Response to Comments

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### **A3. Response to Comments from Sonia Pierce, Planner, Marstel-Day, LLC, dated September 27, 2013.**

- A3-1 The Draft Environmental Impact Report (EIR), Appendix B, is a compilation of comments received on the Initial Study/Notice of Preparation for the Yucca Valley General Plan. Chapter 1, Executive Summary, of the Draft EIR contains a Table with a summary of the comments in Appendix B and the location within the EIR that the comment was addressed (see Table ES-2, *Notice of Preparation Comment Summary*, on page 1-19).
- A3-2 Policy N1-21 has been updated in the Final EIR to reflect the revised language in the General Plan Noise Element (see Chapter 3, *Revisions to the DEIR*).
- A3-3 The comment regarding the typo within the General Plan is not a comment on the EIR and will be addressed within the final draft of General Plan.



## 2. Response to Comments

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## 2. Response to Comments

LETTER A4 –Native American Heritage Commission (3 pages)

09/23/2013 11:07 FAX 916 657 5390	NAHC	001/004
<u>STATE OF CALIFORNIA</u>		Edmund G. Brown, Jr. Governor
<b>NATIVE AMERICAN HERITAGE COMMISSION</b>		
1550 Harbor Boulevard, Suite 100 West Sacramento, CA 95691 (916) 373-3715 Fax (916) 373-5471 Web Site <a href="http://www.nahc.ca.gov">www.nahc.ca.gov</a> Da_nahc@pacbell.net		
September 20, 2013		
Mr. Shane Stueckle, Deputy Town Manager <b>The Town of Yucca Valley</b> 58928 Business Center Drive Yucca Valley, CA 92284		
Sent by FAX to:	760-228-0084	
No. of Pages:	3	
RE: Native American Consultation pursuant to California Government Code Sections 6540.2, 65092, 65351, 65352.3, 65352.4, 65562.5 <i>et seq.</i> for <b>General Plan Amendment GPA Update (CEQA EIR; SCH#2012111021)</b> ; located in the town of Yucca Valley; San Bernardino County, California		
Dear Mr. Stueckle:		
<p>Government Code Sections 65351, 65352.3, 65562.5, <i>et seq.</i> incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after January 1, 2005. California Native American tribes are identified on a list maintained by the Native American Heritage Commission (NAHC).</p>		
<p>In the 1985 Appellate Court decision (170 Cal App 3<sup>rd</sup> 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites. Note that the NAHC does NOT APPROVE General or Specific Plan; rather, it provides a list of tribal governments with which local jurisdictions must consult concerning any proposed impact to cultural resources as a result of the proposed action.</p>		
<p>As part of the tribal consultation process, the NAHC recommends that local governments and project developers contact the tribal governments and individuals to determine if any cultural places might be impacted by the proposed action and Mitigation &amp; Monitoring Plan, as appropriate. Also, the absence of specific site information in the sacred lands file does not preclude their existence. Other sources of cultural resources should also be</p>		
		A4-1



## 2. Response to Comments

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09/23/2013 11:07 FAX 916 657 5390

NAHC

002/004

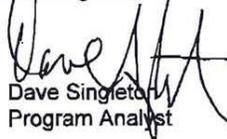
contacted for information regarding known and recorded sites.

Attached is a consultation list of tribal governments with traditional lands or cultural places located in the vicinity of the Project Area (APE). The tribal entities on the list are for your guidance for **government-to-government consultation** purposes.

A Native American tribe or individual may be the only source of the presence of traditional cultural places. For that reason, a list of Native American Contacts is enclosed as they may have knowledge of cultural resources and about potential impact, if any, of the proposed project.

If you have any questions, please contact me at (916) 373-3715.

Best regards,



Dave Singleton  
Program Analyst

Attachment

Cc: State Clearinghouse

A4-1  
cont'd

## 2. Response to Comments

09/23/2013 11:08 FAX 916 657 5390

NAHC

003/004

x **Native American Tribal Government Consultation**  
San Bernardino County  
September 20, 2013

Ramona Band of Cahuilla Mission Indians  
Joseph Hamilton, Chairman  
P.O. Box 391670 Cahuilla  
Anza, CA 92539  
admin@ramonatribe.com  
(951) 763-4105

Morongo Band of Mission Indians  
Robert Martin, Chairperson  
12700 Pumarra Road Cahuilla  
Banning, CA 92220 Serrano  
(951) 849-8807  
(951) 755-5200

San Manuel Band of Mission Indians  
Carla Rodriguez, Chairwoman  
26569 Community Center Drive Serrano  
Highland, CA 92346  
(909) 864-8933  
(909) 864-3724 - FAX

Serrano Nation of Mission Indians  
Goldie Walker, Chairwoman  
P.O. Box 343 Serrano  
Patton, CA 92369  
(909) 528-9027 or  
(909) 528-9032

Twenty-Nine Palms Band of Mission Indians  
Darrell Mike, Chairperson  
46-200 Harrison Place  
Coachella, CA 92236 Chemehuevi  
lthomas@29palmsbomi-nsi.gov  
760-863-2444

A4-1  
cont'd

Chemehuevi Reservation  
Edward Smith, Chairperson  
P.O. Box 1976 Chemehuevi  
Chemehuevi Valley, CA 92363  
chair1cit@yahoo.com  
(760) 858-4301

Colorado River Indian Tribe  
Wayne Patch, Sr., Chairman  
26600 Mojave Road Mojave  
Parker, AZ 85344 Chemehuevi  
crit.museum@yahoo.com  
(928) 669-9211-Tribal Office  
(928) 669-8970 ext 21

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3. and 65362.4. et seq.



## 2. Response to Comments

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## 2. Response to Comments

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### **A4. Response to Comments from Dave Singleton, Program Analyst, Native American Heritage Commission, dated September 20, 2013.**

A4-1 The Town of Yucca Valley has complied with the requirements and recommendations regarding Native American cultural resources set forth in the Native American Heritage Commission (NAHC) comment letter.

A Sacred Land File search was requested from the NAHC on December 2, 2011. On December 5, 2011, the NAHC replied that there were no known Native American cultural resources within the Study area and included a list of tribes of individual to contact for further information. Letters requesting information on any cultural heritage sites and containing maps and study information were sent on December 7, 2011, to the 12 Native American contacts. After no responses were received, follow-up e-mails were sent and phone calls were placed to the Native America contacts on December 28, 2011, and again on January 5, 2012. No responses were received from the 12 Native American individuals or organizations.

A Tribal Consultation List Request was sent to the NAHC in November 2012. Consultation requests were sent to all tribes identified by the NAHC List on November 21, 2012. Requests were sent to the Serrano Nation of Mission Indians, the Fort Mojave Indian Tribe, the San Manuel Band of Mission Indians, the Chemehuevi Reservation, the Colorado River Indian Tribe, the Ramona Band of Cahuilla Mission Indians, the Morongo Band of Mission Indians, and the Twenty-Nine Palms Band of Mission Indians. No consultation requests were received by the Town.

The Draft EIR Mitigation Measures 4-1 through 4-3 requires cultural resource monitoring for ground disturbing activities and outlines procedures in the event of cultural resource discoveries. The applicants for future development project are required to comply with regulatory requirements in the event of a discovery of human remains. Implementation of the recommended mitigation measures and compliance with regulatory requirements would reduce the potential impacts to cultural resources to less than significant.



## 2. Response to Comments

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### 3. Revisions to the Draft EIR

#### 3.1 INTRODUCTION

This section contains revisions to the DEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of DEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the DEIR. The provision of these additional mitigation measures does not alter any impact significance conclusions as disclosed in the DEIR. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

#### 3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

Page 5.2-7, Section 5.2, *Air Quality*, Table 5.2-2, *Attainment Status of Criteria Pollutants in the Mojave Desert Air Basin*. The table has been revised in response to Comments A2-1 and A2-2 from the Mojave Desert Air Quality Management District.



**Table 5.2-2**  
**Attainment Status of Criteria Pollutants in the Mojave Desert Air Basin**

<b>Pollutant</b>	<b>State</b>	<b>Federal</b>
Ozone – 1-hour <sup>1</sup>	Nonattainment ( <del>Severe-17-Moderate</del> )	<del>No Federal Standard Revoked</del>
Ozone – 8-hour <sup>1</sup>	Nonattainment ( <del>Severe-17-Moderate</del> )	Nonattainment (Severe 17)
PM <sub>10</sub>	Nonattainment	Nonattainment
PM <sub>2.5</sub>	Nonattainment	Unclassified/Attainment
CO	Attainment	Attainment
NO <sub>2</sub>	Attainment/Unclassified	Attainment/Unclassified
SO <sub>2</sub>	Attainment/Unclassified	Attainment/Unclassified
Lead	Attainment	Attainment
All others	Attainment/Unclassified	Attainment/Unclassified

Source: CARB 2013a.

<sup>1</sup> Because the Western Mojave Desert Planning Area will not attain the 8-hour ozone standard by 2010 (Moderate), MDAQMD has requested redesignation to a Severe-17 nonattainment area, requiring attainment of the federal 8-hour ozone standard 2021 deadline.

Page 5.10-32, Section 5.10, *Noise*. Policy N1-21 has been revised be consistent with the updated Policy N1-21 in of the General Plan in response to Comments A3-1 from Marstel-Day, LLC.

Policy N 1-21            ~~Encourage military airport operators, to the extent possible, to monitor aircraft noise and implement noise reducing measures, especially in areas under military flight paths. Consult with the Marine Corps Air Ground Combat Center on solutions to noise complaints~~

### 3. Revisions to the Draft EIR

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that are sensitive to the residents of the Town and do not impede the mission of the Marine Corps Base.

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Page 1-16, Chapter 1, *Executive Summary*, has been revised to include a summary of the construction noise impact that was identified as significant and unavoidable in the Executive Summary and Section 5.10, Noise.

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- **Impact 5.10-6.** Implementation of the Draft General Plan would result in construction of new residential, commercial, and industrial uses throughout the planning area. Two types of short-term noise impacts could occur during construction. First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads. The second type of short-term noise impact is related to demolition, site preparation, grading, and/or physical construction. Draft General Plan policies require construction noise to remain within acceptable noise limits and protect existing areas with acceptable noise environments. Implementation of the Yucca Valley General Plan policy N 1-18 would reduce construction noise by enforcing the limits on nonemergency construction hours to the less sensitive hours of the day. Development projects would be subject to environmental review, and specific mitigation measures would be implemented to reduce noise impacts during construction. Even with compliance with the Development Code standards related to construction and implementation of General Plan policy N 1-18, construction noise as it related to implementation of the General Plan would result in a potentially significant noise impact. Mitigation Measure 10-1 would reduce construction noise impacts to the extent feasible. However, because of distance, source to receiver geometry, and other site conditions that may render implementation of mitigation measure infeasible or ineffective for every future project in Town, Mitigation Measure 10-1 would not guarantee that construction noise impacts would be reduced to less than significant levels. Consequently, construction noise impacts would be significant.
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Page 6-2, Chapter 6, *Significant and Unavoidable Adverse Impacts*, has been revised to include a summary of the construction noise impact that was identified as significant and unavoidable in the Executive Summary and Section 5.10, Noise.

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- **Impact 5.10-6.** Implementation of the Draft General Plan would result in construction of new residential, commercial, and industrial uses throughout the planning area. Two types of short-term noise impacts could occur during construction. First, the transport of workers and movement of materials to and from the site could incrementally increase noise levels along local access roads. The second type of short-term noise impact is related to demolition, site preparation, grading, and/or physical construction. Draft General Plan policies require construction noise to remain within acceptable noise limits and protect existing areas with acceptable noise environments. Implementation of the Yucca Valley General Plan policy N 1-18 would reduce construction noise by enforcing the limits on nonemergency construction hours to the less sensitive hours of the day. Development projects would be subject to environmental review, and specific mitigation measures would be implemented to reduce noise impacts during construction. Even with compliance with the Development Code standards related to construction and implementation of General Plan policy N 1-18, construction noise as it related to implementation of the General Plan would result in a potentially significant noise impact. Mitigation Measure 10-1 would reduce construction noise impacts to the extent feasible. However, because of distance, source to receiver geometry, and other site conditions that may render implementation of mitigation measure infeasible or ineffective for every future project in Town, Mitigation Measure 10-1 would not guarantee that construction noise impacts would be reduced to less than significant levels. Consequently, construction noise impacts would be significant and unavoidable.