Attachment 9

INSIGNIA ENVIRONMENTAL

AU ENERGY, LLC

HESPERIA PHELAN CUP24-00012

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

MARCH 2026

PREPARED FOR:

Au Energy

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1 – BACKGROUND

1.1 PROJECT TITLE

Au Energy, LLC (Au Energy) Hesperia Phelan CUP24-00012 (Project)

1.2 LEAD AGENCY NAME AND ADDRESS

City of Hesperia Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

1.3 CONTACT PERSON AND PHONE NUMBER

Leilani Henry, Associate Planner
(760) 947-1231

1.4 PROJECT LOCATION

As shown in Figure 1: Regional Location and Figure 2: Project Site, the Project is located on the northwest corner of United States (U.S.) Highway 395 and Phelan Road in the City of Hesperia (City) in San Bernardino County, California (Assessor's Parcel Numbers [APN] 3064-401-10).

1.5 PROJECT SPONSOR'S NAME AND ADDRESS

Au Energy, LLC
41805 Albrae Street
Fremont, CA 94538

1.6 GENERAL PLAN DESIGNATION AND ZONING

The Project site is located on parcels zoned as Neighborhood Commercial (NC) in the City's Main Street and Freeway Corridor Specific Plan. Consistent with the City's Main Street and Freeway Corridor Specific Plan and the NC zone provisions, which encourage the development of businesses that provide convenience goods and services to local residents, this Project will provide fuel, car wash services, and convenience store sales, including the retail sale of beer and wine for off-site consumption.

1.7 DESCRIPTION OF PROJECT

An Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was previously submitted to the City as Conditional Use Permit (CUP) 18-00003 on August 9, 2018. Since that time, the IS/MND and CUP authorization have expired. The currently proposed Project is in roughly the same location and of the same nature as the Project proposed in the original IS/MND, with design changes that have led to a reduced Project scope. As a result, the Project is now primarily limited to one parcel (APN 3064-401-10), with utilities and services extending onto Phelan Road and adjacent parcels. While the size of the proposed convenience store and car wash have increased, the size of the fueling station has decreased, and the fast-food restaurant

and food truck commissary have been removed from the Project scope. Findings and technical reports from the original IS/MND were referenced during preparation of this IS/MND; however, all findings have been verified through additional desktop and/or field review. The updated description of the Project is provided in the following subsections.

1.7.1 Project Structures

The Project includes the construction and operation of a 5,915-square-foot convenience store, five fuel islands (10 pumps total) beneath a 4,080-square-foot canopy, and a 1,968-square-foot automated car wash tunnel on an approximately 115,870-square-foot (2.66-acre) site, as depicted in Figure 3: Site Development Plan. The Project is located on APN 3064-401-10, as depicted in Figure 2: Project Site, with grading and landscaping extending onto APNs 3064-401-06 and 3064-401-09, and the proposed sewer line extending onto APN 3064-401-09, as depicted in Figure 3: Site Development Plan.

The convenience store is proposed to be located at the center of the Project site, approximately 60 feet west of the proposed fueling station and approximately 73 feet south of the proposed car wash. A total of 40 parking spaces are proposed, including 21 standard spaces, 10 standard spaces that are electrical vehicle capable[1], two spaces served by electrical vehicle charging stations, two handicap-accessible spaces, four spaces for use of a vacuum, and one space for use of pressurized air/water. The vacuum and air/water spaces are associated with the proposed car wash and provide users with the ability to manually clean the interior or exterior of their vehicles. Underground storage tanks (USTs) will be located in the southeastern corner of the Project site.

1.7.2 Landscaping and Paving

The entire approximately 2.66-acre site will be developed for the Project, with approximately 1.88 acres (81,893 square feet) of paved surface area and approximately 0.78 acre (33,977 square feet) of landscaped surface area. Because the Project site slopes gradually from northeast to southwest with an approximate slope of 3 percent, the entire Project site will be graded to create a flat surface. The Project will include approximately 0.35 acre (15,246 square feet) of flat landscaped area and approximately 0.43 acre (18,731 square feet) of sloped landscaped area, as depicted in Figure 3: Site Development Plan.

1.7.3 Project Access

Two driveways are proposed for the Project: one on the northeastern corner of the Project site off U.S. Highway 395, and the second on the southwestern corner of the Project site off Phelan Road. As a result, access to the site is proposed from a right-in and right-out-only approach on both U.S. Highway 395 and Phelan Road. During construction, the Project will either be accessed from the proposed driveway off Phelan Road, as shown in Figure 3: Site Development Plan, or a temporary access road in the same location as the sewer line, as shown in Figure 2: Project Site.

[1] A vehicle space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support electric vehicle charging.

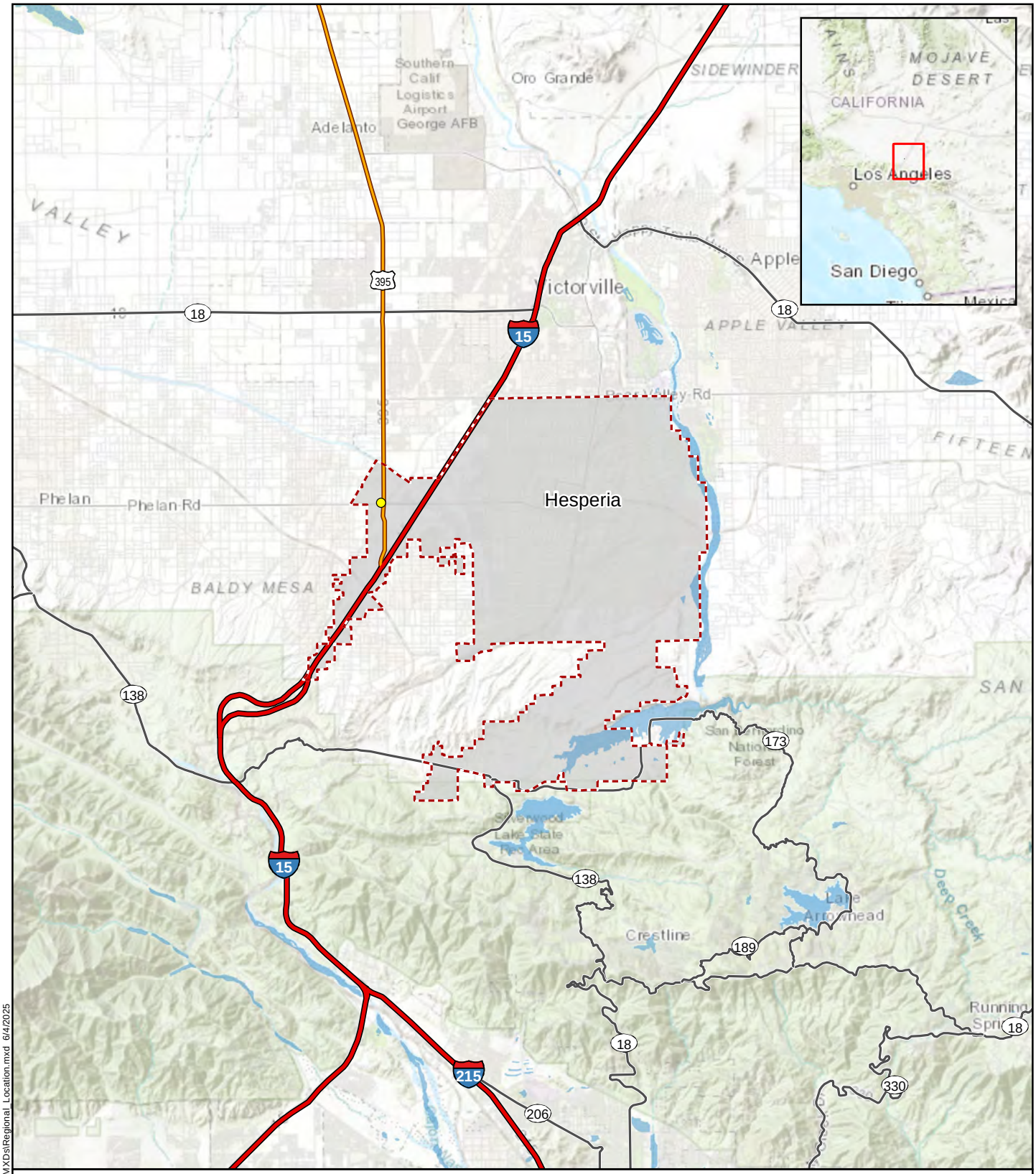

Figure 1: Regional Location **Hesperia Phelan**

- Project Location
- Interstate
- U.S. Highway
- Major Road/State Highway
- City Boundary

1 inch = 4 miles

0 2 4 Miles

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Figure 2: Project Site

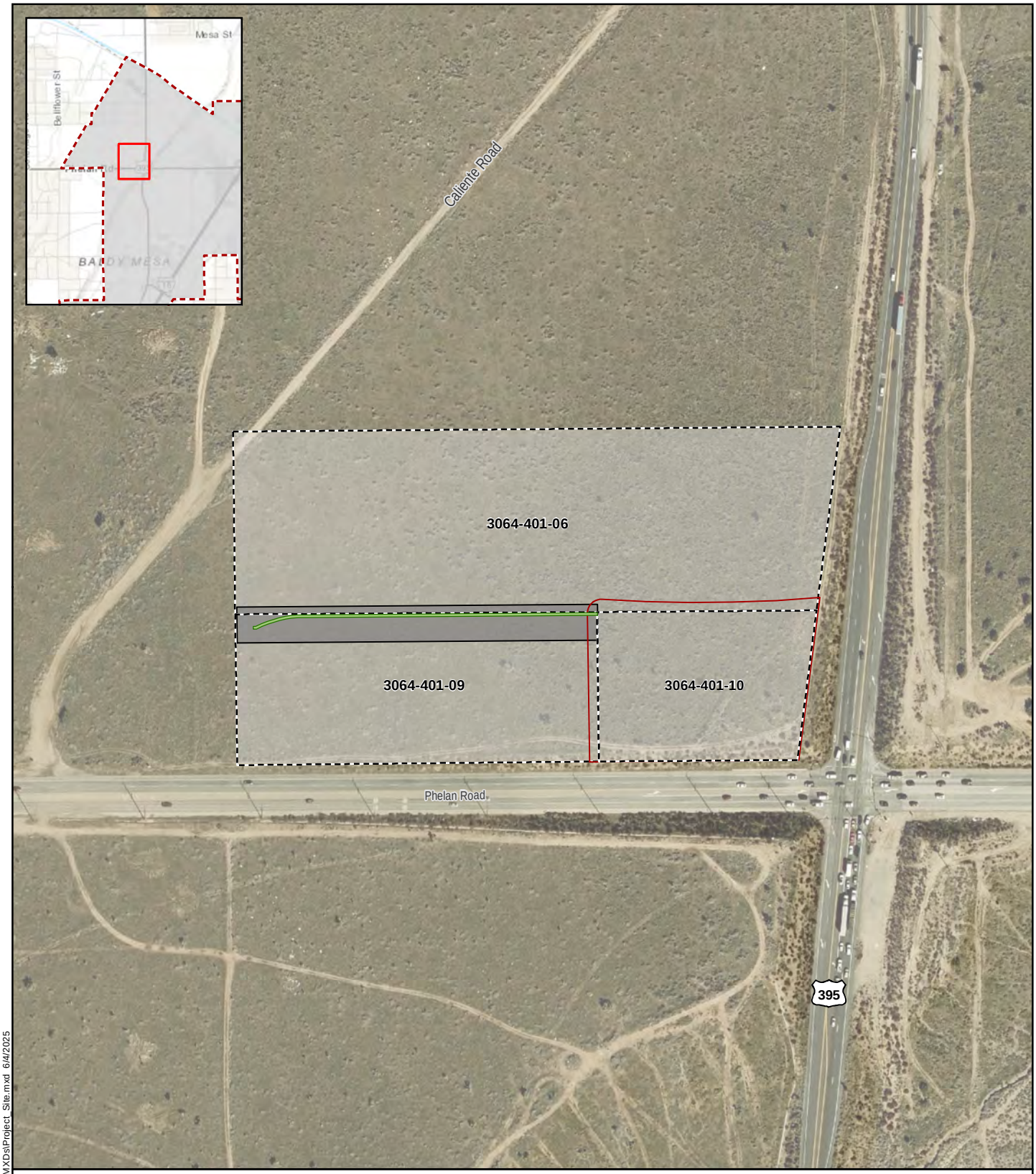

Figure 2: Project Site **Hesperia Phelan**

- Potential Temporary Access Road
- Proposed Sewer Line
- Project Site
- Parcel Boundary
- City Boundary

1:3,000

0 200 400 Feet

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Figure 3: Site Development Plan

1.7.4 Road Improvements

The Project includes improvements to U.S. Highway 395, Phelan Road, and the traffic signal on the northwestern corner of the Phelan Road and U.S. Highway 395 intersection, as depicted in Figure 3: Site Development Plan. The southbound side of U.S. Highway 395 will be widened to 58 feet from the centerline to allow for the following:

- installation of a 3-foot-wide median at the centerline,
- a dedicated bike lane along the southbound side,
- a dedicated right-turn lane to access the Project and to turn right onto Phelan Road,
- two southbound lanes, and
- one left-turn lane to travel east.

Rubberized curbs with flexible posts are proposed along the Phelan Road median.

1.7.5 Utilities

Utilities and services (e.g., a sewer line, water line, fire line, and storm drain) will extend off the Project site. The proposed sewer line will extend west from the proposed convenience store and cross APN 3064-401-09 before connecting to an existing sewer force main. The proposed water line will be located beneath Phelan Road and will extend north to connect to the proposed convenience store and car wash. The proposed fire line will extend north from Phelan Road to the proposed convenience store. The proposed storm drain will be located east of the proposed fueling station and will extend from the proposed car wash to Phelan Road, which connects to the public storm drain system and travels underneath Main Street eventually discharging to the Oro Grande Wash, approximately 1,480 east of the Project site. To mitigate for additional stormwater flows, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through the new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event and will reduce post-Project peak flows to less than pre-Project conditions. Implementation of the underground retention facility is anticipated to reduce 100-year peak flow rates from 6.90 cubic feet per second (cfs) under pre-Project conditions to 6.70 cfs under post-Project conditions.

1.7.6 Project Schedule

Construction of the Project is anticipated to start in the first quarter of 2026 following approval from the City and will be completed in two phases. The first phase will consist of site grading and utility installation, and the second phase will include UST and structure installation, as well as landscaping. Project construction is anticipated to last between 200 and 250 days and is expected to be completed in the third quarter of 2026.

1.8 SURROUNDING LAND USES AND SETTING

APNs 3064-401-06, 3064-401-09, and 3064-401-10 are vacant. The parcel abutting APN 3064-401-09 to the west (i.e., APN 3064-391-01) is under construction for the Hesperia Commerce Center II Project, which includes the construction of three industrial/warehouse buildings. Parcels to the north, east, and south are vacant.

1.9 OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

To implement the Project, Au Energy will need to obtain, at a minimum, the following discretionary permits/approvals:

- a City-issued CUP to permit the construction and operation of the convenience store with alcoholic beverage sales for off-site consumption, vehicle fuel stations, and car wash facilities in the NC zone;
- a California Department of Transportation-issued encroachment permit to permit the modifications to U.S. Highway 395, as well as the U.S. Highway 395 and Phelan Road intersection;
- a California Department of Fish and Wildlife-issued Western Joshua Tree Conservation Act Incidental Take Permit (ITP) or Section 2081 ITP to authorize relocation and removal of western Joshua tree (*Yucca brevifolia*);
- a Mojave Desert Air Quality Management District-issued Authority to Construct to permit the construction and operation of the vehicle fuel stations and associated USTs;
- City-issued encroachment, grading, and building permits; and
- a State Water Resources Control Board-issued National Pollutant Discharge Elimination System General Permit (Order WQ 2022-0057-DWQ NPDES No. CAS000002) for disturbing more than 1 acre of land.

1.10 CALIFORNIA NATIVE AMERICAN TRIBES

The City distributed a letter for the Project pursuant to PRC Section 21080.3.1 on August 1, 2025. On August 12, 2025, the Yuhaaviatam of San Manuel Nation (YSMN, also known as the San Manuel Band of Mission Indians) requested that the Project cultural report, geotechnical report, and plans detailing the proposed depth of ground disturbance be provided. The requested materials were provided to the City for distribution to the YSMN on August 15, 2025. After review of the requested materials, the YSMN provided mitigation measures that were incorporated into this IS/MND in September 2025.

2 – ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by Hesperia Phelan CUP24-00012, as indicated by the following checklist.

- ☒ Aesthetics
- ☐ Agriculture and Forestry Resources
- ☒ Air Quality
- ☒ Biological Resources
- ☒ Cultural Resources
- ☒ Energy
- ☒ Geology and Soils
- ☒ Greenhouse Gas Emissions
- ☒ Hazards and Hazardous Materials
- ☒ Hydrology and Water Quality
- ☐ Land Use and Planning
- ☐ Mineral Resources
- ☒ Noise
- ☐ Population and Housing
- ☒ Public Services
- ☐ Recreation
- ☒ Transportation
- ☒ Tribal Cultural Resources
- ☒ Utilities and Service Systems
- ☒ Wildfire
- ☒ Mandatory Findings of Significance

3 – DETERMINATION

On the basis of this initial evaluation:

☐ I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.

☐ I find that the Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Project, nothing further is required.

Name	Signature
Agency	Date

4 – ENVIRONMENTAL ANALYSIS

4.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

4.1.1 Discussion

a) Would the project have a substantial adverse effect on a scenic vista?

Less-than-Significant Impact. The scenic resources listed in the City of Hesperia (City) General Plan 2010 Open Space Element (General Plan) include the Mojave River and its associated tributary washes, including the Oro Grande Wash, as well as the San Bernardino and San Gabriel mountain ranges (City of Hesperia 2010). However, no scenic vistas are designated or described in the General Plan. The Hesperia Phelan CUP24-00012 (Project) site is located on undeveloped land, bordered by undeveloped land to the north and west, Phelan Road to the south, and Highway 395 to the east. The Oro Grande Wash is located approximately 680 feet southeast of the Project area; however, public viewpoints of Oro Grande Wash from Highway 395 and Phelan Road will not be obstructed by the construction of the Project. In addition, the Project will comply with the City's Municipal Code Title 15 (Building and Construction) and Title 16 (Development) concerning building height, which will reduce the potential for the structures to obstruct the public view of Oro Grande Wash (City of Hesperia 2025a and City of Hesperia 2025b). As a result, the impact will be less than significant.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. No designated state scenic highways are located within five miles of the Project area; thus, no scenic resources will be substantially damaged within a state scenic highway. As a result, no impact will occur.

c) In nonurbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less-than-Significant Impact. The Project is located within an undeveloped area, approximately 0.3 mile west of an existing residential subdivision and approximately 1 mile west of an existing commercial area. Given nearby land uses and the Project's proximity to existing developed areas, the Project will not substantially degrade the existing visual character or quality of the site and its surroundings. Further, as described in Section 4.11 Land Use, the Project will be located on a parcel designated as Neighborhood Commercial (NC) in the City's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). The Project will be consistent with the NC zone, which encourages the development of businesses that provide convenience goods and services to local residents, such as the services that will be provided by the Project when completed. The Project will also comply with Titles 15 and 16 of the City's Municipal Code, which include building height limitations, signage requirements, and other aesthetic regulations to which the Project will adhere (City of Hesperia 2025a and City of Hesperia 2025b). As a result, the impact will be less than significant.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less-than-Significant Impact. Construction of the Project will be conducted in accordance with City of Hesperia Municipal Code Section 16.20.125, which stipulates construction hours and noise thresholds. Construction activities will be conducted during both daytime and nighttime hours. Nighttime construction activities will be conducted in accordance with the Project's traffic control plan approved by the City and California Department of Transportation as part of the permitting process prior to construction. Additionally, light plants used for nighttime construction will be directed away from traffic and any nearby residents to reduce glare. Once completed, the commercial buildings associated with the Project will produce additional light and glare in the area due to lighting on the vehicle fueling station overhang and convenience store; however, all exterior light fixtures will be constructed in accordance with Section 16.16.365 of the City's Municipal Code Section to be shielded and directed away from vehicular traffic and/or adjacent properties to reduce glare (City of Hesperia 2025b). As a result, the impact will be less than significant.

4.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

4.2.1 Discussion

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Hesperia Phelan CUP24-00012 (Project) site is located on undeveloped land designated as Grazing Land by the California Department of Conservation's (DOC's) Farmland Mapping and Monitoring Program (California DOC 2022). The immediately adjacent parcels on all sides of the Project are also designated as Grazing Land. The Project will not be located on lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; therefore, the Project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The Project is not located on land with any known agricultural activities or any known unique agricultural soils. As a result, no impact will occur.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project is located on a parcel zoned as Neighborhood Commercial (NC) in the City of Hesperia's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). Agricultural uses are prohibited in the NC zone. In addition, the Project is not located on or adjacent to parcels under an existing Williamson Act contract (California DOC 2025). As previously discussed, the Project is located on undeveloped land that does not contain any known agricultural activities. Therefore, the Project will not conflict with existing zoning for agricultural use or an existing Williamson Act contract. As a result, no impact will occur.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. As discussed previously, the Project is on a parcel zoned as NC. No areas of forest land, timberland, or timberland zoned as Timberland Production are located in the vicinity of the Project. Therefore, the Project will not conflict with the zoning or cause the rezoning of forest lands or result in the conversion of timberland as none are present in the vicinity of the Project. As a result, no impact will occur.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project is located within the Mojave bioregion, which does not contain sufficient forest land for viable timber production and, as a result, does not have a high timber management emphasis (California Department of Forestry and Fire Protection 2017). The Project is not located on forest land or in the vicinity of forest land. Therefore, the Project will not result in the loss of forest land or conversion of forest land to non-forest use as none is present in the vicinity of the Project. As a result, no impact will occur.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. As discussed previously, the Project will not result in the temporary or permanent loss of forest land and no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance will be converted to non-agricultural use. Therefore, the Project will not involve changes to the existing environment that will potentially result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use or conversion of forest land to non-forest use. As a result, no impact will occur.

4.3 AIR QUALITY

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

4.3.1 Discussion

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The United States (U.S.) Environmental Protection Agency (EPA) and California Air Resources Board (CARB) established the National Ambient Air Quality Standards (NAAQS) and California Air Quality Standards (CAAQS), respectively, for the following criteria air pollutants (CAPs): ozone (O_3), carbon monoxide (CO), nitrogen dioxide, particulate matter with a mean diameter of less than 10 microns (PM_{10}), particulate matter with a mean diameter of less than 2.5 microns ($PM_{2.5}$), sulfur dioxide, and lead (Pb). Furthermore, California has set additional standards for sulfates, hydrogen sulfide (H_2S), vinyl chloride, and visibility-reducing particles. Attainment of the CAAQS and NAAQS protects sensitive receptors and the public from CAPs that are known to have adverse human health effects. A region is designated as nonattainment if the NAAQS or CAAQS is exceeded for a pollutant. Hesperia Phelan CUP24-00012 (Project) is located in a portion of the Mojave Desert Air Basin that is classified by the U.S. EPA and CARB as nonattainment for O_3 and PM_{10} (CARB 2025). Within the Mojave Desert Air Basin, the Project is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD).

The MDAQMD is the agency responsible for managing the local air quality, administering California and federal air pollution control programs, and ensuring attainment and maintenance of the ambient air quality standards. The MDAQMD has established the Federal 70 ppb Ozone Attainment Plan (MDAQMD 2023) and Federal Particulate Matter (PM_{10}) Attainment Plan (MDAQMD 1995) to address nonattainment areas for O_3 and PM_{10}. A project is considered inconsistent with an air quality plan or applicable attainment plan if it could cause population and/or employment growth or growth in vehicle miles traveled in excess of the growth forecasts

included in an applicable air quality plan or attainment plan. As discussed in Section 4.14 Population and Housing, the Project will not result in significant population growth during construction or operation of the Project. Because construction of the Project will not result in significant population growth, it will not conflict with the growth projections used in the development of the applicable air quality plans.

Emissions associated with Project construction will be temporary and will represent a small fraction of the regional emission inventories included in the applicable air quality plans. Construction and operation of the Project will be performed in compliance with MDAQMD rules and regulations, ensuring that activities are consistent with air district efforts to achieve attainment and maintenance of the standards. In addition, the MDAQMD has established that a project does not conflict with an air attainment or maintenance plan if it is consistent with the existing land use plan (MDAQMD 2020). As discussed in Section 4.11 Land Use and Planning, the Project is consistent with the City of Hesperia-designated Neighborhood Commercial zone in which it is proposed. As a result, the Project will conform with applicable air quality plans.

Because the Project is not expected to substantially contribute to regional emissions and will not conflict with the growth projections in the applicable air quality plans, and because construction and operation of the Project will be performed in compliance with applicable air district rules and regulations, the Project will not conflict with or obstruct implementation of the applicable air quality plans. As a result, no impact will occur.

b) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less-than-Significant Impact. Project emissions were calculated using the California Emissions Estimator Model (CalEEMod). Attachment A: CalEEMod: Hesperia Phelan Detailed Report details the inputs and results of the CalEEMod completed for the Project.

Active Project construction is expected to last between 200 and 250 days and will generate temporary air pollutant emissions associated with fugitive dust (particulate matter) and exhaust emissions from heavy construction equipment and construction vehicles. As discussed previously, the Project is in a region classified as nonattainment for O_3 and PM_{10}. The MDAQMD has established emissions thresholds for the following air pollutants:

- carbon dioxide equivalent (CO_2e),[2]
- CO,
- nitrogen oxides (NO_x),
- volatile organic compounds (VOCs),
- sulfur oxides (SO_x)
- PM_{10},
- $PM_{2.5}$,

[2] CO_2e is a measure used to compare the effect of emissions of various greenhouse gases based on their global warming potential projected over a specified time period (generally 100 years).

- H_2S, and
- Pb.

Emissions will vary day to day depending on the level of activity and the specific type of construction activity occurring. Table 1: MDAQMD Average Daily Construction Emissions presents the estimated uncontrolled construction emissions in the MDAQMD and compares emissions to the applicable thresholds for air pollutants. As shown in Table 1: MDAQMD Average Daily Construction Emissions, daily uncontrolled emissions will be below all applicable thresholds within the MDAQMD during construction. To further reduce fugitive dust emissions, the Project will adhere to MDAQMD Rule 403 and implement applicable fugitive dust best management practices (BMPs) on all non-paved transport roads, access points, and parking areas. BMPs to control fugitive dust emissions may include, but may not be limited to, covering, watering, or treating disturbed areas with a dust suppressant; reducing the drop heights from excavators and loaders; and limiting truck speed limits to 15 miles per hour on Project access roads and within temporary work areas. Therefore, the Project will not result in a considerable net increase of O_3 or PM_{10} during construction.

Table 1: MDAQMD Average Daily Construction Emissions

Construction Year	Average Daily Emissions (pounds per day)						
	CO_2e	CO	NO_x	Reactive Organic Gas (ROG)	SO_x	PM_{10}	$PM_{2.5}$
Uncontrolled Emissions							
2026	2,066	7	7	0.8	<0.1	6	0.9
Threshold	548,000	548	137	137	137	82	65
Exceeded?	No	No	No	No	No	No	No

Source: MDAQMD 2020

Note: O_3 forms as a result of chemical reactions between NO_x, VOCs, heat, and sunlight. As a result, if emissions do not exceed thresholds for NO_x or VOCs, then emissions will not exceed thresholds for O_3.

Operation of the Project is anticipated to generate 1,594 total daily trips. Table 2: MDAQMD Average Annual Operational Emissions presents the estimated annual uncontrolled emissions in the MDAQMD that will result from the total daily trips generated by operation of the Project. As shown in Table 2: MDAQMD Average Annual Operational Emissions, annual uncontrolled emissions will be below all applicable thresholds within the MDAQMD during operation. Therefore, the Project will not result in a considerable net increase of O_3 or PM_{10} during operation.

Table 2: MDAQMD Average Annual Operational Emissions

	Annual Emissions (tons per year)						
	CO_2e	CO	NO_x	ROG	SO_x	PM_{10}	$PM_{2.5}$
Uncontrolled Emissions							
Operations	4,070	32	4	10	<0.1	3	0.8
Threshold	100,000	100	25	25	25	15	12
Exceeded?	No	No	No	No	No	No	No

Source: MDAQMD 2020
Note: O_3 forms as a result of chemical reactions between NO_x, VOCs, heat, and sunlight. As a result, if emissions do not exceed thresholds for NO_x or VOCs, then emissions will not exceed thresholds for O_3.

In June 2025, the MDAQMD issued an Authority to Construct (ATC) for the Project's gasoline dispensing facility. The Project will comply with all conditions outlined in the ATC. Au Energy, LLC will ensure any additional MDAQMD-required permits are obtained prior to Project construction.

Because the Project will not exceed applicable MDAQMD thresholds for O_3 or PM_{10} during construction or operation and will adhere to applicable MDAQMD rules and permits, the Project will not result in a cumulatively considerable net increase of any CAPs for which the Project region is classified as nonattainment for under NAAQS or CAAQS. As a result, impacts will be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less-than-Significant Impact. As defined by MDAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. The MDAQMD has established that a gasoline-dispensing facility within 300 feet of sensitive receptors exposes sensitive receptors to substantial pollutant concentrations (MDAQMD 2020). The nearest sensitive receptors to the Project are the residences approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. Therefore, the Project will not expose sensitive receptors to substantial pollutant concentrations. In addition, as detailed in Table 1: MDAQMD Average Daily Construction Emissions and Table 2: MDAQMD Average Annual Operational Emissions, all construction and operation emissions will be below applicable MDAQMD significance thresholds. As a result, the Project will not expose sensitive receptors to substantial pollutant concentrations, and impacts will be less than significant.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less-than-Significant Impact. The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies. During construction, odor emissions could be generated by diesel-powered construction equipment and vehicles. Such

odors will be short-term and limited to the immediate vicinity of the activity. These emissions will be temporary in nature and disperse quickly. Operation of the Project may result in gasoline odors from the long-term handling and storage of gasoline, vehicle tail pipe odors, food odors from the convenience store, and cleaning product odors from the car wash. As discussed previously, the nearest sensitive receptors to the Project are the residences approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. Because the Project is located more than 1,500 feet from people residing near the Project, temporary Project construction activities and permanent operational activities are not expected to result in odors or emissions that will adversely affect a substantial number of people. Therefore, the Project will not result in other emissions (such as those leading to odors) that will adversely affect a substantial number of people. As a result, impacts will be less than significant

4.4 BIOLOGICAL RESOURCES

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

4.4.1 Discussion

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 Wildlife or U.S. Fish and Wildlife Service?

Less-than-Significant Impact with Mitigation Incorporated. Caskey Biological Consulting, LLC (Caskey) prepared a Biological Resources Assessment (BRA) for Hesperia Phelan CUP24-00012 (Project), which is provided in Attachment B: Biological Resources Assessment. As part of the BRA, Caskey performed a field survey on December 19, 2024 and a subsequent field survey of the proposed sewer line location and potential access road location on April 22, 2025. The vegetation communities observed within the Study Area[3] were cheatgrass – medusahead grassland, which covers approximately 71 percent of the Study Area, and California buckwheat scrub, which covers approximately 13 percent of the Study Area. Dominant species in the cheatgrass – medusahead grassland vegetation community included cheatgrass (*Bromus tectorum*) and sparse native plants, such as western Joshua tree (*Yucca brevifolia*), rabbitbrush (*Ericameria nauseosa*), and bladderpod (*Cleomella arborea*). Dominant species in the California buckwheat scrub vegetation community included California buckwheat (*Eriogonum fasciculatum*) and deerweed (*Acmispon glaber*), as well as sparse non-natives, such as cheatgrass and star thistle (*Centaurea solstitalis*). The remaining approximately 16 percent of land cover within the Study Area was developed or disturbed land.

Special-Status Plant Species

Based on results of the field survey and a review of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) and California Native Plant Society Online Inventory of Rare and Endangered Plants, western Joshua tree is the only special-status plant species that is present and has the potential to occur at the Project. Western Joshua tree, which is protected under the Western Joshua Tree Conservation Act, is a 5- to 20-meter-tall, evergreen, tree-like plant that occurs in desert grasslands and shrublands in hot, dry sites on flats, mesas, bajadas, and gentle slopes in the Mojave Desert on soils that are typically silts, loams, and/or sands that are fine, loose, or well-drained. As summarized in the BRA, 55 western Joshua trees were assessed within the BRA's Study Area. Of the 55 western Joshua trees assessed, 30 are within the footprint of the Project site. The remaining 25 trees are outside of the Project site and proposed sewer line location and are not anticipated to be impacted. Of the 30 western Joshua trees within the Project site, 28 are in good to excellent health, while two are in poor health or dead. Of the 30 western Joshua trees within the Project site, eight are in Size Class A, 21 are in Size Class B, and one is in Size Class C.[4] The Project will require the entire 2.66-acre Project site to be graded, which will result in impacts to all of the western Joshua trees present on the Project site.

Because impacts to western Joshua tree are anticipated, Au Energy, LLC (Au Energy) will consult with the CDFW prior to Project construction. In accordance with the Western Joshua Tree Conservation Act and mitigation measure (MM) BIO-1, Au Energy will apply for an

[3] The Study Area measures approximately 6.83 acres and includes the Project site, the proposed sewer line location, the potential access road location, and a 50-foot buffer.

[4] Size classes influence the number of western Joshua trees that will need to be relocated. Size classes are as follows:

- Class A – Less than 1 meter in height;
- Class B – 1 meter or greater but less than 5 meters in height; and
- Class C – 5 meters or greater in height.

incidental take permit (ITP) and submit it to the CDFW for review and approval prior to Project construction. As part of the western Joshua tree ITP, Au Energy will propose relocating select western Joshua trees that will be impacted by Project activities in accordance with CDFW's Western Joshua Tree Relocation Guidelines and Protocols (CDFW 2024a). Western Joshua trees may be relocated within the Project site to perimeter landscaping areas or to an off-site location identified during consultation with the CDFW. Given the number of western Joshua trees located on the Project site, relocating all of the western Joshua trees that will be impacted during construction may be infeasible. Therefore, some western Joshua trees may be destroyed. The final number of western Joshua trees to be relocated or destroyed and any additional (MMs will be determined during the ITP process in consultation with the CDFW. Therefore, impacts to western Joshua trees will be reduced through MM BIO-1 and the implementation of MMs, such as western Joshua tree relocation, included in the western Joshua tree ITP.

Special-Status Wildlife Species

Based on results of the field survey and a review of the CNDDB and the United States (U.S.) Fish and Wildlife Service (USFWS) Information for Planning and Consultation system, the following five special-status wildlife species have the potential to occur at the Project site:

- burrowing owl (*Athene cunicularia*) – California Endangered Species Act (CESA) candidate endangered;
- desert tortoise (*Gopherus agassizii*) – Federal Endangered Species Act (FESA) threatened, CESA threatened;
- loggerhead shrike (*Lanius ludovicianus*) – CDFW Species of Special Concern;
- Mohave ground squirrel (*Xerospermophilus mohavensis*) – CESA threatened; and
- monarch butterfly (*Danaus plexippus*) – FESA proposed threatened.

Burrowing Owl

Burrowing owls utilize existing burrows from small mammals, such as ground squirrels, for their nesting and cover sites. Two observations of burrowing owl as recent as 2006 were recorded in the CNDDB approximately 2.9 miles east of the Project site; however, no suitable burrows or signs of burrowing owl (e.g., pellets or whitewash) were observed within the Project site. Given the lack of burrowing owl observations and suitable burrows, this species is unlikely to occur at the Project site and no impact to this species is anticipated to occur. Although suitable burrows for burrowing owl were not observed at the Project site, pre-construction surveys will be completed prior to ground-disturbing activities to confirm the absence of burrowing owl from the Project work area in accordance with MM BIO-2. MM BIO-2 will require one pre-construction survey to be completed according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) prior to ground-disturbing activities. A qualified biologist will identify, flag, and map all burrows and dens potentially occupied by burrowing owl and confirm occupation of all potential burrows. In accordance with MM BIO-3, if occupied burrows or sign is identified, a qualified biologist will establish adequate buffers around the burrows based on field conditions and the CDFW Staff Report on Burrowing Owl Mitigation (2012). If occupied burrows cannot be avoided or if any other impact to burrowing owl cannot be fully avoided, the CDFW will be consulted and a CESA ITP will be obtained in accordance with MM BIO-3.

Desert Tortoise

Desert tortoises inhabit a variety of habitats, including desert washes, desert flats, bajadas, alluvial fans, rolling hills, rocky hills, and valleys. Throughout most of the Mojave and Colorado deserts, desert tortoises are found most often on gentle slopes with sandy gravel soils. Soils must be soft enough for digging burrows, but firm enough so that they do not collapse. The soils on the Project site were very compact and are likely too firm for burrow construction. One desert tortoise observation from 2000 was recorded in the CNDDB approximately 2 miles south of the Project site. No desert tortoise or signs of desert tortoise (e.g., burrows, scats, or carcasses) were observed during the field surveys; however, the December field survey was conducted outside of the desert tortoise active months (i.e., March to June and September to October). Given the lack of suitable burrowing habitat and observations of desert tortoise sign, this species is unlikely to occur at the Project site and no impact to this species will occur.

Loggerhead Shrike

Loggerhead shrike inhabits savannah; pinyon-juniper; Joshua tree and riparian woodlands; and desert oases, scrub, and washes. One loggerhead shrike observation as recent as 2007 was recorded in the CNDDB approximately 1.9 miles north of the Project site; however, loggerhead shrike was not observed during the field survey. This species is likely to occur given suitable nesting and foraging habitat within the Project site. The Project will cause the permanent loss of approximately 2.66 acres of suitable nesting and foraging habitat for this species; however, MM BIO-4 will be implemented during construction to reduce impacts to nesting loggerhead shrike. MM BIO-4 will require a pre-construction nesting bird survey prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, avoidance and minimization measures (AMMs), including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed, will be implemented. Therefore, the incorporation of MM BIO-4 will avoid or minimize potential impacts to loggerhead shrike.

Mohave Ground Squirrel

Mohave ground squirrels prefer habitats in open desert scrub, alkali desert scrub, western Joshua tree woodlands, and annual grasslands. The species prefers sandy to gravelly soils and utilizes burrows at the base of shrubs. The Project site lacked suitable burrows for Mohave ground squirrel and this species was not observed during the field surveys; however, the December survey was conducted outside of the active season for the species (i.e., March to June). One Mohave ground squirrel observation as recent as 2005 was recorded in the CNDDB approximately 1.5 miles north of the Project site. Given the lack of species observations and suitable burrows documented at the Project site, Mohave ground squirrel is unlikely to occur at the Project site and no impact to this species will occur.

Monarch Butterfly

Monarch butterflies have a wide range of habitat types, including prairies, meadows, and grasslands, as well as populated areas such as parks, neighborhoods, and back yards. The field survey was conducted outside of the typical growing and blooming season for milkweed (*Asclepias* spp.) (i.e., May to August), which is the host plant for monarchs. As a result, no

milkweed plants were observed within the Project site. However, other shrubs that could provide nectar to monarchs were observed. The Project is not within the overwintering range for monarch butterflies and, as a result, monarch butterfly roosting is unlikely at the Project site. No CNDDB records of monarch butterfly occur within 3 miles of the Project site and no species observations were made during the field survey. Given the lack of species observations and the low potential for monarch butterflies to roost at the Project site, this species is unlikely to occur at the Project site and no impact to this species will occur.

With the implementation of MM BIO-1, MM BIO-2, MM BIO-3, and MM BIO-4, the Project will not 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 CDFW or USFWS. As a result, the impact will be less than significant with mitigation incorporated.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. According to the CNDDB search, which had a 3-mile radius, no riparian habitat or sensitive natural communities are documented within the vicinity of the Project. Likewise, no riparian habitat or sensitive natural communities were observed within the Project site during the field survey. As a result, no impact will occur.

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. No federally or state-protected wetlands were observed on the Project site during the field survey. As a result, no impact will occur.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less-than-Significant Impact. Significant impacts on wildlife movement could occur if a wildlife movement corridor were to be interrupted by a feature that physically blocks wildlife movement (e.g., a roadway) or if suitable habitat that supports wildlife in the movement corridor were to be directly removed during construction or indirectly affected by construction noise or dust. The Project is located adjacent to the intersection of U.S. Highway 395 and Phelan Road, which are existing barriers to potential wildlife movement. The presence of U.S. Highway 395 and Phelan Road make it unlikely that the Project site is functioning as a migratory wildlife corridor. In addition, the Project is not located in a CDFW- or Bureau of Land Management-(BLM-) identified wildlife corridor (CDFW 2014 and BLM 2015). Because the Project site is not located in a CDFW- or BLM-identified wildfire corridor and it is unlikely that the Project site is functioning as a migratory corridor due to adjacent roads, the addition of Project structures is likely to have a minimal impact on wildlife movement, if at all. As a result, the impact will be less than significant.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less-than-Significant Impact with Mitigation Incorporated. Chapter 16.24 of the City of Hesperia's (City's) Municipal Code outlines the provisions for protected plants in the City (City of Hesperia 2025). Pursuant to Chapter 16.24, a removal permit is required for the removal of a western Joshua tree. As discussed previously, Au Energy will apply for an ITP in accordance with the MM BIO-1 and submit it to the CDFW for review and approval prior to Project construction. As part of the ITP, Au Energy will propose relocating select western Joshua trees that will be impacted by Project activities in accordance with the CDFW's Western Joshua Tree Relocation Guidelines and Protocols (CDFW 2024a). All additional MMs included in the western Joshua tree ITP will be implemented during construction of the Project. Insignia Environmental corresponded with the City on February 19, 2025, and confirmed that receipt of the western Joshua tree ITP will satisfy Chapter 16.24 requirements of the City's Municipal Code (Henry 2025). As a result, the Project will not conflict with the City's protected plant ordinance with implementation of MM BIO-1, and impacts will be less than significant with mitigation incorporated.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project will be located within the focus area of the Draft Western Joshua Tree Conservation Plan (WJTCP); however, this plan has not been adopted by the California Fish and Game Commission (Commission) (CDFW 2024b). The Draft WJTCP includes western Joshua tree impact AMMs that can be voluntarily adopted by project proponents. As discussed previously, Au Energy will consult with the CDFW and apply for a western Joshua tree ITP. The Western Joshua Tree Conservation Act requires avoidance and minimization of impacts on western Joshua trees to the maximum extent practicable as a condition of obtaining a western Joshua tree ITP (CDFW 2024b). Because the Draft WJTCP may be adopted by the Commission prior to Project construction, AMMs included in the Draft WJTCP will be reviewed and may be included in the western Joshua tree ITP. Through the implementation of MMs included in the western Joshua tree ITP, the Project will minimize impacts to western Joshua tree. Therefore, the Project will be consistent with the Draft WJTCP.

The Project will not be located within, or conflict with, any adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state Habitat Conservation Plan. As a result, no impact will occur.

4.4.2 Mitigation Measures

The following MM will be implemented for the Project to reduce impacts to less-than-significant levels:

- **MM BIO-1: Western Joshua Tree ITP.** Au Energy will apply for a western Joshua tree ITP in accordance with the Western Joshua Tree Conservation Act and submit it to the CDFW for review and approval prior to Project construction.

- **MM BIO-2: Pre-Construction Surveys.** A qualified biologist will perform breeding season and non-breeding season burrowing owl pre-construction surveys of the Project work area according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version) prior to ground-disturbing activities. If performing both breeding season and non-breeding season surveys is infeasible, the Project Proponent will coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys, which will be determined by CDFW and depend on Project timelines. The qualified biologist conducting the surveys will identify, flag, and map all burrows potentially occupied by burrowing owl and confirm occupation of all potential burrows. Methods of determining burrow occupancy may include, but will not be limited to, visual observations of scat or tracks outside burrow entrances, installing trail cameras for nocturnal observations, or a combination of these methods as appropriate. If burrows occupied by burrowing owl or sign is identified, MM BIO-3 will apply.

- **MM BIO-3: Burrow Avoidance.** If burrows occupied by burrowing owl are found during pre-construction surveys, adequate buffers will be established around burrows. Adequate buffers will be determined by a qualified biologist based on field conditions and the CDFW Staff Report on Burrowinggf Owl Mitigation (2012). However, the Project Proponent will ensure full avoidance of impacts to burrowing owl occurs. If occupied burrows cannot be avoided or if any other impact to burrowing owl cannot be fully avoided, the CDFW will be consulted and a CESA ITP will be obtained.

- **MM BIO-4: Nesting Bird Survey.** A pre-construction nesting bird survey will be conducted prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, AMMs, including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed, will be implemented.

4.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?		✓		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		✓		

4.5.1 Discussion

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

Less-than-Significant Impact with Mitigation Incorporated. As part of the Initial Study/Mitigated Negative Declaration (IS/MND) previously prepared for Hesperia Phelan CUP24-00012 (Project), an Archaeological Survey Report was completed in November 2017 and is included as Attachment C: Archaeological Survey Report. The Archaeological Survey Report covered an Area of Potential Impacts (API), which was defined as the approximately 6.5-acre site originally included as part of the IS/MND previously prepared for the Project in 2018. Because the Project is in the same location as the previously proposed Project, the scope of the Project has been reduced, and the Project site has remained undeveloped/unmodified since the Archaeological Survey Report, the API and findings from the report are applicable to the current Project.

The Archaeological Survey Report included a records search of all previously recorded cultural resources within the Project site and a 0.5-mile radius around it, as well as previously conducted cultural resource studies. In addition, the report included a field survey in which the archaeologist examined exposed ground surface for artifacts (e.g., flaked stone tools, toolmaking debris, milling tools, and ceramics), ecofacts (e.g., marine shell and bone), soil discoloration that might indicate the presence of a cultural midden, and features indicative of the former presence of structures or buildings (e.g., standing exterior walls, postholes, and foundations) or historic debris (e.g., metal, glass, and ceramics).

Based on the results of the cultural resources record search and intensive pedestrian survey, three isolated historical resources were found within the API. The isolated historical resources are not eligible to be listed with the California Register of Historical Resources (CRHR) and are not deemed historically significant resources. Furthermore, no prehistoric resources were found

during the field survey. The Archaeological Survey Report concluded that no impacts to cultural resources are expected to occur and no further work for cultural resources is needed.

Although not anticipated, unknown historical resources could be destroyed by construction activities involving ground disturbance should they be present. As a result, Mitigation Measure (MM) CUL-1 will be implemented during Project construction. In the event that a cultural resource is discovered during Project construction, all work within a 60-foot buffer of the find will cease, and a qualified archaeologist meeting United States (U.S.) Secretary of Interior (SOI) standards will 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) will be contacted regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. In accordance with MM CUL-2, if significant pre-contact cultural resources, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist will develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment. The archaeologist will monitor the remainder of the Project and implement the Monitoring and Treatment Plan accordingly.

With the implementation of MM CUL-1 and MM CUL-2, no substantial adverse changes related to a historical resource are anticipated and the impact to historical resources (as defined in Public Resource Code [PRC] Section 15064.5) will be less than significant with mitigation incorporated.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less-than-Significant Impact with Mitigation Incorporated. As discussed previously, the Archaeological Survey Report concluded that no impacts to cultural resources are expected to occur and no further work for cultural resources is needed. In addition, MM CUL-1 will be implemented during Project construction. With implementation of MM CUL-1, no substantial adverse changes related to an archaeological resource are anticipated and the impact to archaeological resources (as defined in PRC Section 15064.5) will be less than significant with mitigation incorporated.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less-than-Significant Impact with Mitigation Incorporated. The Archaeological Survey Report did not identify human remains within the API. It is not always possible to predict where Native American human remains might occur outside of formal cemeteries. Therefore, it is possible that human remains could be uncovered during ground-disturbing activities. In accordance with MM CUL-3, and if human remains are inadvertently discovered during construction activities, all work within a 100-foot buffer of the find will cease and the San Bernardino County coroner will then be contacted in accordance with California Health and Safety Code (HSC) Section 7050.5. This procedure will ensure that the remains are treated in

accordance with California HSC Section 7050.5; and the impact to human remains during construction will be reduced to less than significant with mitigation incorporated.

4.5.2 Mitigation Measures

The following MMs will be implemented for the Project to reduce impacts to less-than-significant levels:

- **MM CUL-1: Inadvertent Cultural Resource Discoveries.** 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) will cease and a qualified archaeologist meeting SOI standards will 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 YSMN will be contacted, as detailed within MM TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

- **MM CUL-2: Monitoring and Treatment Plan.** If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist will develop a Monitoring and Treatment Plan, the drafts of which will be provided to YSMN for review and comment, as detailed within MM TCR-1. The archaeologist will monitor the remainder of the Project and implement the Monitoring and Treatment Plan accordingly.

- **MM CUL-3: Human Remains.** If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) will cease and the San Bernardino County Coroner will be contacted pursuant to California HSC Section 7050.5 and that code enforced for the duration of the Project.

4.6 ENERGY

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓

4.6.1 Discussion

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less-than-Significant Impact. Construction activities associated with Hesperia Phelan CUP24-00012 (Project) will require the short-term consumption of fossil fuel resources (e.g., diesel fuel and gasoline) to power construction equipment and motor vehicles. During construction, power will be provided by a temporary power meter installed by Southern California Edison. Construction will be short term and temporary; and the use of fuel will be necessary, efficient, and conservative in nature.

Based on the California Emissions Estimator Model (CalEEMod) calculations for the Project's land use type, included as Attachment 4.2 A: CalEEMod: Hesperia Phelan Detailed Report in Section 4.3 Air Quality, the estimated electricity consumption will be 254,438 kilowatt-hours per year (kWh/year), and the estimated natural gas consumption will be 133,065 thousand British Thermal Units per year (MBtu/year). However, because the Project will comply with California Building Code (CBC) Title 24 efficiency standards, the Project's estimated energy use is reduced to 89,305 kWh/year of electricity consumption and 26,540 MBtu/year of natural gas consumption. Further, through the permitting process with the City of Hesperia (City), the Project will be designed and operated in accordance with all appropriate state and local regulations governing energy efficiency, including the City's Municipal Code, Part 11 of the CBC, and Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan. Because the Project will comply with all local and state regulations concerning energy efficiency during construction and operations, energy consumption will not be wasteful, inefficient, or unnecessary. As a result, the impact will be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The Project will not obstruct a state or local plan for renewable energy or energy efficiency. As stated previously, the Project will adhere to the City's Municipal Code, Part 11 of the CBC, and Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan. These standards and guidelines include design measures aimed at promoting energy efficiency, including mandatory requirements for lighting controls, electric vehicle charging stations, and space-conditioning equipment. Because the Project will be constructed consistently with the CBC and City's design standards, the Project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As a result, no impact will occur.

4.7 GEOLOGY AND SOILS

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

4.7.1 Discussion

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides?

Less-than-Significant Impact. As summarized in Table 3: Faults Located within 10 Miles of the Project, two faults are located within 10 miles of Hesperia Phelan CUP24-00012 (Project). The boundary of an earthquake fault zone is generally 500 feet from major active faults, and 200 to 300 feet from well-defined minor faults (City of Hesperia [City] 2010). The Project will not be located on or within 500 feet of any fault. In addition, the Project will not be located in any liquefaction or landslide zones identified by the California Department of Conservation (California DOC 2024). As a result, liquefaction and landslides have a low potential to occur at the Project site.

Table 3: Faults Located within 10 Miles of the Project

Fault Name	Fault Section	Fault Type	Age of Last Known Slip	Slip Rate (millimeter/year)	Approximate Distance and Direction from the Project (miles, direction)
Cleghorn Fault	Southern Cleghorn	Left lateral, strike-slip	Late Quaternary (less than 130,000 years ago)	Between 1.0 and 5.0	7.35, south
Cleghorn Fault	Northern Cleghorn	Left lateral, strike-slip	Late Quaternary (less than 130,000 years ago)	Between 0.2 and 1.0	9.18, south

Source: United States (U.S.) Geological Survey (USGS) 2022

Although the Project will introduce structures occupied by employees and customers, all Project structures will be constructed in compliance with Title 24, Part 2 of the California Building Code (CBC) and Chapter 16 of the International Building Code (IBC), which provide requirements for general structural design and includes means for determining earthquake loads based on the American Society of Civil Engineers/Structural Engineering Institute Standards. In addition, Hilltop Geotechnical, Inc. (HGI) prepared a geotechnical study and infiltration feasibility study for the Project. Recommendations from both studies will be incorporated into the Project design to ensure that all structures will adequately resist the forces of an earthquake. The geotechnical study and infiltration feasibility study are provided in Attachment D: Geotechnical Study and Attachment E: Infiltration Feasibility Study. As a result, Project structures will be able to withstand reasonably foreseeable seismic events. Incorporation of these standard engineering practices will ensure that people or structures will not be exposed to hazards associated with strong seismic ground shaking, and the impact will be less than significant.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less-than-Significant Impact. The Project site is undeveloped and slopes gradually upwards from northeast to southwest with an approximate slope of 3 percent. The Project will be located on soil classified as Cajon Sand, which is in hydrologic soil group A (U.S. Department of Agriculture [USDA] 2025). Hydrologic soil group A has the lowest runoff potential and typically consists of deep, well-drained to excessively drained sands or gravels (USDA 2002). In addition, the Project will be in a location with a soil erodibility factor of 0.08 (Esri 2023). Soils with low soil erodibility factors (between 0.05 and 0.15) are not considered susceptible to soil erosion (State Water Resources Control Board [SWRCB] 2025). As a result, the Project will not be located on soils that are susceptible to soil erosion.

Project construction will include grading the entire approximately 2.66-acre Project site. Ground-disturbing activities will expose soil to erosion by removing the vegetative cover and potentially compromising the soil structure. Rain and wind can further detach soil particles and transport them off site. However, the Project will receive coverage for disturbing more than 1 acre of soil under an SWRCB General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, 2022-0057-DWQ (Construction General Permit). This Construction General Permit will require preparation of a Project-specific Storm Water Pollution Prevention Plan (SWPPP) to be authorized by the SWRCB, which will include erosion-reducing measures and site stabilization procedures. In accordance with Section 8.30.210 of the City's Municipal Code, the Project-specific SWPPP will be provided to the City for review and approval prior to the issuance of grading and building permits. Therefore, with implementation of the Project-specific SWPPP, construction of the Project will result in a less-than-significant impact to soil erosion.

Since the Project will require approximately 2.66 acres of grading, approximately 2.66 acres of topsoil will be lost. As discussed in Section 4.2 Agriculture, the Project is located on land designated as Grazing Land and is not located on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Since the Project is not located on land productive for agriculture, the loss of topsoil is negligible. Although the Project will result in 2.66 acres of permanent topsoil loss, approximately 31 percent of the Project site will consist of landscaping, which exceeds the 10-percent minimum designated for the Neighborhood Commercial zone where the Project will be located (City of Hesperia 2008). Because the Project will not cause the loss of topsoil productive for agriculture, the Project's impact on topsoil loss will be less than significant.

To mitigate the addition of approximately 1.88 acres of impervious surface proposed by the Project, which can inhibit the infiltration of storm water, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional storm water runoff and discharge through a new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining storm water flows from a 100-year storm event. Consequently, this Project will not increase the amount of drainage impacting downstream properties; therefore, post-construction storm water drainage will be consistent with pre-construction conditions. In addition and in accordance with Section 8.30.230 of the City's Municipal Code, a Water Quality Management Plan (WQMP) will be provided to the City for review and approval prior to the issuance of grading and building permits. The

WQMP will include all required and proposed measures for site design, source control, runoff reduction, storm water treatment, baseline hydromodification management, and low-impact development techniques as applicable. Therefore, with implementation of the proposed storm drain system and WQMP, the Project will reduce the impact associated with runoff to less than significant.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact. The Project will be located on the Quaternary older alluvium (Qoa) geologic unit (Dibblee 1965). As discussed previously, the Project will not be located in an area susceptible to liquefaction or landslides (California DOC 2024) or on soil susceptible to erosion (U.S. Department of Agriculture [USDA] 2023). In addition, the Project will not be located on soil susceptible to subsidence (USDA 2024), and all Project structures will be constructed in compliance with Title 24, Part 2 of the CBC, the IBC, and the City's Municipal Code. As discussed previously, recommendations from HGI's geotechnical study and infiltration feasibility study will be incorporated into the Project design to ensure all Project structures will be stable.

Because the Project will not be located in an area susceptible to landslides, liquefaction, erosion, or subsidence and Project structures will be compliant with the CBC, IBC, and City's Municipal Code, the Project will not cause on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. As a result, the Project will not be located on a geologic unit or soil that is unstable or will become unstable, and the no impact will occur.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact. As discussed previously, the Project will be located on soil classified as Cajon Sand, which is in hydrologic soil group A. Hydrologic soil group A has the lowest runoff potential and typically consists of deep, well-drained to excessively drained sands or gravels (USDA 2002). Sand and gravel units typically have a low expansion potential (City of Hesperia 2010). As a result, the Project will not be located on expansive soils.

As discussed previously, all Project structures will be constructed in compliance with Title 24, Part 2 of the CBC, IBC, and City's Municipal Code. In addition, As discussed previously, recommendations from HGI's geotechnical study and infiltration feasibility study will be incorporated to ensure all Project structures will be stable.

Because the Project will not be located on expansive soil and Project structures will be compliant with the CBC, IBC, and City's Municipal Code, the Project will not create a substantial risk to life or property. As a result, no impact will occur.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The Project does not include the use or installation of a septic tank or alternative wastewater disposal system. The Project will connect to an existing sewer system. As a result, no impact will occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less-than-Significant Impact with Mitigation Incorporated. Central and eastern San Bernardino County has rich paleontological resources, particularly near the eastern side of the county. The Project will be located in the southwestern quadrant of San Bernardino County, north of the Peninsular Ranges Geomorphic Province and at the southern cusp of the Mojave Desert (Norris and Webb 1990). This location is a broad basin characterized by widespread alluvial deposits from the mountains to the south and west, primarily of late Pleistocene age. The Project will be located on the Quaternary older alluvium (Qoa) geologic unit (Dibblee 1965). The surrounding area is composed of Younger alluvium (Q) underlain by Quaternary older alluvium (Qoa) and Pleistocene-Pliocene Nonmarine Sediments (QPc) (San Bernardino County 2018).

Intact paleontological resources are not expected to be present in the younger alluvial units across the southwestern valley floor in the upper layers, but could potentially be encountered in the older Pleistocene alluvium at depths of 50 feet. Because the excavation activities associated with the Project will not exceed 15 feet below ground surface, there is a low to moderate potential to encounter intact paleontological resources during construction. To reduce potential impacts to paleontological resources, Mitigation Measure (MM) PALEO-1 will be implemented. In accordance with MM PALEO-1, if a fossil discovery is made during excavation, all work within a 60-foot buffer of the find will be halted, and a qualified paleontologist will assess the find. If the fossils are determined to be potentially significant, the paleontologist will recover them by following standard field procedures for collecting paleontological resources. All significant fossils collected will be prepared in a properly equipped laboratory and delivered to an accredited museum or repository no later than 30 days after all laboratory work is completed. With the implementation of MM PALEO-1, the impact on paleontological resources will be less than significant with mitigation incorporated.

4.7.2 Mitigation Measures

The following MM will be implemented for the Project to reduce impacts to less-than-significant levels:

- **MM PALEO-1: Inadvertent Paleontological Resource Discoveries.** If a fossil discovery is made during excavation, all work within a 60-foot buffer of the find will be halted, and a qualified paleontologist will assess the find. If the fossils are determined to be potentially significant, the paleontologist will recover them by following standard field procedures for collecting paleontological resources. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (e.g., skeletons or large mammal fossils) require more extensive

excavation and longer salvage periods. In this case, the paleontologist will have the authority to temporarily direct, divert, or halt construction activity to ensure that the fossils can be removed in a safe and timely manner. All significant fossils collected will be prepared in a properly equipped laboratory to a point ready for curation. During preparation and inventory, the fossil specimens will be identified to the lowest taxonomic level practical prior to curation at an accredited repository (usually a museum). The fossil specimens will be delivered to an accredited museum or repository no later than 30 days after all laboratory work is completed. The cost of curation will be assessed by the repository and will be the responsibility of Au Energy, LLC.

4.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

4.8.1 Discussion

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less-than-Significant Impact. Hesperia Phelan CUP24-00012 (Project) emissions were calculated using the California Emissions Estimator Model (CalEEMod). Attachment 4.2-A: CalEEMod: Hesperia Phelan Detailed Report in Section 4.3 Air Quality details the inputs and results of the CalEEMod completed for the Project.

Construction of the Project will generate temporary greenhouse gas (GHG) emissions primarily as a result of the operation of construction equipment on site, as well as from vehicles transporting construction workers to and from the work areas, water trucks, and heavy trucks to transport materials to and from the work areas. Calculations of carbon dioxide (CO_2) emissions are provided to identify the magnitude of potential Project effects. As summarized in Table 4: Average Daily Construction GHG Emissions, Project construction activities, including the use of on-site construction equipment (e.g., excavators, bulldozers, graders, and other construction equipment) and off-site vehicle trips (e.g., worker commute trips, haul trips, and other on-road vehicles), will generate approximately 2,066 pounds of CO_2 equivalent (CO_2e)[5] per day in 2026, which will not exceed the Mojave Desert Air Quality Management District- (MDAQMD-) wide threshold of 548,000 pounds per day. Therefore, construction will not generate a quantity of GHG emissions that will potentially have a significant impact on the environment.

The Project will also include long-term energy consumption on site to support the car wash, gas station, and convenience store operations. In addition, the Project is anticipated to generate 1,594 total daily trips. Operation of the Project and the increased vehicular trips associated with customers will cause an increase in GHG emissions in the Project area. However, as summarized in Table 5: Average Annual Operational GHG Emissions, annual GHG emissions associated

[5] CO_2e is a measure used to compare the effect of emissions of various GHGs based on their global warming potential projected over a specified time period (generally 100 years).

with operation of the Project will not exceed the MDAQMD-wide threshold of 100,000 tons per year.

Table 4: Average Daily Construction GHG Emissions

Construction Year	Estimated CO_2e Emissions (pounds/day)
2026	2,066
MDAQMD Threshold	548,000
Exceeded?	No

Source: MDAQMD 2020

Table 5: Average Annual Operational GHG Emissions

	Annual Emissions (tons per year)
Operations	4,070
MDAQMD Threshold	100,000
Exceeded?	No

Source: MDAQMD 2020

Because the Project will not exceed applicable MDAQMD thresholds for CO_2e during construction or operation, the Project will not result in the generation of GHG emissions that may have a significant impact on the environment. As a result, impacts will be less than significant.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-Significant Impact. California's key initiative for reducing GHG emissions is Assembly Bill (AB) 32, passed by the state legislature on August 31, 2006. This effort set a target to reduce GHG emissions to 1990 levels by 2020. AB 32 requires the California Air Resources Board (CARB) to prepare a Scoping Plan that outlines the main state strategies for meeting the 2020 deadline and to reduce GHGs that contribute to global climate change. CARB's 2022 Scoping Plan was approved in December 2022 and lays out a path to achieve targets for carbon neutrality and reduce GHG emissions by 85 percent below 1990 levels no later than 2045 (CARB 2022).

In response to AB 32, the City of Hesperia (City) prepared a Climate Action Plan (CAP) (City 2010) and the San Bernardino Council of Governments (SBCOG) developed the San Bernardino County Regional Greenhouse Gas Reduction Plan (Reduction Plan) (SBCOG 2021). Since the CAP and Reduction Plan were developed in support of AB 32, a project that is consistent with the CAP and Reduction Plan will be consistent with AB 32. As stated in the Reduction Plan, the City has adopted a goal to reduce its community GHG emissions to 40 percent below its 2020 level of GHG emissions by 2030 (SBCOG 2021). To achieve this, the City's CAP includes numerous climate action strategies, such as energy efficiency, water conservation and reuse, and

waste reduction standards, with corresponding implementation policies from the City's General Plan. As part of the City's implementation of the CAP, the City enforces the California Building Code (CBC), which contains energy efficiency standards for new developments in Part 11 of the California Green Building Standards Code. The Project will be constructed and designed consistent with the CBC, City's Municipal Code, and Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan. These standards and guidelines include design measures aimed at reducing GHG emissions, including mandatory requirements for lighting controls, electric vehicle charging stations, and space-conditioning equipment. Since the Project will be constructed consistent with the CBC and the City's design standards, the Project will include features that reduce GHG emissions.

The MDAQMD has established that a project does not conflict with an air attainment or maintenance plan if it is consistent with the existing land use plan (MDAQMD 2020). As discussed in Section 4.11 Land Use and Planning, the Project is consistent with the City-designated Neighborhood Commercial zone in which it is proposed. In addition, as shown in Table 4: Average Daily Construction GHG Emissions and Table 5: Average Annual Operational GHG Emissions, the Project will not exceed MDAQMD GHG emission thresholds. Therefore, the Project will not conflict with the MDAQMD conformity guidelines for GHG emissions.

Since the Project will be constructed in accordance with the CBC and City's design standards, which include measures that reduce GHG emissions, and will be consistent with MDAQMD conformity guidelines, the Project will not conflict with California's AB 32, the City's CAP, or the SBCOG's Reduction Plan. As a result, impacts will be less than significant.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓	

4.9.1 Discussion

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less-than-Significant Impact. Construction of Hesperia Phelan CUP24-00012 (Project) will require the temporary use of diesel fuel, gasoline, lubrication oil, hydraulic fluid, and chemicals

associated with vehicles and construction activities. In addition, the Project includes the operation of a vehicle fueling station and one 20,000-gallon underground storage tank (UST) and two 10,000-gallon USTs, which have the long-term potential to expose the public and environment to hazardous materials in the event of a release or through the routine use, storage, and transport of gasoline and diesel fuel. If improperly used, transported, stored, or disposed of, such materials have the potential to create a significant hazard to the public or environment.

The California Environmental Protection Agency (CalEPA) has implementation authority for the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) per California Code of Regulations (CCR) Title 27, Division 1, Subdivision 4, Chapter 1. The Unified Program requires CalEPA to certify local government agencies (i.e., Certified Unified Program Agencies [CUPAs]) to implement Hazardous Materials Business Plans (HMBPs), which aim to prevent or minimize harm to public health and safety and the environment from a release or threatened release of a hazardous material, at the local level. An HMBP includes details on hazardous material inventory, emergency response plans and procedures, and a training program that includes training in safety procedures in the event of a release of threatened release of hazardous material (CalEPA 2025).

The San Bernardino County Fire Protection Department (FPD) is the CUPA for the City of Hesperia (City). In accordance with California Health and Safety Code Division 20, Chapter 6.95 and CCR Title 19, Division 5, Chapter 1, Au Energy, LLC (Au Energy) will prepare and submit an HMBP to the San Bernardino County FPD through the California Environmental Reporting System (CERS) for review and approval prior to Project construction (San Bernardino County FPD 2025). All potentially hazardous materials will be stored, transported, and disposed of in accordance with the HMBP. In addition, since the Project includes the installation and operation of USTs, the Project will be subject to the UST element of the CERS. As a result, the Project's USTs will be annually inspected to verify the UST system is compliant with design and construction standards (San Bernardino County FPD 2025). Further, the USTs will be designed and constructed in accordance with California Health and Safety Code (HSC) Chapter 6.7 and CCR Title 23, Division 3, Chapter 16, which detail the design and construction requirements for new USTs. Therefore, all Project construction and operation activities will be conducted in compliance with the applicable HMBP and UST requirements.

Although the Project includes the routine transport or use of hazardous materials, implementation of the HMBP and UST requirements will reduce the Project's potential to create a significant hazard to the public or the environment to a less-than-significant level.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less-than-Significant Impact. Exposure and release of existing hazardous materials during construction and operation of the Project has the potential to impact on-site workers, the public, or the environment through direct contact, off-site transport, or improper disposal. However, the Project's vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4). These codes contain the dispensing and operational requirements for motor fuel-dispensing facilities that safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new or

existing buildings, structures, and premises (CCR 2022). As mentioned previously, the USTs will be designed and constructed in accordance with California HSC Chapter 6.7 and CCR Title 23, Division 3, Chapter 16, which detail the design and construction requirements for new USTs.

As discussed previously, hazardous materials used for Project construction and operation will be handled in accordance with an HMBP. The HMBP will include best management practices such as maintaining spill kits, avoiding the storage of hazardous materials on or near work areas, and storing hazardous materials within secondary containment. Spill kits will be maintained on site during construction and operation of the Project to minimize the risk of releasing hazardous materials.

Therefore, the Project is not anticipated to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. As a result, the impact will be less than significant.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

No Impact. The Project will not be located within 0.25 mile of an existing or proposed school. The nearest school is Canyon Ridge High School, which is approximately 1.45 miles southeast of the Project. Therefore, the Project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. As a result, no impact will occur.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The Project is not located on or within 1 mile of any United States (U.S.) Environmental Protection Agency (EPA) National Priorities List sites (U.S. EPA 2024), California State Water Resources Control Board (SWRCB) Geotracker sites (SWRCB 2025), California Department of Toxic Substances Control (DTSC) EnviroStor sites (DTSC 2025a), or DTSC Hazardous Waste Tracking System sites (DTSC 2025b). Therefore, no existing hazardous materials have been reported at the Project site and no impact will occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The Project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. The closest airport is the Hesperia Airport, which is located approximately 5.95 miles southeast of the Project. As a result, no impact will occur.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-than-Significant Impact. The City's General Plan Safety Element identifies U.S. Highway 395, which is adjacent to the Project, as a potential evacuation route. As part of the

Project, Au Energy will be applying for a California Department of Transportation (Caltrans) encroachment permit for modifications to U.S. Highway 395 and the intersection of U.S. Highway 395 and Phelan Road. Au Energy is required to prepare a traffic control plan for the encroachment permit, which will be approved by the City and Caltrans prior to Project construction. This plan will reduce the potential for emergency evacuation hazards by notifying landowners, emergency responders, and local agencies of the planned construction activities; requiring construction activities to be coordinated with emergency service providers; and implementing applicable traffic control measures. While short-duration delays could result from construction traffic and temporary lane closures on U.S. Highway 395 and Phelan Road, the Project will not require the full closure of any roads. Emergency vehicles will be allowed access in the event of an emergency. Likewise, temporary lane closures will be opened in the event of an evacuation. Therefore, the Project will not conflict with any adopted emergency response or evacuation plans. As a result, the impact will be less than significant.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less-than-Significant Impact. As detailed further in Section 4.20 Wildfire, the Project will be located approximately 0.37 mile east of a state responsibility area and lands classified as a high fire hazard severity zone (California Board of Forestry and Fire Protection 2024, California Department of Forestry and Fire Protection [CAL FIRE] 2023). However, all Project structures will be constructed in compliance with the California Fire Code (24 CCR 9), which is based on the International Fire Code from the International Code Council and contains consensus standards related to establishing good practices to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new or existing buildings, structures, and premises (CCR 2022). In addition, the Project's convenience store, car wash, and vehicle fueling station will be constructed and designed to be consistent with the City's Municipal Code Chapter 16.16 Section 365 (City of Hesperia 2025) and the Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). Consistent with the City's Main Street and Freeway Corridor Specific Plan, Project landscaping will not interfere with or restrict access to emergency apparatuses such as fire hydrants or fire alarm boxes. The Project's convenience store will include an automatic fire extinguishing system, consistent with the City's Municipal Code Chapter 15.04 Section 030 (City of Hesperia 2025). As discussed previously, the Project's vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4). Therefore, by complying with the regulations and design standards intended to reduce the likelihood of fire hazards, the Project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. As a result, the impact will be less than significant

4.10 HYDROLOGY AND WATER QUALITY

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

4.10.1 Discussion

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less-than-Significant Impact. Hesperia Phelan CUP24-00012 (Project) is not expected to violate water quality standards or waste discharge requirements, or significantly degrade surface or ground water quality. Construction will require ground-disturbing activities that could increase soil erosion rates which, if not properly managed, could potentially result in a violation of water quality standards and impacts to beneficial uses in adjacent or downstream waterbodies. All construction projects greater than 1 acre in size in the State of California are required to obtain coverage under the State Water Resources Control Board (SWRCB) Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, 2022-057-DWQ (Construction General Permit) to prevent the discharge of pollutants to surface waters during construction. Since the Project will disturb more than 1 acre of land, a Notice of Intent will be filed with the SWRCB to obtain coverage under the Construction General Permit, and a Project-specific Stormwater Pollution Prevention Plan (SWPPP) will be prepared to comply with the permit. The SWPPP will include best management practices (BMPs) designed to address materials management, non-storm water discharges, sediment discharges, and erosion controls to meet water quality standards. Further, as discussed in Section 4.7 Geology and Soils, the Project will comply with the City of Hesperia (City) Municipal Code 8.30.230, which includes the submittal of a Water Quality Management Plan (WQMP) for City review. The WQMP will include all required and proposed measures for site design, source control, runoff reduction, stormwater treatment, baseline hydromodification management, and low-impact development techniques as applicable (City of Hesperia 2025).

Materials used during construction of the Project (e.g., diesel fuel, hydraulic fluid, oils, grease, and concrete) have the potential to be transported by storm water runoff and threaten groundwater quality in the event of spills or leaching. Specific measures to manage hazardous materials will be addressed in the SWPPP. Additionally, as described in Section 4.9 Hazards and Hazardous Materials, the Project will develop and implement a Hazardous Materials Business Plan, which includes BMPs such as maintaining spill kits, avoiding the storage of hazardous materials on or near work areas, and storing hazardous materials within secondary containment. As a result, the impact to water quality standards, waste discharge requirements, and surface or ground water quality will be less than significant.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less-than-Significant Impact. The Project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. The Project area lies entirely within the Upper Mojave River Valley Basin, Alto Subarea (Upper Basin). The Upper Mojave River Valley Groundwater Basin underlies an elongated north-south valley, with the Mojave River flowing through the valley from the San Bernardino Mountains on the south, northward into the Middle Mojave River Valley Groundwater Basin at the town of Helendale, approximately 21 miles north of the City of Hesperia (Department of Water Resources [DWR] 2004). The Upper Basin is managed by the Mojave Water Agency (MWA), which oversees the allocation of groundwater in

accordance with the adjudication ruling of 1993 (with subsequent rulings in 1996 and 2000, followed by finalization in 2002), which ensures the equitable allocation of groundwater from the Mojave River Basin based on water use needs of stakeholders in the region (MWA 2025). The Upper Basin has a total average water supply of 57,349 acre-feet per year, and MWA predicts ample water supply for all users through the year 2065 (MWA 2020). Water for Project construction activities and post-construction operations will be supplied by the Hesperia Water District, which receives its water from the Upper Basin. Water use during construction of the Project is anticipated to be approximately 3,000 gallons per day, and approximately 164 gallons per day (0.001 AFY) during operation. Thus, the amount of water used for the Project will be negligible compared to the total supply within the Upper Basin. As a result, the impact will be less than significant.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on-site or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

Less-than-Significant Impact. The Project is located on undeveloped land composed of bare ground and sparse vegetation, which is a typical surface condition of undeveloped land in the vicinity of the Project area. Under pre-Project conditions, stormwater sheet flows over the existing pervious ground, discharging to the existing storm drain on Phelan Road and eventually to the Oro Grande Wash near the Phelan Road and Highway 395 intersection. The Oro Grande Wash then passes under the California Aqueduct Box Culvert at Mile Post 394.5 and continues flowing from the northeast side of the California Aqueduct. To mitigate for potential erosion and sediment discharge to the Oro Grande Wash during construction, a SWPPP will be prepared for the Project that will include erosion and sediment control BMPs to be implemented by the construction contractor.

The Project will not cross or alter the course of any jurisdictional aquatic features; however, the amount of impervious surface will increase within the Project site. To mitigate the addition of 1.88 acres of impervious surface, which can inhibit the infiltration of stormwater and cause an increase in surface runoff, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through a new proposed storm drain to Phelan Road. The proposed storm drain will connect to the existing public storm drain system to the east of the Project, which eventually discharges through an existing culvert box at Main Street to the Oro Grande Wash, approximately 1,480 feet east of the Project site.

The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event and will reduce post-Project peak flows to less than pre-Project conditions. Implementation of the underground retention facility is anticipated to reduce 100-year peak flow rates from 6.90 cubic feet per second (cfs) under pre-Project conditions to 6.70 cfs under post-Project conditions. A final Project-specific hydrology report detailing Project drainage and flow

rates will be reviewed and approved by the City post-entitlement to ensure the Project does not significantly impact drainage at the Project site. In addition, as previously discussed, a WQMP will be prepared that includes measures to reduce runoff. Consequently, this Project will not increase the amount of surface runoff impacting downstream properties beyond pre-construction conditions. These design elements will reduce the risk for flooding on- and off-site. As a result, the impact will be less than significant.

d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

No Impact. The Project is not located within a designated flood hazard zone, per the Federal Emergency Management Agency (FEMA) Flood Risk Maps (FEMA 2024). Additionally, the Project is not located in the coastal zone and thus is not subject to inundation from a tsunami, or within a seiche zone. As a result, no impact will occur.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The Project lies within the Upper Mojave Hydrologic Unit and is managed by the Regional Water Quality Control Board (RWQCB) Region 6 (Lahontan). The Project will not conflict with or obstruct implementation of the Lahontan RWQCB Basin Plan or any groundwater management plans. The Lahontan Basin Plan includes water quality objectives, identifies beneficial uses of its waterbodies, and addresses actions that may be necessary to remediate waters within the Upper Mojave that are designated as impaired for water quality. The Project does not cross any jurisdictional aquatic features, and is located approximately 680 feet northwest from the Oro Grande Wash. The Oro Grande Wash is currently not listed on the Clean Water Act (CWA) Section 303(d) List as an impaired waterbody (SWRCB 2025); thus, no formal water quality improvement plan is required for the Oro Grande Wash. Further, as stated previously, a SWPPP will be prepared for the Project to prevent discharges of pollutants to surface waters. As a result, no impact will occur.

Groundwater basin prioritization is a technical process that utilizes the best available data and information to classify California's 515 groundwater basins into one of four categories: high-, medium-, low-, or very low-priority (DWR 2025). Each basin's priority determines which provisions of the California Statewide Groundwater Elevation Monitoring and the Sustainable Groundwater Management Act (SGMA) apply. The SGMA requires local groundwater management authorities and/or water districts of medium- and high-priority groundwater basins to develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs), and manage groundwater for long-term sustainability. Currently, no GSA or GSP exists for the Upper Basin due to its Very Low Priority classification. Water used during construction will be provided by the Hesperia Water District via an existing fire hydrant on Phelan Road, and will not conflict with groundwater management of the Upper Basin. As a result, no impact will occur.

4.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✓

4.11.1 Discussion

a) Would the project physically divide an established community?

No Impact. No established communities are located at the Hesperia Phelan CUP24-00012 (Project) site or on the surrounding parcels. The Project is located in an undeveloped area of the City of Hesperia (City). The closest residential community is approximately 0.3 mile east of the Project. Therefore, the Project will not divide an established community, and no impact will occur.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Project will be located on a parcel designated as Neighborhood Commercial (NC) in the City's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). The Project will be consistent with the NC zone, which encourages the development of businesses that provide convenience goods and services to local residents, such as the services that will be provided by the Project when complete. As discussed previously, a residential community is located approximately 0.3 mile east of the Project. Additional residential communities and homes are located within 2 miles of the Project in all directions. Therefore, the Project will provide services accessible to local residents.

The NC zone requires a City-issued conditional use permit (CUP) to authorize construction and operation of the convenience store with alcoholic beverage sales for off-site consumption, vehicle fuel stations, and vehicle wash facilities. Au Energy, LLC (Au Energy) will obtain a CUP from the City prior to Project construction. Therefore, the Project will be consistent with the NC zone's permitted uses following receipt of the CUP.

As discussed in Section 4.4 Biological Resources, Chapter 16.24 of the City's Municipal Code outlines the provisions for protected plants in the City (City of Hesperia 2025). Pursuant to Chapter 16.24, a removal permit is required for the removal of a western Joshua tree (*Yucca brevifolia*). Au Energy will apply for an incidental take permit (ITP) in accordance with the

Western Joshua Tree Conservation Act and submit it to California Department of Fish and Wildlife (CDFW) for review and approval prior to Project construction. Insignia Environmental corresponded with the City on February 19, 2025 and confirmed that receipt of the western Joshua tree ITP will satisfy Chapter 16.24 requirements of the City's Municipal Code. As a result, the Project will not conflict with the City's protected plant ordinance.

In addition, the Project will be located within the focus area of the Draft Western Joshua Tree Conservation Plan (WJTCP); however, this plan has not been adopted by the California Fish and Game Commission (Commission) (CDFW 2024). The Draft WJTCP includes western Joshua tree impact avoidance and minimization measures that can be voluntarily adopted by project proponents. The Western Joshua Tree Conservation Act requires avoidance and minimization of impacts on western Joshua trees to the maximum extent practicable as a condition of obtaining a western Joshua tree ITP (CDFW 2024). Since the Draft WJTCP may be adopted by the Commission prior to Project construction, avoidance and minimization measures included in the Draft WJTCP will be reviewed and may be included in the western Joshua tree ITP. Through the implementation of mitigation measures included in the western Joshua tree ITP, the Project will minimize impacts to western Joshua tree. Therefore, the Project will be consistent with the Draft WJTCP.

The Project will not be located within any adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state habitat conservation plan, and it will not conflict with any land use plan, policy, or regulation. As a result, no impact will occur.

4.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓

4.12.1 Discussion

a) Would the project result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

No Impact. There is no mining operation located within 5 miles of Hesperia Phelan CUP24-00012 (Project). The closest operation is the Scheerer Quarry, which mines sand and gravel and is located approximately 13.5 miles northeast of the Project (California Department of Conservation 2025). The Project will not cross mining sites or interfere with mining operations. Consequently, the construction of the Project will not lead to the depletion of any known mineral resources. As a result, no impact will occur.

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. The Project is located more than 5 miles from any known or potential mineral resource recovery site. The City of Hesperia General Plan Conservation Element (Conservation Element) describes the presence of non-significant mineral resources (i.e., sand used for construction) in the Summit Valley region and within the Mojave River washes (City of Hesperia 2019). The Conservation Element further describes these minerals as not significant due to their relatively high abundance in the surrounding areas. In addition to the non-significant classification, the areas of mineral deposits are more than 5 miles from the Project. As a result, no impact will occur.

4.13 NOISE

Would the project result in:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b) Generation of excessive groundborne vibration or groundborne noise levels?			✓	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓

4.13.1 Discussion

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less-than-Significant Impact. The nearest sensitive receptors to Hesperia Phelan CUP24-00012 (Project) are within a residential community located approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. As outlined in the City of Hesperia's (City's) Noise Ordinance, the maximum allowable noise level at a residential parcel line is 60 A-weighted decibels (dBA) [6] between 7:00 a.m. and 10:00 p.m. (City of Hesperia 2025).

The Project will be located on the corner of United States (U.S.) Highway 395 and Phelan Road, which has an approximate existing roadway noise level of 71 dBA Community Noise Equivalent Level (CNEL)[7] at 50 feet (City of Hesperia 2010). Construction associated with Project will generate noise that will temporarily increase ambient noise levels in the Project vicinity due to construction equipment use (e.g., excavators, bulldozers, graders, and trucks); however, given

[6] Because the human ear is not equally sensitive to all sound frequencies within the entire spectrum, noise levels at maximum human sensitivity are factored more heavily into sound descriptions in a process called "A weighting," written as dBA (City 2010).

[7] Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, state law requires that, for planning purposes, an artificial decibel increment penalty be added to quiet-time noise levels in a 24-hour noise descriptor called CNEL (City 2010).

the Project site's high existing ambient noise level, noise generated by on-site construction equipment is not anticipated to significantly increase ambient noise levels. In addition to noise generated by on-site construction equipment, construction-related vehicle trips (e.g., worker commute trips, haul trucks, and other on-road vehicles) will temporarily increase noise levels along roadways leading to the Project site. This temporary vehicle traffic will increase ambient traffic noise levels along roadways; however, any increase will be minimal, as these trips will occur throughout the day.

According to the U.S. Department of Transportation (DOT), a dozer has a maximum sound level (L_{max})[8] of 82 dBA at 50 feet (U.S. DOT 2025a) and will generate some of the highest noise levels during Project construction. The A-weighted, equivalent sound level at the nearest sensitive receptor resulting from operation of the dozer with a Usage Factor (U.F.) of 40 percent over a 1-hour period will be approximately 47 dBA, using the calculation below:[9]

$$L_{eq(h)} = L_{max} - 20 \log (D/D_0) + 10 \log (U.F.) + 10 \log (\text{number of units operating concurrently})$$

At 47 dBA, the sound of the dozer at the nearest sensitive receptor will be between the sound levels of a soft whisper (40 dBA) and urban residence (50 dBA) (U.S. Department of Labor 2022). Therefore, Project construction will not cause noise levels to exceed 60 dBA at the nearest noise-sensitive receptors within the residential community. In addition, construction activities occurring between 7:00 a.m. and 7:00 p.m. will be exempt from noise standards unless construction activities occur on Sundays or federal holidays (City of Hesperia 2025). Construction of the convenience store, vehicle fueling station, and car wash is anticipated to occur 6 days per week (Monday through Saturday) between 7:00 a.m. and 7:00 p.m., and will last 200 to 250 days. Road improvement work on U.S. Highway 395 and Phelan Road is anticipated to require night work. Nighttime construction activities will be conducted in accordance with the Project's traffic control plan approved by the City and California Department of Transportation (Caltrans) as part of the permitting process prior to construction. All noise control measures included in the traffic control plan will be implemented to reduce construction noise. Work on Sundays and federal holidays is not anticipated. As a result, the Project will not conflict with the local noise ordinance.

Long-term operations associated with the Project may slightly increase ambient noise levels in the Project vicinity as a result of the permanent operation of facilities, including roof-top mechanical equipment associated with the convenience store building, mechanical equipment within the car wash, and the self-service vacuum stalls. As discussed previously, the Project will be located on the corner of U.S. Highway 395 and Phelan Road. Given the Project site's high existing ambient noise level of approximately 71 dBA CNEL resulting from traffic along U.S. Highway 395 and Phelan Road, any increase in ambient noise levels resulting from Project

[8] L_{max} is the maximum noise level recorded during a noise event (City of Hesperia 2010).

[9] $L_{eq(h)}$ = A-weighted, equivalent sound level at a receptor resulting from operation of a piece of equipment over a 1-hour time period.
L_{max} = Maximum noise emission level of equipment based on its work cycle at distance D_0.
U.F. = Usage Factor, which accounts for the percent time that equipment is in use over the time period of interest (1 hour).
D = Distance from the equipment to the receptor of interest.
D_0 = Reference distance at which the L_{max} was measured for the piece of equipment.

operations will be negligible and indistinguishable, as traffic will mask any noise from Project operations.

As discussed in Section 4.17 Transportation, Project operations are anticipated to generate approximately 1,594 new daily trips. The City's General Plan projected that noise levels along Phelan Road will increase to 74 dBA CNEL following build-out in accordance with the General Plan (City 2010). Although the Project will increase vehicular traffic, U.S. Highway 395 and Phelan Road are major roadways where increased traffic and noise levels are anticipated as the City's development increases. Therefore, the City's General Plan has already considered the increase in noise levels that will result from increased development in the City. The Project is not anticipated to cause noise levels along Phelan Road to exceed 74 dBA CNEL, and the Project will remain consistent with the City's General Plan.

Project operations will require a maximum of six employees daily. It is estimated that three employees will be needed for operations during the day and two employees will be needed for operations at night. No employees will be needed for the car wash because it will be self-operated. As outlined in the City's Noise Ordinance, the maximum allowable noise level for commercial land uses is 65 dBA (City 2025). The existing ambient noise level 50 feet from U.S. Highway 395 and Phelan Road is approximately 71 dBA CNEL and may increase to 74 dBA during operations. Between 70 and 75 dBA, noise levels are expected to be similar to a loud classroom (U.S. Department of Labor 2022). Although Project employees may be exposed to elevated noise levels while outside of their personal vehicles or the proposed convenience store, the Project employees will predominately work within the convenience store, which is approximately 200 feet west of U.S. Highway 395 and 90 feet north of Phelan Road. While inside the convenience store, noise from surrounding vehicle use will be attenuated from the building and sloped landscaped areas (U.S. DOT 2025b). Therefore, given the distance of the convenience store from roadways and the barriers to noise created by the convenience store walls and sloped landscaped areas, the Project is not anticipated to expose employees to noise levels that exceed 65 dBA.

Similarly, customers may be exposed to elevated noise levels resulting from adjacent roadways, vehicles idling, and car wash operations while outside of their personal vehicles or the convenience store. Although customers outside may be exposed to elevated noise levels, the exposure will be temporary, similar to a loud classroom, and consistent with typical noise levels at other existing vehicle fueling stations in the vicinity. Therefore, individuals outside of personal vehicles and the convenience store are not anticipated to be exposed to noise levels that exceed thresholds of significance. As a result, the noise impact associated with Project construction and operation will be less than significant.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact. Groundborne vibration will be generated by heavy equipment use during Project construction. As discussed previously, the nearest sensitive receptors are located approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. The Caltrans vibration threshold for building damage to new residential structures is a peak particle velocity (PPV) of 0.5 peak inch per second. At 25 feet, a large bulldozer has a PPV of 0.089 inch

per second. During the operation of a large bulldozer, the PPV at the nearest sensitive receptor will be approximately 0.0009 inch per second using the following calculation (Caltrans 2020):[10]

$$PPV_{Equipment} = PPV_{Ref} (25/D)^{n} \text{ (inch/second)}$$

Therefore, vibration from construction will not damage structures at the nearest sensitive receptor. In addition, a PPV of 0.01 inch per second is barely perceptible to humans (Caltrans 2020). Because a large bulldozer generates a PPV well below 0.01 inch per second, the nearest sensitive receptors to the Project are not likely to perceive a vibration caused by construction. Project operations will not involve the use of any large rotating equipment or heavy machinery that will introduce any new sources of perceivable groundborne vibration. As a result, the construction and operation of the Project will not result in the generation of excessive groundborne vibration or noise levels, and the impact will be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. The closest airport is the Hesperia Airport, which is located approximately 5.95 miles southeast of the Project. As a result, no impact will occur.

[10] PPV_{Ref} = reference PPV at 25 feet.
D = distance from equipment to the receiver in feet.
n = 1.1 (the value related to the attenuation rate through ground).

4.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				✓
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓

4.14.1 Discussion

a) Would the project induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

No Impact. Construction of Hesperia Phelan CUP24-00012 (Project) will not create a direct increase in the demand for housing. No more than eight construction workers are anticipated to be on site at any given time during construction. Operation of the Project will only require a daily maximum of seven employees, who will likely be sourced from the City of Hesperia or San Bernardino County. Because employees will be sourced from the local area, operation of the Project will not result in population growth. Rather than encourage population growth, such services support the existing population, with the closest residential community located approximately 0.3 mile east of the Project and additional residential communities and homes located within 2 miles of the Project in all directions. Further, the Project is approximately 0.5 mile west of an existing sewer main near the intersection of Main Street and Mesa Linda Street and across from an existing water main on the south side of Phelan Road (City of Hesperia 2025). As a result, development of the Project will not require significant extension of utility infrastructure, and no impact will occur.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The Project is located on undeveloped land that is zoned to allow for development of commercial uses. No housing exists within the Project site. The nearest residential community is approximately 0.3 mile east of the Project, and construction of the Project will not cause the displacement of this community. As a result, no impact will occur.

4.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire Protection?			✓	
Police Protection?			✓	
Schools?				✓
Parks?				✓
Other Public Facilities?				✓

4.15.1 Discussion

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services?

Fire Protection

Less-than-Significant Impact. Construction and operation of Hesperia Phelan CUP24-00012 (Project) will not have a significantly adverse effect on fire protection services in the Project area. Fire protection services are provided to the City of Hesperia (City) by the San Bernardino County Fire Protection District. The closest fire station to the Project is Fire Station 305, which is located at 8331 Caliente Road, approximately 2.5 miles south of the Project. Fire Station 305 is fully staffed and maintains a daily crew of eight personnel (City of Hesperia 2025). Construction of the Project may require the temporary closure of lanes on Phelan Road and United States Highway 395; however, as discussed in Section 4.9 Hazards and Hazardous Materials, any lane closure will be included in the required traffic control plan to minimize the effect on response times, service rations, or other public service objectives for fire protection in

the area. Additionally, a new fire line is proposed as part of the Project; this line will connect to the existing 12-inch water main that runs along the south side of Phelan Road and will extend north from Phelan Road to the proposed convenience store. Further, as discussed in Section 4.20 Wildfire, the Project will be designed to adhere to all California Fire Code (24 California Code of Regulations 9) standards regarding fire prevention. As a result, the impact will be less than significant.

Police Protection

Less-than-Significant Impact. Construction and operation of the Project will not significantly affect police protection services in the Project area. The Hesperia Police Department contracts with the San Bernardino County Sheriff's Department to provide police services in the City's jurisdiction. The Hesperia Police Department is comprised of 58 sworn law enforcement personnel, including a captain, a lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs (San Bernardino County 2025). The Hesperia Patrol Station is located at 15840 Smoketree Street, which is located approximately 5.3 miles east of the Project. Perimeter security fencing will be installed around the outer limits of the Project work area during construction. Lighting will also be installed for security purposes during construction. Construction crews will lock and secure the Project site to prevent theft or vandalism associated with work equipment or supplies at the completion of each workday. Although the need for police services may arise during and after construction, such a need will not exceed the capacity of the existing providers in the vicinity of the Project and will not require the provision of service beyond existing capacities. As a result, the impact will be less than significant.

Schools

No Impact. It is not anticipated that construction and operation of the Project will adversely affect the provision of, or access to, school services. The Project lies within the Snowline Joint Unified School District, at the far eastern boundary of the district; however, the closest school to the Project is Canyon Ridge High (1.4 miles to the southeast) within the Hesperia Unified School District (HUSD). Although the HUSD boundary is just outside of the Project area, its schools are located nearest to the Project and it serves the City and adjacent areas in the high desert of San Bernardino County, covering 140 square miles. The HUSD provides public education services for kindergarten through senior high school students, including three comprehensive high schools, two continuation high schools, three middle schools, 12 elementary schools, three choice schools, two alternative schools, one adult education school, and five charter schools (HUSD 2025). Construction and operation of the Project is not likely to disrupt access to schools, as the nearest residential community is located east of the Project and its residents would be traveling eastbound on Phelan Road to access schools within the HUSD. Although the schools within the HUSD are closest to the Project area, the traffic to and from those schools will not be impeded by the Project; due to the Project's relative location, no impact will occur.

Parks

No Impact. It is not anticipated that construction and operation of the Project will adversely affect the provision of services by, or access to, public parks. The closest public park to the Project is Malibu Park, which is located approximately 1.7 miles to the southeast. The Mojave Narrows Regional Park and the Mojave River Forks Regional Park are located approximately 9.4 miles northeast and 9.7 miles southeast of the Project, respectively. Lane closures during

construction of the Project are unlikely to affect access to any of the surrounding public parks. As a result, no impact will occur.

Other Public Facilities

No Impact. It is not anticipated that construction and operation of the Project will adversely affect the provision of services by other public facilities as none are located near the Project area. The nearest library to the Project is the San Bernardino County Hesperia Branch Library, which is located approximately 4.9 miles east of the Project. The High Desert Medical Center and Hesperia Post Office are located approximately 6.3 miles east and 6.5 miles east of the Project, respectively. As a result, there will be no impact on other public facilities.

4.16 RECREATION

	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

4.16.1 Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. No City of Hesperia (City) neighborhood parks or San Bernardino County regional parks are located within 1 mile of Hesperia Phelan CUP24-00012 (Project). Malibu Park, located approximately 1.7 miles southeast of the Project, is the closest City park (City of Hesperia 2025).

The use of parks and recreational facilities is closely tied to population; as population increases, the use of existing parks and recreational facilities can be expected to increase proportionally. As presented in Section 4.14 Population and Housing, the Project will not directly or indirectly induce substantial population growth. During construction of the Project, regional and local parks may be used by workers during their lunch or break periods. However, construction will be temporary and will last 200 to 250 days. Given the duration of construction activities and lack of population growth resulting from the Project, the Project will not increase the use of existing neighborhood and regional parks such that substantial physical deterioration of the facilities will occur. As a result, no impact will occur.

b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The Project does not include any recreational facilities. In addition, the Project will not result in a permanent population increase; therefore, it will not require the construction or expansion of any recreational facilities. The Project will not have an adverse physical effect on the environment from the construction of new recreational facilities or expansion of existing recreational facilities. As a result, no impact will occur.

4.17 TRANSPORTATION

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				✓
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			✓	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
d) Result in inadequate emergency access?			✓	

4.17.1 Discussion

a) Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact. Hesperia Phelan CUP24-00012 (Project) will not conflict with any program, plan, or ordinance that addresses the City of Hesperia's (City's) circulation system. The City's public transit service is provided by the Victor Valley Transit Authority (VVTA) (City of Hesperia 2010). Phelan Road at the Project site is located along VVTA Route 21: Super Target – Wrightwood (VVTA 2025). The nearest bus stop along Route 21 is located approximately 1.15 miles west of the Project. VVTA Route 64: Hesperia Post Office – Super Target is located approximately 0.8 mile east of the Project, at the intersection of Main Street and Cataba Road. There are no additional bus stops proposed as part of the Project, and the Project will not conflict with the public transit policies outlined in the Circulation Element of the City's General Plan or interfere with the established VVTA public transit routes. As a result, no impact will occur.

The Circulation Element of the City's General Plan classifies Phelan Road as a Major Arterial, with a total right-of-way (ROW) of 120 feet, including 60 feet on either side of the street centerline (City of Hesperia 2010). The Project proposes ROW improvements to the north side of Phelan Road in accordance with the Major Arterial standards, providing 60 feet of ROW from the street centerline to the back of the sidewalk.

United States (U.S.) Highway 395 is classified as a Special Street in the Circulation Element, with a total ROW of 130 feet. The Project proposes ROW improvements to U.S. Highway 395 in accordance with the Special Street standard, providing between approximately 92 and 100 feet of ROW from the highway centerline to the new proposed California Department of Transportation

ROW line along the east boundary of the Project. The Project complies with all street standards shown in the Circulation Element of the City's General Plan, and no impact will occur.

According to the City's Main Street and Freeway Corridor Specific Plan, the nearest bicycle/pedestrian path is located approximately 1 mile north of the Project and is designated as a Class I Bike Lane that runs along either side of the California Aqueduct (City of Hesperia 2021). The Project does not cross an existing bicycle or pedestrian facility and will not conflict with the Main Street and Freeway Corridor Specific Plan. As a result, no impact will occur.

b) Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

Less-than-Significant Impact. Section 150964.3, Determining the Significance of Transportation Impacts, of the California Environmental Quality Act (CEQA) Guidelines was introduced to provide guidance for determining the significance of transportation impacts. This section provides criteria for determining a project's transportation impacts, including for land use projects (Section 15064.3[b][1]) and transportation projects (Section 15064.3[b][2]). Criteria 3 and Criteria 4 of CEQA Guidelines Section 15064.3 include stipulations to conduct a Vehicle Miles Traveled (VMT) assessment to determine potential impacts.

The City's traffic impact analysis guidelines provide a process for projects to be screened from full VMT assessment under the assumption that the projects will result in a less-than-significant transportation impact related to VMT. As discussed in Attachment F: Scoping Agreement Memorandum, the City has VMT screening options based on land use types, including local-serving gas stations and local-serving retail less than 50,000 square feet. The Project includes a 5,915-square-foot convenience store and 1,968-square-foot automated car wash tunnel, totaling 7,883 square feet. Therefore, the Project is a local-serving gas station and a local-serving retail measuring less than 50,000 square feet. As a result, the Project can be screened from VMT assessment under the presumption that it will result in a less-than-significant impact related to VMT.

As a result, the Project will not result in transportation impacts related to increased VMT and will not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b). Therefore, the impacts will be less than significant.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less-than-Significant Impact. The Project includes improvements to U.S. Highway 395, Phelan Road, and the traffic signal on the northwestern corner of the Phelan Road and U.S. Highway 395 intersection to reduce the potential for traffic-related incidents involving vehicles entering and exiting the Project's proposed driveways along Phelan Road and U.S. Highway 395. The southbound side of U.S. Highway 395 will be widened to 58 feet from the centerline to allow for the following:

- installation of a 3-foot-wide median at the centerline,
- a dedicated bike lane along the southbound side,

- a dedicated right-turn lane to access the Project and to turn right onto Phelan Road,
- two southbound lanes, and
- one left-turn lane to travel east.

In December 2025, Fehr & Peers prepared a memorandum summarizing the safety review conducted for the Project. The Safety Review for this Project was conducted in alignment with the California Department of Transportation (Caltrans) Local Development Review (LDR) Safety Review Practitioner's Guidance, which contains safety review guidance for proposed land use Projects affecting the State Highway System.

As discussed by Fehr & Peers, the Project will introduce a new access point near the intersection of Phelan Road and U.S. Highway 395, which may lead to a slight increase in crash rate, despite the majority of new trips being localized and pass-by traffic already using the corridor. However, the access driveways for the Project are currently designed in accordance with existing City and Caltrans design standards and will incorporate appropriate safety enhancements to ensure adequate spacing, visibility, and traffic control measures to minimize potential conflicts. The proposed right-in and right-out configuration, combined with a rubberized curb, will further reduce conflict points along Phelan Road by restricting turning movements and discouraging illegal or unsafe maneuvers across opposing traffic. To address potential safety concerns at the proposed driveways, measures such as adequate driveway spacing from the intersection, the installation of a rubberized curb to reinforce the right-in and right-out restrictions, and improved pavement markings will be implemented to help minimize conflicts. More specifically, the Project will include the following safety design measures:

- rubberized curbs with flexible posts along the Phelan Road median to discourage left-turns and U-turns to reduce the crash risk from improper or unexpected movements;
- an increased driveway setback from the intersection to reduce conflict points between turning vehicles and cross-traffic;
- driveways on both U.S. Highway 395 and Phelan Road that can only be accessed by a right-in and right-out-only approach to limit left-turn movements and reduce crash risks;
- lighting that covers the driveway entrance to reduce the potential for vehicle and pedestrian collisions;
- a deceleration lane for vehicles turning into the Phelan Road driveway entrance to prevent disruptions to through traffic;
- rumble strips near the driveway to enhance driver awareness;
- high friction surface treatment at the driveways to reduce skidding;
- retroreflective lane strips to improve lane visibility; and
- clear zones along the driveway access to provide a recovery area for vehicles that veer off the road.

With implementation of the Project's proposed safety measures, as well improvements to U.S. Highway 395, Phelan Road, and the traffic signal, the Project is not anticipated to increase hazards along the roadways. The final Fehr & Peers Project-specific traffic study will be reviewed and approved by the City post-entitlement to ensure the Project does not cause significant impacts to roadways. As a result, the impact will be less than significant.

d) Would the project result in inadequate emergency access?

Less-than-Significant Impact. The Project will not impair implementation of or physically interfere with an adopted emergency response or evacuation plan. Temporary lane closures along Phelan Road and U.S. Highway 395 will be required during construction; however, these impacts will be temporary, short-term, and localized; and access for emergency vehicles will be maintained in all instances. Any temporary closures will be coordinated with local jurisdictions and emergency service providers in accordance with the encroachment permit process, as further described in Section 4.9 Hazards and Hazardous Materials. As a result, the impact will be less than significant.

4.18 TRIBAL CULTURAL RESOURCES

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

4.18.1 Discussion

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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 a resource determined by the lead agency, in its discretion and supported by substantial

evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1?

Less-Significant-Impact with Mitigation Incorporated. As discussed in Section 4.5 Cultural Resources, as part of the Initial Study/Mitigated Negative Declaration (IS/MND) previously prepared for Hesperia Phelan CUP24-00012 (Project) in 2018, an Archaeological Survey Report was completed in November 2017 and is included as Attachment C: Archaeological Survey Report. Because the Project is in the same location as the previously proposed Project, the scope of the Project has been reduced, and the Project site has remained undeveloped/unmodified since the Archaeological Survey Report, the Area of Potential Impacts (API) and findings from the report are applicable to the current Project.

Based on the results of the cultural resources record search and intensive pedestrian survey, three isolated historical resources were found within the API. The isolated historical resources are not eligible to be listed with the California Register of Historical Resources (CRHR) and are not deemed historically significant resources. No tribal cultural resources were encountered during the field survey.

Although not anticipated, a tribal cultural resource could be damaged or destroyed by ground-disturbing activities in the event an unknown tribal cultural resource is located within an area subject to disturbance. To address this potential impact, Mitigation Measures (MMs) TCR-1 and TCR-2 will be implemented during Project construction. In accordance with MM TCR-1, and in the event previously unidentified tribal cultural resources are uncovered during Project construction, the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) will be contacted and provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by the California Environmental Quality Act (CEQA) (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan will be created by the archaeologist, in coordination with YSMN, and all subsequent finds will be subject to this plan. The Monitoring and Treatment Plan will allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

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

With the implementation of MMs TCR-1 and TCR-2, no substantial adverse changes related to a tribal cultural resource are anticipated, and the impact to tribal cultural resources as defined in PRC Section 21074 will be less than significant with mitigation incorporated.

4.18.2 Mitigation Measures

The following MMs will be implemented for the Project to reduce impacts to less-than-significant levels:

- **MM TCR-1: Inadvertent Cultural Resource Discoveries.** The YSMN will be contacted, as detailed in MM CUL-1, of any pre-contact cultural resources discovered

during Project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan will be created by the archaeologist, in coordination with YSMN, and all subsequent finds will be subject to this plan. The Monitoring and Treatment Plan will allow for a monitor to be present that represents YSMN for the remainder of the Project, should YSMN elect to place a monitor on-site.

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

4.19 UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			✓	
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✓	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				✓

4.19.1 Discussion

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water

Less-than-Significant Impact. Construction of Hesperia Phelan CUP24-00012 (Project) will require the temporary use of water and wastewater facilities by construction workers. Water used for construction activities, such as for dust suppression and compaction requirements, will be trucked to the Project using local fire hydrants and construction water meters as provided by the local Hesperia Water District (HWD). The HWD has sufficient water supply to accommodate the Project through its Mojave Basin Area Adjudication, which is the primary governing structure

that allocates water supplies among the regional water purveyors and individual water users to meet regional water needs (HWD 2020). Following construction, the proposed new water line for the convenience store and car wash will be connected to the existing 12-inch water line beneath the south side of Phelan Road, which is part of the City of Hesperia's (City's) water system. As a result, the impact will be less than significant.

Wastewater and Stormwater

Less-than-Significant Impact. The HWD operates the City's wastewater services in conjunction with the Victor Valley Wastewater Reclamation Authority (VVWRA) (City 2010). The Project will include construction of a new sewer force main that will connect to an existing 12-inch sewer main along Caliente Road to the west of the Project, through a proposed 5-foot sewer easement granted by the adjacent property owner with Assessor's Parcel Number 3064-401-09. The VVWRA has a current treatment capacity of 2 million gallons per day (mgd) for wastewater effluent from the service area in which the Project lies. The Project will result in a marginal increase of approximately 164 gallons per day in wastewater effluent to the VVWRA; however, the VVWRA has sufficient treatment capacity to accommodate this increase. As a result, the impact will be less than significant.

The Project will require one storm water catch basin at the southeast end of the Project to be relocated a few feet to the north, along Phelan Road, to match the new location of the curb and gutter. Additionally, the Project involves the removal of one v-ditch swale along the east side of the Project within California Department of Transportation right-of-way; however, these changes to the storm drain system would be minimal and would not significantly affect the downstream hydrology. The Project location is currently undeveloped and composed of a pervious surface and sparse vegetation. To mitigate the addition of 1.88 acres of impervious surfaces proposed by the Project, which can inhibit the infiltration of stormwater, the proposed on-site storm drain system will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through a new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event. Consequently, this Project will not increase the amount of stormwater runoff impacting downstream properties beyond pre-construction conditions. In addition, as discussed in Section 4.7 Geology and Soils, the Project will comply with the City's Municipal Code Section 8.30.230, which includes the submittal of a Water Quality Management Plan (WQMP) for City review. The WQMP will include all required and proposed measures for site design, source control, runoff reduction, stormwater treatment, baseline hydromodification management, and low-impact development techniques as applicable. As a result, the impact will be less than significant.

Electrical Power and Natural Gas

Less-than-Significant Impact. Construction of the Project will not require the creation or relocation of electrical and natural gas facilities. During construction, power will be provided by a temporary power meter installed by Southern California Edison. Following construction, the Project will connect to an existing electrical distribution line that runs along the south side of Phelan Road across from the Project. When the Project becomes operational, electrical service will be provided by Southern California Edison and natural gas service will be provided by Southwest Gas Corporation. As a result, the impact will be less than significant.

Telecommunications

No Impact. No new telecommunication facilities are proposed as part of the Project. Further, construction of the Project will not require the relocation of any existing telecommunication facilities. As a result, there will be no impact.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less-than-Significant Impact. The City, through the HWD, has reliable water supplies to meet its retail customer demands in a single dry year, as well as for 5 consecutive years of dry-year conditions through 2045 (HWD 2020). HWD obtains its water from groundwater sources in the Alto Subarea of the Mojave Basin Area. The City was allocated 11,871 acre-feet per year (AFY), or approximately 10.6 mgd, of water use from the Alto Subarea in the 2020-2021 Water Year (HWD 2020). Water use during construction of the Project is anticipated to be approximately 3,000 gallons per day, and approximately 164 gallons per day (0.001 AFY) following the completion of the development. Thus, the amount of water use for the Project is negligible compared to this annual allocation. As a result, the impact will be less than significant.

c) Would the project result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less-than-Significant Impact. As discussed previously, the wastewater provider for the Project will be the VVWRA in conjunction with the HWD. The City owns, operates, and maintains a wastewater collection system that connects to the VVWRA's 3-mile interceptor that runs along the northeast boundary of the City and ultimately flows to the Regional Waste Water Treatment Plant (RWWTP) that is owned and operated by the VVWRA (HWD 2020). The VVWRA was originally formed to meet the requirements of the federal Clean Water Act and provide wastewater treatment for the growing area. According to the City's 2015 Wastewater Master Plan (WWMP), approximately 11 percent of the geographic area studied in the WWMP is currently served by the City's sewers, which ultimately flow to the VVWRA RWWTP. The remaining area is either undeveloped or served by on-site systems (i.e., septic tanks). Based on the WWMP, the wastewater flow volume from the service area is 2.0 mgd or 2,240 AFY (HWD 2020). As discussed previously, the VVWRA has sufficient treatment capacity to accommodate a marginal increase of approximately 164 gallons per day in wastewater effluent from the Project. As a result, the impact will be less than significant.

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less-than-Significant Impact. Solid wastes generated during construction will primarily be non-hazardous wastes, including wood, metal, paper, and plastic packaging. Construction waste will be disposed of properly by the City's waste hauler, Advance Disposal Company, Inc. (Advance Disposal), and in accordance with all applicable federal, state, and local laws. The nearest Advance Disposal waste collection facility is located approximately 6.5 miles east of the

Project and has a maximum daily capacity of 1,500 tons (California Department of Resources Recycling and Recovery [CalRecycle] 2025). The Project will not generate solid waste that is greater than state or local standards, that exceeds the capacity of local infrastructure, or that otherwise impairs the attainment of the City solid waste reduction goals. As a result, the impact will be less than significant.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. All construction waste associated with the Project will be disposed of properly and in accordance with all applicable federal, state, and local laws regarding solid and hazardous waste. Therefore, no impact will occur.

4.20 WILDFIRE

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

4.20.1 Discussion

a) If located in or near state responsibility areas (SRAs) or lands classified as very high fire hazard severity zones (FHSZs), would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

Less-than-Significant Impact. Hesperia Phelan CUP24-00012 (Project) will be located approximately 0.37 mile east of an SRA and lands classified as a high FHSZ (California Board of Forestry and Fire Protection 2024, California Department of Forestry and Fire Protection [CAL FIRE] 2023). The Project will also be located approximately 1.25 miles northwest of lands classified as a very high FHSZ.

As detailed in the City of Hesperia's (City's) General Plan Safety Element, fires typically start in the mountains or foothills approximately 3.45 miles south of the Project (City of Hesperia 2010). If winds fan a fire north toward the City, evacuees would take roads leading north toward the more developed areas of the City or out of the City entirely. The City's General Plan Safety Element identifies United States (U.S.) Highway 395, which is adjacent to the Project, as a potential evacuation route. As discussed in Section 4.9 Hazards and Hazardous Materials, any lane closure will be included in the required traffic control plan to minimize the effects on

evacuation routes. Therefore, the Project will not conflict with any adopted emergency response or evacuation plans. As a result, the impact will be less than significant.

b) If located in or near SRAs or lands classified as very high FHSZs, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less-than-Significant Impact with Mitigation Incorporated. As discussed previously, the Project will be located approximately 0.37 mile east of an SRA and lands classified as a high FHSZ. Elevations at the Project site slope upward from northeast to southwest with an approximate slope of 3 percent. Given the gradual slope of the Project site, the site topography is not anticipated to exacerbate wildfire risks. Prevailing winds at the Project site originate from the west and southwest (Mojave Desert Air Quality Management District 2020). Therefore, a potential fire would be anticipated to travel eastward from the Project site. The Project site consists of cheatgrass-medusahead grasslands and California buckwheat scrub, which could potentially act as surface fuel loads. The surrounding parcels are vacant, with sparse vegetation that could also potentially act as surface fuel loads. The Project is in an area with a history of fires, including a 1945 unnamed fire that occurred approximately 2.15 miles west of the Project site, the 1958 Santa Fe #13 fire that occurred approximately 2.05 miles east of the Project site, and the 2021 Farmington fire that occurred approximately 2.10 miles south of the Project site (CAL FIRE 2025). Given the potential fuel loads on and surrounding the Project site, prevailing wind direction, the Project's proximity to the SRA, and the history of fires in the region, the Project is located in an area with potential wildfire risk.

Construction activities have the potential to start a fire due to the increased presence of vehicles, equipment, and human activity in areas of elevated fire hazard severity. Because construction typically occurs during the driest time of the year, heat or sparks from construction vehicles or equipment have the potential to ignite dry vegetation. However, construction of the Project will not exacerbate wildfire risks with implementation of Mitigation Measure (MM) FIRE-1, which details the fire management procedures that will be followed during construction. Fire management procedures include training construction crews on fire prevention and response, directing Project personnel to park away from dry vegetation, equipping all off-road vehicles with fire management tools, creating a buffer around "hot work" (e.g., welding, grinding, or any other activity that creates hot sparks), using fire-resistant mats and/or windscreens when welding, and coordinating procedures with local fire officials. In addition, U.S. Highway 395 and Phelan Road may act as firebreaks to slow the progress of a fire. With implementation of MM FIRE-1, construction of the Project will neither exacerbate wildfire risks nor expose construction crews to pollutant concentrations from a wildfire.

Operation of the Project will require a daily maximum of six employees. Employees will be limited to the convenience store, as the car wash will be self-operated and require no employees. As discussed in Section 4.9 Hazards and Hazardous Materials, all Project structures will be constructed in compliance with the California Fire Code (24 California Code of Regulations [CCR] 9). In addition, the Project's convenience store, car wash, and vehicle fueling station will be constructed and designed consistent with the City's Municipal Code Chapter 16.16 Section 365 (City of Hesperia 2025) and the Commercial Design Standards and Guidelines found in the

City's Main Street and Freeway Corridor Specific Plan (City of Hesperia 2008). Therefore, by complying with the California Fire Code and local development standards intended to reduce the likelihood of fire hazards, the Project will not exacerbate wildfire risks during operation. As a result, long-term Project employees will not be exposed to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

With incorporation of MM FIRE-1, the California Fire Code, and local development standards, the Project will have a less-than-significant impact with mitigation incorporated.

c) If located in or near SRAs or lands classified as very high FHSZs, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less-than-Significant Impact. The Project will include the construction and operation of a vehicle fueling station and associated underground storage tanks. The vehicle fueling station and associated underground storage tanks may exacerbate fire risk because the fuel stored and dispensed at the vehicle fueling station will be flammable and combustible. As discussed in Section 4.9 Hazards and Hazardous Materials, the vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4), and the underground storage tanks will be designed and constructed in accordance with California Health and Safety Code Chapter 6.7 and CCR Title 23, Division 3, Chapter 16. Therefore, the vehicle fueling station and associated underground storage tanks will be operated in compliance with state standards to reduce the Project's potential to exacerbate fire risks. In addition, the Project will require approximately 1.88 acres of the Project site to be paved, which will remove vegetation that could potentially act as surface fuel loads and reduce the Project's potential to exacerbate fire risks. As a result, the impact will be less than significant.

d) If located in or near SRAs or lands classified as very high FHSZs, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project is not located in a flood zone (City of Hesperia 2010) or area prone to landslides (California Department of Conservation 2024). In addition, the Project will receive coverage for disturbing more than 1 acre of soil under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, 2022-0057-DWQ (Construction General Permit). This Construction General Permit will require preparation of a Project-specific Storm Water Pollution Prevention Plan to be authorized by the State Water Resources Control Board; it will include erosion control measures and site stabilization procedures (e.g., the use of gravels bags or soil binders).

The Project includes a storm drainage system that will connect to an underground retention facility located east of the proposed fueling station to retain any additional stormwater runoff and discharge through a new proposed storm drain to Phelan Road. The underground retention facility will be capable of retaining stormwater flows from a 100-year storm event. Consequently, this Project will not increase the amount of runoff impacting downstream

properties. In addition, in accordance with the City's Municipal Code Section 8.30.220 and Section 8.30.230, a Water Quality Management Plan (WQMP) will be provided to the City for review and approval prior to the issuance of grading and building permits. The WQMP will include all required and proposed measures for site design, source control, runoff reduction, stormwater treatment, baseline hydromodification management, and low-impact development techniques as applicable. Therefore, the Project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no impact will occur.

4.20.2 Mitigation Measures

The following MM will be implemented for the Project to reduce impacts to less than significant levels:

- **MM FIRE-1: Fire Risk Management:** The Project will follow standard fire risk management procedures during construction, including the following:
  - Safe work practices, training, and fire response will be conducted.
  - Project personnel will be directed to park away from dry vegetation.
  - All off-road vehicles will be equipped with a 5-gallon backpack pump (filled with water), one Pulaski, and one shovel.
  - Construction activities that are considered "hot work" (e.g., welding, grinding, or any other activity that creates hot sparks) will have a 10-foot buffer around that activity, and vegetation will be cleared to ensure sparks do not create a fire hazard.
  - Fire-resistant mats and/or windscreens will be used when welding. In addition, during fire "red flag" conditions (as determined by the California Department of Forestry and Fire Protection), welding will be curtailed.
  - Every fuel truck will carry a large fire extinguisher with a minimum rating of 40 B:C,[11] and all flammable materials will be removed from equipment parking and storage areas.
  - Procedures will be coordinated with local fire officials.
  - Daily site-specific risk conditions will be identified.

[11] Class B fire extinguishers are classified for flammable liquid/gas fires. Class C fire extinguishers are classified for energized electrical equipment. A fire extinguisher with a minimum rating of 40 B:C is capable of covering and extinguishing 40 square feet of a Class B fire and is also safe to use for a Class C fire (Koorsen Fire & Security 2019).

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

4.21.1 Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less-than-Significant with Mitigation Incorporated. As discussed in Section 4.4 Biological Resources, Hesperia Phelan CUP24-00012 (Project) will result in impacts to western Joshua tree (*Yucca brevifolia*)─a candidate for listing as a threatened species under the California Endangered Species Act─during construction. Therefore, Au Energy, LLC (Au Energy) will apply for an incidental take permit (ITP) in accordance with MM BIO-1 and submit it to the California Department of Fish and Wildlife (CDFW) for review and approval prior to Project construction. As part of the western Joshua tree ITP, Au Energy will propose relocating select western Joshua trees that will be impacted by Project activities in accordance with the CDFW's

Western Joshua Tree Relocation Guidelines and Protocols. The final number of western Joshua trees to be relocated or destroyed and any additional mitigation measures (MMs) will be determined during the ITP process in consultation with the CDFW. Therefore, impacts to western Joshua trees will be reduced through MM BIO-1 and the implementation of MMs (e.g., western Joshua tree relocation) included in the western Joshua tree ITP.

Although burrowing owl (*Athene cunicularia*) is unlikely to occur at the Project site, MM BIO-2 and MM BIO-3 will be implemented to further reduce the potential for impacts to occur to burrowing owl. MM BIO-2 will require a pre-construction survey of the Project work area to be completed according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or more recent version) prior to ground-disturbing activities. A qualified biologist will identify, flag, and map all burrows potentially occupied by burrowing owl and confirm occupation of all potential burrows. In accordance with MM BIO-3, if occupied burrows or sign is identified, a qualified biologist will establish adequate buffers around the burrows based on field conditions and the CDFW Staff Report on Burrowing Owl Mitigation (2012). If occupied burrows cannot be avoided or if any other impact to burrowing owl cannot be fully avoided, the CDFW will be consulted and a California Endangered Species Act ITP will be obtained in accordance with MM BIO-3.

In addition, loggerhead shrike (*Lanius ludovicianus*), a CDFW species of special concern, is likely to occur at the Project site given the suitable nesting and foraging habitat within the site. Therefore, MM BIO-4 will be implemented during Project construction to reduce potential impacts to loggerhead shrike. MM BIO-4 will require a pre-construction nesting bird survey prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, avoidance and minimization measures will be implemented, including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed.

No additional special-status plant species were documented at the Project site, and no additional special-status wildlife species are likely to occur at the Project site. Further, no sensitive natural communities were observed within the Project site.

As discussed in Section 4.5 Cultural Resources and Section 4.18 Tribal Cultural Resources, no impacts to cultural resources are expected to occur as a result of the Project. Given the potential for unanticipated cultural discoveries, MMs CUL-1, CUL-2, and CUL-3 and MMs TCR-1 and TCR-2 will be implemented. MMs CUL-1, CUL-2, and CUL-3 and MMs TCR-1 and TCR-2 detail the procedures that will be followed in the event that an inadvertent cultural resource or human remain is discovered during Project construction.

Overall, the Project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major period of California history or prehistory. As a result, the impact will be less than significant with mitigation incorporated.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less-than-Significant Impact. As discussed in this Initial Study/Mitigated Negative Declaration (IS/MND), the Project will result in no impact or less-than-significant impacts to the following resources:

- aesthetics;
- agriculture and forestry resources;
- air quality;
- energy;
- greenhouse gas emissions;
- hazards and hazardous materials;
- hydrology and water quality;
- land use and planning;
- mineral resources;
- noise;
- population and housing;
- public services;
- recreation;
- transportation; and
- utilities and service systems.

The Project will result in less-than-significant impacts with mitigation incorporated for the following resources:

- biological resources;
- cultural resources;
- geology and soils;
- tribal cultural resources; and
- wildfire.

Given the size of the Project, lack of impacts associated with the Project, and absence of existing development within the surrounding parcels, the effects of past projects were not considered in this analysis. In addition, only resources where mitigation is incorporated to reduce impacts to less-than-significant levels for the Project were considered in this analysis.

Review of the City of Hesperia's (City's) California Environmental Quality Act (CEQA) Portal identified proposed and approved projects within 0.5 mile of the Project, as summarized in Table 6: Proposed and Approved Projects within 0.5 Mile. The Project's contribution to cumulative biological, cultural, geology and soils, tribal cultural, and wildfire impacts will be less than significant, as discussed in the subsections that follow.

Biological Resources

A significant cumulative impact on biological resources could result if the Project contributes to cumulative impacts related to sensitive habitat or species, sensitive habitat/natural communities, or wildlife movement corridors. At the Project level, no impacts related to local policies, ordinances, and plans protecting biological resources were identified; therefore, the Project will not contribute to cumulative impacts on local policies, ordinances, and plans protecting biological resources. As discussed in Section 4.4 Biological Resources, Project-level impacts on migratory corridors were found to be less than significant due to the Project being located adjacent to United States (U.S.) Highway 395 and Phelan Road, as well as the absence of CDFW- or Bureau of Land Management-identified wildlife corridors. As discussed previously, impacts to western Joshua trees will be reduced through MM BIO-1, potential impacts to burrowing owl will be reduced through MM BIO-2 and MM BIO-3, and impacts to loggerhead shrike will be reduced through implementation of MM BIO-4.

It is anticipated that the projects included in Table 6: Proposed and Approved Projects within 0.5 Mile will mitigate impacts to biological resources and comply with applicable federal, state, and local laws and regulations that protect biological resources. For instance, the Dara Industrial Project includes MMs to avoid or reduce impacts to western Joshua tree, burrowing owl, and special-status species. Likewise, the Hesperia Commerce Center II, I-15 Industrial Park, KISS Logistics Center, and U.S. Cold Storage Hesperia projects include MMs for western Joshua trees, burrowing owl, and pre-construction nesting bird surveys. The Phelan 20 Project may have potentially significant impacts on biological resources; however, final impacts and MMs will be determined in the Environmental Impacts Report (EIR) that is currently being prepared. Therefore, nearby proposed and approved projects are implementing measures to reduce impacts to western Joshua trees and nesting birds or are in the process of determining appropriate MMs for impacts to biological resources. In addition, the Project's size is significantly smaller in comparison to the other nearby projects. As a result, the Project's contribution to cumulative biological resources impacts will be less than significant.

Cultural Resources

A significant cumulative impact on cultural resources could result if the Project contributes to cumulative direct or indirect impacts on significant historical or archaeological resources, and/or inadvertently discovered human remains. As discussed in Section 4.5 Cultural Resources, no impacts to cultural resources are expected to occur as a result of the Project. However, the Project will implement MMs CUL-1, CUL-2, and CUL-3 to minimize impacts to inadvertent cultural resource or human remain discoveries that, although unanticipated, may occur during Project construction.

While proposed and approved projects could also encounter subsurface resources or remains, the existing regulations and plans, as well as standard MMs, will reduce potentially significant impacts to less-than-significant levels. In addition, impacts to cultural resources are site-specific, and as such are not expected to combine with the development of other projects to cumulatively increase the risk of impacting subsurface resources or remains. Potential impacts will be evaluated on a case-by-case basis. Therefore, the Project's incremental contribution to cumulative cultural resources impacts will be less than significant.

Table 6: Proposed and Approved Projects within 0.5 Mile

Project Name	Project Description	Approximate Distance to the Project	Project Status	Anticipated Construction Schedule
CUP23-00008	CUP23-00008 includes the construction of an approximately 469,979-square-foot warehouse distribution building on approximately 26.94 gross acres located approximately 1,000 feet east of U.S. Highway 395 and Yucca Terrace Drive.	0.3 mile north	Under Review	Information Not Available (INA)[12]
Dara Industrial Project (CUP22-00003)	CUP22-00003 includes the construction of an approximately 750,000-square-foot warehouse distribution building on approximately 47 acres located on the west side of U.S. Highway 395 and approximately 600 feet north of Aspen Street.	0.5 mile south	Approved	INA
Hesperia Commerce Center II Project (CUP19-00010)	CUP19-00010 includes the construction of three industrial warehouse buildings totaling approximately 3.75 million square feet on 195 acres of land located north of Phelan Road, west of U.S. Highway 395, south of Yucca Terrace Drive, and east of the Los Angeles Department of Water and Power line corridor.	0.15 mile west	In Construction	2025
I-15 Industrial Park Project (CUP21-00005 & CUP21-00004)	CUP21-00005 includes the construction of an approximately 742,000-square-foot distribution building on approximately 36 gross acres located at the northeast corner of U.S. Highway 395 and Poplar Street. CUP21-00004 includes the construction of an approximately 1,108,000-square-foot warehouse distribution building on approximately 69 gross acres located on the east side of Mesa Linda Avenue at the intersection of Mesa Linda Avenue and Poplar Street.	0.5 mile southeast	Approved	INA

[12] At the time that this IS/MND was prepared, construction schedules were either not publicly available or were in the planning process with a construction schedule yet to be determined.

Project Name	Project Description	Approximate Distance to the Project	Project Status	Anticipated Construction Schedule
Phelan 20 Project (CUP23-00005)	CUP23-00005 includes the construction of an approximately 419,700-square-foot warehouse distribution building on approximately 22.61 gross acres located approximately 1,000 feet east of the U.S. Highway 395 and Phelan Road intersection.	0.1 mile southwest	Under Review	INA
KISS Logistics Center (CUP22-00017)	CUP22-00017 includes construction of an approximately 655,468-square-foot warehouse distribution building on approximately 29.6 gross acres located west of U.S. Highway 395 and approximately 600 feet north of Phelan Road.	0.05 mile north	Pending Approval of City Council	INA
U.S. Cold Storage Hesperia (CUP21-00003)	CUP21-00003 includes the construction of an approximately 491,000-square-foot refrigerated distribution warehouse located on approximately 39.05 gross acres located on the east side of U.S. Highway 395.	0.45 mile northeast	Under Review	INA

Sources: Applied Planning, Inc. 2022; City of Hesperia 2025; Dudek 2020, 2022, 2024; EPD Solutions, Inc. 2023; Lilburn Corporation 2021

Geology and Soils

A significant cumulative impact on paleontological resources could result if the Project contributes to cumulative impacts on significant resources, sites, or unique geologic features. The Project will be located on the Quaternary older alluvium (Qoa) geologic unit. Because the excavation activities associated with the Project will not exceed 15 feet below ground surface, there is a low to moderate potential to encounter intact paleontological resources during construction. MM PALEO-1, which details the procedure to follow in the event that a fossil discovery is made during Project excavation activities, will be implemented to reduce potential impacts to paleontological resources.

It is anticipated that proposed and approved projects will follow similar best practices and abide by existing regulations if there is the potential to impact paleontological resources. For instance, the Dara Industrial, Hesperia Commerce Center II, I-15 Industrial Park, KISS Logistics Center, and U.S. Cold Storage Hesperia projects include MMs to reduce or minimize impacts to paleontological resources. The Phelan 20 Project may have potentially significant impacts on paleontological resources; however, final impacts and MMs will be determined in the EIR that is currently being prepared. Impacts to paleontological resources are site-specific, and as such are not expected to combine with the development of other projects to cumulatively increase the risk of impacting subsurface resources. Therefore, the Project's incremental contribution to cumulative paleontological resources impacts will be less than significant.

Tribal Cultural Resources

A cumulatively considerable impact on tribal cultural resources could result if the Project contributes to a substantial adverse change in the significance of a tribal cultural resource. As discussed in Section 4.18 Tribal Cultural Resources, no tribal cultural resources have been identified on the Project site. Impacts to previously unidentified tribal cultural resources encountered during construction will be reduced to the greatest extent possible through implementation of MMs TCR-1 and TCR-2. These MMs will reduce impacts to less-than-significant levels if previously unidentified tribal cultural resources are encountered during construction by establishing procedures for avoiding impacts in the event of an inadvertent discovery.

The nearby proposed and approved projects have the potential to uncover tribal cultural resources during ground-disturbing activities. However, all projects are required to comply with state regulations that protect tribal cultural resources. In addition, impacts to tribal cultural resources are site-specific, and are not expected to combine with the development of other projects to increase the risk of impacting tribal cultural resources. Therefore, the Project's incremental contribution to cumulative tribal cultural resources impacts will be less than significant.

Wildfire

Cumulative impacts on wildfires have the potential to occur if multiple projects have a combined impact on emergency response or evacuation plans, exposure of project occupants to wildfire or wildfire-caused pollutants, exacerbation of fire risk, or post-fire flooding risks. As discussed in Section 4.20 Wildfire, the Project is located in an area with potential wildfire risk. Therefore, MM FIRE-1, which details the fire management procedures to follow during construction, will

be implemented to reduce the Project's potential to exacerbate wildfire risks. All Project structures will be constructed in compliance with the California Fire Code (24 California Code of Regulations [CCR] 9). The vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4), and the underground storage tanks will be designed and constructed in accordance with California Health and Safety Code (HSC) Chapter 6.7 and Title 23, Division 3, Chapter 16 of the CCR. In addition, the Project's convenience store, car wash, and vehicle fueling station will be constructed and designed consistent with Chapter 16.16, Section 365 of the City's Municipal Code and the Commercial Design Standards and Guidelines found in the City's Main Street and Freeway Corridor Specific Plan.

The Dara Industrial Project is not located within or near a state responsibility area or within an area classified as a very high fire hazard severity zone (FHSZ) (Applied Planning, Inc. 2022). The Hesperia Commerce Center II and I-15 Industrial Park projects are near lands classified as moderate and high FHSZs. As a result, the projects will adhere to the City's Municipal Code, use low ignitable building materials, and implement fire-resistant irrigated landscaping (Dudek 2020, 2022). The Phelan 20 Project may have potentially significant impacts on wildfire; however, final impacts and MMs will be determined in the EIR that is currently being prepared. The KISS Logistics Center and U.S. Cold Storage Hesperia projects will adhere to the development standards in the City's Municipal Code, which are intended to address wildfire risks (EPD Solutions Inc. 2023, Lilburn Corporation 2021). Therefore, nearby proposed and approved projects are implementing design standards to address wildfire risks or are in the process of determining appropriate measures for impacts to wildfire. As a result, the Project's contribution to cumulative wildfire risks will be less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less-than-Significant Impact. In general, impacts to human beings are associated with air quality, geologic hazards, hazards and hazardous materials, noise, and traffic safety impacts. As discussed in Section 4.3 Air Quality, all emissions will be below applicable Mojave Desert Air Quality Management District significance thresholds.

As discussed previously, the Project will not result in environmental impacts that will have substantial direct or indirect effects on human beings with respect to geologic hazards, as all Project structures will be constructed in compliance with Title 24, Part 2 of the California Building Code and Chapter 16 of the International Building Code. In addition, Hilltop Geotechnical, Inc. prepared a geotechnical study and infiltration feasibility study for the Project. Recommendations from both studies will be incorporated into the Project design to ensure that all structures will adequately resist the forces of an earthquake. The geotechnical study and infiltration feasibility study are provided in Attachment 4.6-A: Geotechnical Study and Attachment 4.6-B: Infiltration Feasibility Study in Section 4.7 Geology and Soils.

As discussed in Section 4.9 Hazards and Hazardous Materials, the Project's potential for hazards from hazardous materials or accidents will be less than significant as the Project's vehicle fueling station will be designed and operated in accordance with the California Fire Code and California Mechanical Code (24 CCR 4), and underground storage tanks will be designed and constructed in accordance with Chapter 6.7 of the California HSC and Title 23, Division 3, Chapter 16 of the

CCR. In addition, all potentially hazardous materials will be stored, transported, and disposed of in accordance with the Project-specific Hazardous Materials Business Plan.

The nearest sensitive receptors to the Project are within a residential community located approximately 0.3 mile (1,700 feet) east of the Project on Mesa Linda Street. As discussed in Section 4.13 Noise, construction will not have the potential to generate significant short-term groundborne vibration or groundborne noise at the nearest sensitive receptors. The Project will not exceed the noise level limit at any property boundary during operation.

As discussed in Section 4.17 Transportation, the Project will not result in transportation impacts related to increased vehicle miles traveled and will not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). In addition, the Project includes improvements to U.S. Highway 395, Phelan Road, and the traffic signal on the northwestern corner of the Phelan Road and U.S. Highway 395 intersection to reduce the potential for traffic-related incidents involving vehicles entering and exiting the Project's proposed driveways along Phelan Road and U.S. Highway 395. Neither the construction phase nor the operation phase of the Project will generate any permanent traffic hazards.

Overall, the Project will not cause substantial adverse effects on human beings, either directly or indirectly, and the impact will be less than significant.

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City of Hesperia

Gateway to the High Desert

March 19, 2026

Nancy Finch
Attorney III
Division of Operations and Maintenance
California Department of Water Resources

RE: SCH# 2026010656 Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed AU Energy, LLC Hesperia Phelan CUP24-00012 Project, City of Hesperia

On February 19, 2026, the City of Hesperia (City) received comments from the California Department of Water Resources (DWR), Division of Operations and Maintenance on the Hesperia Phelan CUP24-00012 (Project) Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearing House Number 2026010656). Comments received from DWR are being addressed in further detail in the Project Hydrology Report to ensure the Project's impacts on drainage and hydrological features are less than significant. Prior to any Project ground disturbing activities, the Project Hydrology Report will be approved by the City per the conditions of approval, and a copy of the approved Hydrology Report will be provided to DWR for review and approval. Additional language detailing the existing site conditions and drainage patterns, the proposed storm drain system, pre- and post-construction stormwater peak flow rates, and approval of a Project-specific Hydrology Report is included on pages 53 and 54 of the revised IS/MND. The Project applicant will obtain all necessary DWR permits prior to Project ground disturbing activities.

If you have any questions, you may reach me at (760) 947-1231 or at lhenry@hesperiaca.gov.

Sincerely,

Leilani Henry
Associate Planner

Brigit Bennington, Mayor
Josh Pullen, Mayor Pro Tem
Cameron Gregg, Council Member
Allison Lee, Council Member
Chris Ochoa, Council Member

Rachel Molina, City Manager

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Hesperia, CA 92345
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City of Hesperia

Gateway to the High Desert

March 19, 2026

Janki Patel
Branch Chief – Local Development Review
Division of Transportation Planning
California Department of Transportation District 8

RE: SCH# 2026010656 Notice of Intent to Adopt a Mitigated Negative Declaration for the proposed AU Energy, LLC Hesperia Phelan CUP24-00012 Project, City of Hesperia

On February 18, 2026, the City of Hesperia (City) received comments from the California Department of Transportation (Caltrans), District 8, Local Development Review branch on the Hesperia Phelan CUP24-00012 (Project) Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearing House Number 2026010656). Comments received from Caltrans are being addressed in further detail in the Project Traffic Study to ensure the Project's transportation-related impacts are less than significant. Prior to any Project ground disturbing activities, the Project Traffic Study will be approved by the City per the conditions of approval, and a copy of the approved Traffic Study will be provided to Caltrans for review and approval. Additional language detailing the safety review of the Project and approval of a Project-specific Traffic Study is included on page 69 of the revised IS/MND. The Project applicant will obtain all necessary Caltrans permits prior to Project ground disturbing activities.

If you have any questions, you may reach me at (760) 947-1231 or at lhenry@hesperiaca.gov.

Sincerely,

Leilani Henry
Associate Planner

Brigit Bennington, Mayor
Josh Pullen, Mayor Pro Tem
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