

Apple Valley 84

Town of Apple Valley, California

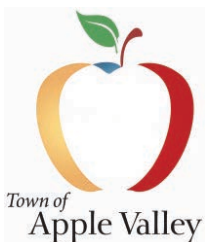


Final Environmental Impact Report

SCH No. 2025100104

Lead Agency

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



June 16, 2026

Final Environmental Impact Report

SCH No. 2025100104

Apple Valley 84

Town of Apple Valley, California

Lead Agency

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

CEQA Consultant

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

Project Applicant

Apple 84 LLC
3 Corporate Plaza, Suite 230
Newport Beach, CA 92660

June 16, 2026



TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1.0 Introduction	1-1
1.1 Public Review Process	1-2
1.2 List of EIR Commenters.....	1-3
2.0 Responses to Comments.....	2-1
3.0 Clarification and Revisions	3-1

Attachments

- A. Comment Letter C Attachments
- B. Supplemental Traffic Assessment
- C. PCE Volumes
- D. Synchro files



1.0 INTRODUCTION

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the Town of Apple Valley, as the Lead Agency, has evaluated the comments received on the Draft Environmental Impact Report (Draft EIR) for the Apple Valley 84 (Project) (SCH No. 2025100104) and has prepared written responses to these comments. This document has been prepared in accordance with CEQA and represents the independent judgment of the lead agency.

Public Resources Code Section 21082.1(a) authorizes lead agencies, such as the Town of Apple Valley here, to prepare an EIR either directly by its own staff or under contract with a public or private entity. More specifically, Section 15084(d) of the CEQA Guidelines provides that:

The lead agency may choose one of the following arrangements or a combination of them for preparing a draft EIR.

- (1) Preparing the draft EIR directly with its own staff.*
- (2) Contracting with another entity, public or private, to prepare the draft EIR.*
- (3) Accepting a draft prepared by the applicant, a consultant retained by the applicant, or any other person.*
- (4) Executing a third party contract or memorandum of understanding with the applicant to govern the preparation of a draft EIR by an independent contractor.*
- (5) Using a previously prepared EIR.*

Pursuant to Public Resources Code Section 21082.1 and CEQA Guidelines 15084(e), to the extent a lead agency authorizes a consultant to prepare an EIR, the lead agency shall subject the draft to the agency's own review and analysis. The EIR must reflect the independent judgment of the lead agency, and the lead agency remains responsible for the adequacy and objectivity of the EIR. This document has been prepared in accordance with CEQA and represents the independent judgment of the lead agency.

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

- (a) The Draft EIR or a revision of the draft;*
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary;*
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR;*



- (d) *The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and*
- (e) *Any other information added by the Lead Agency.*

The Town Council will consider certification of the EIR, adoption of a Mitigation Monitoring and Reporting Program, Findings and Facts, and a Statement of Overriding Considerations as part of the approval process for the Project.

This Final EIR document is organized as follows:

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

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

Section 3 contains revisions and clarifications to the Draft EIR as a result of the comments received from agencies and interested persons as well as errata to clarify, amplify, or make insignificant modifications to the EIR as authorized under CEQA. This information does not constitute significant new information pursuant to CEQA, and therefore recirculation of the EIR for further review pursuant to CEQA Guidelines Section 15088.5 is not required.

1.1 PUBLIC REVIEW PROCESS

In compliance with Section 15201 of the State CEQA Guidelines, the Town of Apple Valley (Town) has taken steps to provide opportunities for public participation in the environmental review process. A Notice of Preparation (NOP) was distributed on October 2, 2025 to responsible agencies, local government agencies, and interested parties for a 30-day public review period (from October 2, 2025 to October 31, 2025) in order to solicit responses that would help the Town identify the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR. The NOP was also distributed to the State of California Office of Land Use and Climate Innovation, State Clearinghouse (SCH) for distribution to State agencies. The Project was described; potential environmental effects associated with Project implementation were identified; and agencies and the public were invited to review and comment on the NOP. A copy of the NOP and comments received are included in Appendix A of the Draft EIR. The Town received comment letters from three (3) agencies in response to the NOP. Substantive issues raised in response to the NOP and during the Scoping Meeting are summarized in Table 1-1, *Summary of NOP Comments*, and Table 1-2, *Summary of Scoping Meeting Comments* of the Draft EIR.



CEQA requires that a Draft EIR have a review period lasting at least 45 days for projects that have been submitted to the SCH for review (State CEQA Guidelines, Section 15105[a]). The Draft EIR was distributed to various public agencies, organizations, and individuals on January 13, 2026; the EIR was available for public review and comment for a period of 45 days. The review period ended on February 27, 2026. The Town used several methods to elicit comments on the Draft EIR. A Notice of Availability (NOA) and the Draft EIR was distributed to the SCH for distribution to State agencies and was posted on the Town’s website. The NOA was also posted at the San Bernardino County Clerk’s office on January 14, 2026. The NOA was mailed to responsible agencies, local government agencies, and interested parties that received the NOP, to individuals who had previously requested the NOA or EIR, and to individuals who provided NOP comments on January 13, 2026. The NOA was also published in the Apple Valley News on January 9, 2026; the NOA and Draft EIR were made available for review, on the Town’s web site at: <https://applevalley.org/ceqa-related-documents/>.

A Planning Commission public hearings will be held to make a recommendation on the whether to certify the EIR and approve the Project. The Town Council, will hold a public hearing following Planning Commission to consider whether to certify the EIR and approve the proposed Project and associated actions.

1.2 LIST OF EIR COMMENTERS

In accordance with Section 15132 of the State CEQA Guidelines, the following includes a list of the agencies, organizations, and individuals that submitted comments on the Draft EIR. The Town received a total of eight (8) comment letters from agencies and one comment letter from organizations on the Draft EIR during the public review period.

Responses to each comment are in Section 2.0. The agency comment letters have been assigned a letter (i.e., A, B, C) and organizations and individual comment letters have been assigned a number (i.e., 1, 2, 3). Each comment within the transmittal is divided into sequential numbered comments (i.e., A-1, A-2, A-3; or 1-1, 1-2, 1-3).

Letter/Number	Name	Date of Letter
<i>Agencies</i>		
A	Agua Caliente Band of Cahuilla Indians	January 15, 2026
B	California Department of Fish and Wildlife	February 18, 2026
C	California Department of Transportation	February 18, 2026
D	Ft. Yuma Quechan Tribe	January 13 & January 26, 2026
E	Gabrielino Tongva Indians of California Tribe	January 13, 2026
F	Mojave Desert Air Quality Management District	January 28, 2026
G	Twenty-Nine Palms Band of Mission Indians	February 20, 2026
H	Yuhaaviatam of San Manuel Nation	January 20, 2026
<i>Organizations</i>		
1	Advocates for the Environment	February 17 & April 9, 2026



2.0 RESPONSES TO COMMENTS

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

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

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

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

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



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

This section includes responses to substantive Draft EIR comments received by the Town. With respect to comment letters received, aside from certain courtesy statements, introductions, and closings, individual comments within the body of each letter have been identified and numbered. A copy of each comment letter and the Town Council's responses to each applicable comment are included in this section. Brackets delineating the individual comments and a numeric identifier have been added to the right margin of the letter. Responses to each comment identified are included on the page(s) following each comment letter. Pursuant to CEQA



Guidelines 15088(b), responses to comments are being sent to public agencies that provided comments at least 10 days prior to the Town Council’s consideration to certify the EIR.

Revisions to the Draft EIR have been prepared to make minor corrections and clarifications to the Draft EIR as a result of Town review, and comments received during the public review period (refer to Section 3.0, *Draft EIR Clarifications and Revisions*, of this document). Therefore, this Response to Comments section, and the Draft EIR Clarifications and Revisions section, are included as part of this Final EIR along with the Draft EIR for consideration by the Town Council prior to a vote to certify the EIR.

As further discussed in Section 3.0 of this document, the Draft EIR revisions and information presented in the responses to comments do not result in any of the conditions set forth in Section 15088.5 of the State CEQA Guidelines; therefore, the EIR does not need to be recirculated prior to its certification.



COMMENT LETTER A

From: Sanchez-Aguilar, Jocel (TRBL) <jsanchez-aguilar@aguacaliente.net>
Sent: Thursday, January 15, 2026 9:34 AM
To: Planning Main-VM <planning@applevalley.org>; planning@victorvilleca.gov;
planning@cityofhesperia.us; nallen@ci.adelanto.ca.us; stanley.armstrong@arb.ca.gov;
rboyd@arb.ca.gov; Christopher.Bill@wildlife.ca.gov; Nancy.Sansonetti@dpw.sbcounty.gov;
Adesalvio@mdaqmd.ca.gov; Emily.Leon@Wildlife.ca.gov; Eric.Valencia@dpw.sbcounty.gov;
Shawn.Johnson@dpw.sbcounty.gov; Osvaldo.Roque@dpw.sbcounty.gov; Cook, Teresa
<teresa.cook@airports.sbcounty.gov>; Godown, Brett <brett.godown@airports.sbcounty.gov>;
Snelgrove, Maureen <maureen.snelgrove@airports.sbcounty.gov>;
soledad.seely@airports.sbcounty.gov; erin.johnson@airports.sbcounty.gov; Tina Kuhns
<TKuhns@applevalley.org>; Rick Dalton <rick.dalton@libertyutilities.com>; Jim Elliott
<jim.elliott@libertyutilities.com>; Janelle Rellosa <janelle.rellosa@libertyutilities.com>;
info@vwvra.com; Cliff Bates <cliff.bates@sce.com>; Joseph Pagano <joseph.pagano@swgas.com>;
Pachman, Brian <bpachman@avfpd.org>; paffairs@sbcasd.org; SCAES <scaes@swgas.com>;
bbutterbredt@gmail.com; Ann Brierty <abrierty@morongo-nsn.gov>; Tribal Historic Preservation
Office <thpo@morongo-nsn.gov>; lbroderick@morongo-nsn.gov; Pricilla.Torres-
Fuentes@nahc.ca.gov; nahc@nahc.ca.gov; Alexandra.McCleary@sanmanuel-nsv.gov; Kristen.Tuosto@kristen.tuosto@sanmanuel-nsn.gov;
amadrigal@29palmsbomi-nsn.gov;
29chairman@29palmsbomi-nsn.gov; Christopher.Nicosia@christopher.nicosia@29palmsbomi-nsn.gov;
Aviles, Laura (TRBL) <laviles@aguacaliente.net>; THPO Consulting <ACBCI-THPO@aguacaliente.net>; krazykendricks@hotmail.com; scottmanfred@yahoo.com;
historicpreservation@quechantribe.com; ddyocum@comcast.net; jstapp@cabazonindians-nsn.gov;
nmarkwardt@cabazonindians-nsn.gov; christina.marsden@alumni.usc.edu;
highersecretary@quechantribe.com; serranonation1@gmail.com; chemehuevi@cit-nsn.gov;
raylene.borrego@sanmanuel-nsn.gov; Richard.Hirsch@interwestgrp.com; Sarah Hauser
<shauser@applevalley.org>
Subject: RE: Notice of Availability of Apple Valley 84 Development Project Draft EIR (SCH 2025100104), Apple Valley

You don't often get email from jsanchez-aguilar@aguacaliente.net. [Learn why this is important](#)

Greetings,

A records check of the Tribal Historic Preservation Office’s cultural registry revealed that this project is not located within the Tribe’s Traditional Use Area. Therefore, we defer to the other tribes in the area. This letter shall conclude our consultation efforts.

A-1

Thank you,

Jocel Sanchez-Aguilar
Cultural Resources Analyst
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive,
Palm Springs, CA 92264
E: jsanchez-aguilar@aguacaliente.net
C: (760) 902-0315 | D: (760) 883-1137



Responses to Comment A

Agua Caliente Band of Cahuilla Indians, dated January 15, 2026

- A-1 The commenter states that a records check of the Tribal Historic Preservation Office's cultural registry revealed that the Project is not located within the Agua Caliente Band of Cahuilla Indians Tribe's Traditional Use area and concludes consultation efforts. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.



Apple Valley 84 Final Environmental Impact Report

COMMENT LETTER B

Docusign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



February 18, 2026
Sent via email

Rick Hirsch
Consulting Planner
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA, 92307
rhirsch@intewestgrp.com

SUBJECT: APPLE VALLEY 84 PROJECT (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2025100104

Dear Mr. Hirsch:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the Town of Apple Valley for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.



¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870



COMMENT LETTER B

Docusign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
 Town of Apple Valley
 February 18, 2026
 Page 2

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

B-1
(CONT.)

PROJECT DESCRIPTION SUMMARY

Proponent: Town of Apple Valley

Objective: The objective of the Project is to develop a 1,381,412-square-foot industrial warehouse facility and office space on 92.73 acres of undeveloped land in the Town of Apple Valley. The site will include 528 parking stalls, 898 trailer stalls, and 231 dock doors. Primary Project activities include demolition, site preparation, grading, paving, installation of utilities, road construction, implementation of sewer and stormwater management systems, and landscaping.

B-2

Location: The Project is located in the Town of Apple Valley, San Bernardino County, a half mile east of Interstate 15 and four miles north of State Route 18 at longitude 34.59815° N and latitude -117.246919° W. The Project is bounded by Johnson Road to the north, Stoddard Wells Road to the south, and vacant land to the east and west. The Project occurs on 12 parcels totaling 92.73 acres (Assessor's Parcel Numbers: 0472-211-01 through -21 and 0472-301-01) (Project Site).

Timeframe: The total Project construction duration is estimated at 23 months.

COMMENTS AND RECOMMENDATIONS

CDFW appreciates that the Town of Apple Valley conducted protocol level surveys for special status plants, Mohave ground squirrel, western burrowing owl, desert tortoise, and Crotch's bumble bee. CDFW is highly concerned about the proposed development of 92.73 acres of undeveloped desert habitat and the potential for significant direct and indirect impacts. CDFW offers the following comments and recommendations to assist the Town of Apple Valley in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions have been included to improve the final EIR.

B-3



COMMENT LETTER B

Docusign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
 Town of Apple Valley
 February 18, 2026
 Page 3

COMMENT 1: Western Burrowing Owl (*Athene cunicularia*)

Section 4.3, Page 4.3-1, 3, 10, 12, 14, and 16

CDFW appreciates that breeding and non-breeding season western burrowing owl surveys were conducted according to the protocol in CDFW's 2012 *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012), and that the data was provided in the DEIR. While burrowing owl was not detected, CDFW appreciates the inclusion of mitigation measure (MM) MM 4.3-1 (Western Burrowing Owl Pre-construction Surveys) to verify absence of western burrowing owl prior to construction. However, CDFW is concerned that MM 4.3-1 does not consider obtaining a CESA ITP to prevent unauthorized take of a candidate species under CESA. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (Take). Thus, CDFW recommends that the following changes to MM 4.3-1 be adopted in the final EIR (additions are in **bold** and edits in ~~strikethrough~~):

MM 4.3-1: A 30-day pre-construction survey for Burrowing Owl in compliance with CDFW's Staff Report on Burrowing Owl Mitigation, dated March 7, 2012 **or most recent version**, shall be conducted prior to initial ground-disturbing activities (including vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading, etc.) to safeguard that no owls have colonized the Project site.

If Burrowing Owls have colonized the Project site prior to the initiation of ground-disturbing activities, the Project Applicant shall immediately inform the Town of Apple Valley to determine if "take" would occur and coordinate with CDFW **if impacts to burrowing owl cannot be fully avoided to obtain an incidental take permit** ~~determine minimization and avoidance measures, as needed.~~

If ground-disturbing activities occur, but the Project site is left undisturbed for more than 30 days, another pre-construction survey shall be conducted no less than fourteen (14) days prior to resuming ground-disturbing activities to safeguard that Burrowing Owl has not colonized the Project since it was last disturbed. If Burrowing Owls are found, the same coordination with CDFW in conjunction with the Town of Apple Valley described above shall be required.



B-4

COMMENT 2: Mohave Ground Squirrel (*Xerospermophilus mohavensis*)

Section 4.3, Page 4.3-1, 4, 10, 14, and 16

CDFW acknowledges that focused surveys for Mohave ground squirrel were conducted in accordance with CDFW's *Mohave Ground Squirrel Survey Guidelines*



B-5



COMMENT LETTER B

DocuSign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
Town of Apple Valley
February 18, 2026
Page 4

(CDFG, 2010; CDFW, 2023) and that the data was provided in the DEIR. While Mohave ground squirrel was not detected, due to the presence of suitable habitat on the Project Site, CDFW recommends additional surveys to verify that Mohave ground squirrel remains absent from the Project Site prior to construction within suitable habitat. For this reason, CDFW recommends that the new MM 4.3-8 (see below) be adopted in the final EIR.

MM 4.3-8: Prior to commencement of ground disturbing Project activities, a visual survey shall be conducted by a qualified biologist during the period of March 15 through April 15 within the Project Site to determine presence of Mohave ground squirrel. The survey shall be conducted on the Project Site according to the *Mohave Ground Squirrel Survey Guidelines* (CDFW, October 2023 Revision 4 or most recent version) during daylight hours by the qualified biologist who can visually identify Mohave ground squirrel and white-tailed antelope squirrel and detect vocalization calls. If the survey or monitoring confirms presence, the Project Proponent shall contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or obtain an incidental take permit.

B-5
(CONT.)

COMMENT 3: Desert Tortoise (*Gopherus agassizii*)

Section 4.3, Pages 4.3-1, 12, and 16

CDFW appreciates that protocol-level focus surveys were conducted for desert tortoise, during which no suitable burrows or desert tortoise were observed. However, the California Natural Diversity Database (CNDDDB) indicates that the Project Site is within the predicted range and within suitable habitat for desert tortoise. Desert tortoise is listed as endangered under CESA. CDFW recommends that a pre-construction survey be conducted prior to ground-disturbing activities to confirm continued absence of desert tortoise. Thus, CDFW recommends the adoption of the new MM 4.3-9 (see below) in the final EIR.

B-6

MM 4.3-9: A qualified biologist shall conduct a protocol-level presence or absence survey within the Project Site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology (USFWS, 2019). The 50-foot buffer shall be revised in the field to ensure that surveys do not result in trespass onto property not owned and operated by the Project Proponent. The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their sign. If desert tortoise may be impacted by the Project, the Project Proponent shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.



COMMENT LETTER B

DocuSign Envelope ID: B566EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
Town of Apple Valley
February 18, 2026
Page 5

COMMENT 4: Crotch’s Bumble Bee (*Bombus crotchii*)

Section 4.3, Pages 4.3-1, 12, and 16

CDFW appreciates that a habitat assessment and focused surveys for Crotch’s bumble bee were conducted and while Crotch’s bumble bee was not detected, CDFW is concerned that the DEIR does not include avoidance and minimization to ensure Crotch’s bumble bee remains absent from the Project Site before construction commences. The Project Site contains several flowering species utilized by Crotch’s bumble bee for foraging, including buckwheat, mustard, and phacelia among others. CNDDDB data places the Project Site within predicted habitat and range for Crotch’s bumble bee as well. Crotch’s bumble bee is a candidate species under CESA. Thus, CDFW recommends the adoption of the new MM 4.3-9 (see below) in the final EIR.

MM 4.3-10: If Project activities are due to occur anytime during the Colony Active Period (generally April through August) for Crotch’s bumble bee, immediately prior to ground-disturbing activities and vegetation removal, a Designated Biologist shall conduct a survey of the entire Project Site and a 50-foot buffer where floral resources are present to confirm Crotch’s bumble is not foraging on the Project site. If Crotch’s bumble bee is present, it shall be allowed to move out of harm’s way of its own volition and CDFW shall be notified immediately (within 24 hours). All impacts to Crotch’s bumble bee shall be fully avoided or if impacts are unavoidable a CESA ITP should be obtained.

COMMENT 5: Nesting Birds and Swainson’s Hawk (*Buteo swainsoni*)

Section 4.3, Pages 4.3-12, 16, and 18

CDFW appreciates the inclusion of MM 4.3-7 for nesting birds. However, Swainson’s hawk has been observed within two miles of the Project Site and CDFW recommends increasing the no-disturbance buffer for active raptor nests to 500 feet in MM 4.3-7. If Swainson’s hawk is detected nesting within or adjacent to the Project Site and impacts cannot be fully avoided for this CESA-listed threatened species, the Project Proponent must immediately consult with CDFW and obtain a CESA ITP prior to continuing ground-disturbing activities.

CDFW recommends that the following changes to MM 4.3-7 be adopted in the final EIR (additions are in **bold** and edits in ~~strikethrough~~):

MM 4.3-7: In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any necessary vegetation





COMMENT LETTER B

DocuSign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
Town of Apple Valley
February 18, 2026
Page 6

clearing shall take place outside of the typical avian nesting season for protected species (February 1 through August 31).

If work must occur during the nesting season for protected avian species, a qualified biologist shall conduct a pre-construction nesting bird survey of the work area and 500-foot buffer not more than 3 days prior to the onset of ground disturbance. If any active nests are found, the biologist shall establish an appropriate no-work buffer around the nest (typically 50–100 ft for songbird nests and 100–5300 ft for raptors, adjusted based on species and observed behavior). Construction within the buffer will be deferred until the nest is no longer active (fledged or failed), as confirmed by the biologist. **If Swainson's hawk is detected nesting within or adjacent to the Project Site and the Project Proponent cannot fully avoid impact to this CESA-listed threatened species, the Project Proponent should obtain a CESA ITP prior to continuing ground-disturbing activities.**

B-8
(CONT.)

COMMENT 6: American Badger (*Taxidea taxus*) and Desert Kit Fox (*Vulpes macrotis*)

Section 4.3, Pages 4.3-1, 12, and 16

CDFW appreciates that the Project Proponent conducted diurnal focused surveys for desert kit fox, and while none were found, CDFW is concerned that the DEIR does not include specific avoidance or minimization measures for desert kit fox, a fur bearing mammal protected under the California Code of Regulations (CCR) Title 14 section 460 and Fish and Game code section 4000. CDFW is also concerned that the DEIR did not conduct focused surveys for the presence of the American badger, a species of special concern, and does not include specific avoidance or minimization measures for this special-status species. The DEIR recognizes that suitable habitat for both species exists with the Project footprint and there is the potential for these species to utilize the Project area for denning or foraging. Therefore, CDFW strongly recommends that the new MM 4.3-11 (see below) be adopted in the final EIR.

B-9

MM 4.3-11: Within 14-21 days prior to the beginning of surface disturbing activities, a qualified biologist shall conduct a survey to determine if active desert kit fox or American badger dens or sign of activity (e.g., tracks, scat, prey remains) are present within the Project Site and within a 50-foot buffer of the Project Site. The 50-foot buffer shall be revised in the field to ensure that surveys do not result in trespass onto property not owned and operated by the Project Proponent. If active natal dens (a den with pups, cubs, or kits) are detected, a minimum of 500-foot no disturbance buffer (reduction of the no-disturbance buffer may occur upon consultation with CDFW) shall be



COMMENT LETTER B

DocuSign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
Town of Apple Valley
February 18, 2026
Page 7

maintained until the den is confirmed by the qualified biologist as no longer active through on going monitoring as follows:

Excavation and backfill of *inactive* and unoccupied dens within the Project site, shall only occur with dens in which the entirety of the den can clearly be seen (e.g., the den isn't deep and doesn't curve). In cases where the entirety of the den cannot be clearly seen, the CDFW-approved Designated Biologist(s) or Biological Monitor(s) shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of desert kit fox or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment.

ENVIRONMENTAL DATA

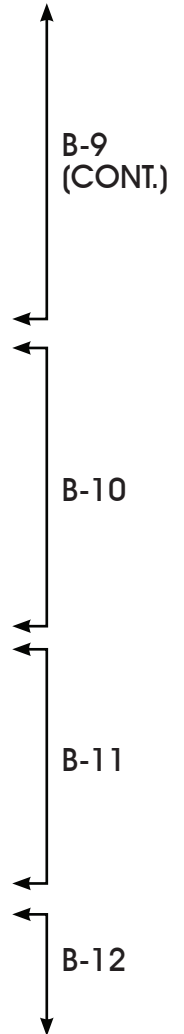
CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the draft Environmental Impact Report to assist the Town of Apply Valley in identifying and mitigating Project impacts on biological resources.





COMMENT LETTER B

DocuSign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
Town of Apple Valley
February 18, 2026
Page 8

Questions regarding this letter or further coordination should be directed to Scott Jakubowski, Senior Environmental Scientist (Specialist) at (909) 354-0919 or scott.jakubowski@wildlife.ca.gov.

↑
B-12
(CONT.)
←

Sincerely,

DocuSigned by:
Jeff Brandt
6BBFAB19FE504F9...

For Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

Nicole Morse, Esq., Principal
T&B Planning
nmorse@tbplanning.com

Brandon Gallup, Vice President
Covington Development Partners
bgallup@covingtongroupinc.com

Cindy Castañeda, Senior Environmental Scientist (Supervisor)
California Department of Fish and Wildlife
Cindy.castaneda@wildlife.ca.gov

ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

REFERENCES

California Department of Fish and Wildlife. (2023). *California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines* (October 2023 Revision). California Department of Fish and Wildlife. Accessed January 29, 2026, from <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

California Department of Fish and Wildlife. (2012). *Staff report on burrowing owl mitigation*. Accessed January 28, 2026, from <https://www.wildlife.ca.gov/conservation/survey-protocols>.



COMMENT LETTER B

DocuSign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
Town of Apple Valley
February 18, 2026
Page 9

U.S. Fish and Wildlife Service. (2019). *Preparing for any action that may occur within the range of the Mojave desert tortoise (Gopherus agassazii)*. Accessed January 30, 2026, from https://www.fws.gov/nevada/desert_tortoise/documents/DT_Preparation_Guide.pdf.



COMMENT LETTER B

DocuSign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
 Town of Apple Valley
 February 18, 2026
 Page 10

Attachment A
Mitigation Monitoring and Reporting Plan

Measure Number	Biological Mitigation Measure (MM)	Implementation Schedule	Responsible Party
MM 4.3-1	<p>A 30-day pre-construction survey for Burrowing Owl in compliance with CDFW's Staff Report on Burrowing Owl Mitigation, dated March 7, 2012 or most recent version, shall be conducted prior to initial ground-disturbing activities (including vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading, etc.) to safeguard that no owls have colonized the Project site.</p> <p>If Burrowing Owls have colonized the Project site prior to the initiation of ground-disturbing activities, the Project Applicant shall immediately inform the Town of Apple Valley to determine if "take" would occur and coordinate with CDFW if impacts to burrowing owl cannot be fully avoided to obtain an incidental take permit.</p> <p>If ground-disturbing activities occur, but the Project site is left undisturbed for more than 30 days, another pre-construction survey shall be conducted no less than fourteen (14) days prior to resuming ground-disturbing activities to safeguard that Burrowing Owl has not colonized the Project since it was last disturbed. If Burrowing Owls are found, the same coordination with CDFW in conjunction with the Town of Apple</p>	Prior to initial ground-disturbing activities	Project Proponent and Qualified Biologist



B-13



COMMENT LETTER B

Docusign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
 Town of Apple Valley
 February 18, 2026
 Page 11

	Valley described above shall be required.		
MM 4.3-8	Prior to commencement of ground disturbing Project activities, a visual survey shall be conducted by a qualified biologist during the period of March 15 through April 15 within the Project Site to determine presence of Mohave ground squirrel. The survey shall be conducted on the Project Site according to the <i>Mohave Ground Squirrel Survey Guidelines</i> (CDFW, October 2023 Revision 4 or most recent version) during daylight hours by the qualified biologist who can visually identify Mohave ground squirrel and white-tailed antelope squirrel and detect vocalization calls. If the survey or monitoring confirms presence, the Project Proponent shall contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or obtain an incidental take permit.	Prior to commencement of ground disturbing Project activities	Project Proponent and Qualified Biologist
MM 4.3-9	A qualified biologist shall conduct a protocol-level presence or absence survey within the Project Site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology (USFWS, 2019). The 50-foot buffer shall be revised in the field to ensure that surveys do not result in trespass onto property not owned and operated by the Project Proponent. The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their	No more than 48 hours prior to Project activities commencing	Project Proponent and Qualified Biologist

↑
 B-13
 (CONT.)
 ↓



COMMENT LETTER B

DocuSign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
 Town of Apple Valley
 February 18, 2026
 Page 12

	sign. If desert tortoise may be impacted by the Project, the Project Proponent shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.		
MM 4.3-10	If Project activities are due to occur anytime during the Colony Active Period (generally April through August) for Crotch's bumble bee, immediately prior to ground-disturbing activities and vegetation removal, a Designated Biologist shall conduct a survey of the entire Project Site and a 50-foot buffer where floral resources are present to confirm Crotch's bumble is not foraging on the Project site. If Crotch's bumble bee is present, it shall be allowed to move out of harm's way of its own volition and CDFW shall be notified immediately (within 24 hours). All impacts to Crotch's bumble bee shall be fully avoided or if impacts are unavoidable a CESA ITP should be obtained.	Anytime during the Colony Active Period (generally April through August) for Crotch's bumble bee	Project Proponent and Qualified Biologist
MM 4.3-7	In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any necessary vegetation clearing shall take place outside of the typical avian nesting season for protected species (February 1 through August 31). A qualified biologist shall conduct a pre-construction nesting bird survey of the work area and 500-foot buffer not more than 3 days prior to the onset of ground disturbance. If any active nests are found, the biologist shall establish an appropriate no-	Pre-construction nesting bird survey of the work area and 500-foot buffer not more than 3 days prior to the onset of ground disturbance	Project Proponent and Qualified Biologist

↑
B-13
(CONT.)
↓



COMMENT LETTER B

DocuSign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
 Town of Apple Valley
 February 18, 2026
 Page 13

	work buffer around the nest (typically 50–100 ft for songbird nests and 100–500 ft for raptors, adjusted based on species and observed behavior). Construction within the buffer will be deferred until the nest is no longer active (fledged or failed), as confirmed by the biologist. If Swainson’s hawk is detected nesting within or adjacent to the Project Site and the Project Proponent cannot fully avoid impact to this CESA-listed threatened species, the Project Proponent should obtain a CESA ITP prior to continuing ground-disturbing activities.		
MM 4.3-11	<p>Within 14-21 days prior to the beginning of surface disturbing activities, a qualified biologist shall conduct a survey to determine if active desert kit fox or American badger dens or sign of activity (e.g., tracks, scat, prey remains) are present within the Project Site and within a 50-foot buffer of the Project Site. The 50-foot buffer shall be revised in the field to ensure that surveys do not result in trespass onto property not owned and operated by the Project Proponent. If active natal dens (a den with pups, cubs, or kits) are detected, a minimum of 500-foot no disturbance buffer (reduction of the no-disturbance buffer may occur upon consultation with CDFW) shall be maintained until the den is confirmed by the qualified biologist as no longer active through on going monitoring as follows:</p> <p>Excavation and backfill of <i>inactive</i> and unoccupied dens within the</p>	Within 14-21 days prior to the beginning of surface disturbing activities	Project Proponent and Qualified Biologist

↑
 B-13
 (CONT.)
 ↓



COMMENT LETTER B

Docusign Envelope ID: B556EC83-906F-4F16-B24D-FE5FBBA64BBA

Rick Hirsch, Consulting Planner
Town of Apple Valley
February 18, 2026
Page 14

	<p>Project site, shall only occur with dens in which the entirety of the den can clearly be seen (e.g., the den isn't deep and doesn't curve). In cases where the entirety of the den cannot be clearly seen, the CDFW-approved Designated Biologist(s) or Biological Monitor(s) shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of desert kit fox or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment.</p>		
--	--	--	--

B-13
(CONT.)



Responses to Comment B

California Department of Fish and Wildlife, dated February 18, 2026

- B-1 The commenter provides introductory comments explaining the CDFW’s role as California’s Trustee Agency for fish and wildlife resources and its role as a Responsible Agency for the Project. This comment is acknowledged and no further response is needed.
- B-2 The commenter provides a description of the Project and the Project location. The commenter’s summary of the Project description and location is correct. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.
- B-3 The commenter expresses appreciation that the Draft EIR conducted multiple surveys for special status plants, Mohave ground squirrel, western burrowing owl, desert tortoise, and Crotch’s bumble bee. The commenter further provides comments and recommendations on the Project as detailed below in Responses to Comment B-4 to B-9.
- B-4 The commenter expresses appreciation of the Draft EIR’s analysis of impacts to burrowing owl, expresses concern that Mitigation Measure MM 4.3-1 does not consider obtaining a California Endangered Species Act (CESA) Incidental Take Permit (ITP) to prevent unauthorized take of a candidate species under CESA, and provides a recommendation for revising Mitigation Measure MM 4.3.1. As discussed in Section 4.3, *Biological Resources*, of the Draft EIR, a single adult Burrowing Owl was observed perched and moving between multiple distinct ground squirrel burrows along the northwestern boundary of the study area, just outside the Project site, during two early-morning winter surveys. As such, raptors and other nesting birds have the potential to occur within the Project site (refer to Page 4.3-14 of the Draft EIR). Pursuant to the commenter’s request, Mitigation Measure MM 4.3-1 has been revised based on the commenter’s suggestions, as shown below.
- MM 4.3-1 A 30-day pre-construction survey for Burrowing Owl in compliance with CDFW’s Staff Report on Burrowing Owl Mitigation, dated March 7, 2012 (or most recent version), shall be conducted prior to initial ground-disturbing activities (including vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading, etc.) to safeguard that no owls have colonized the Project site.
- If Burrowing Owls have colonized the Project site prior to the initiation of grounddisturbing activities, the Project Applicant shall immediately inform the Town of Apple Valley to determine if “take” would occur and



~~coordinate with CDFW to determine minimization and avoidance measures, as needed if impacts to burrowing owl cannot be fully avoided to obtain an incidental take permit.~~

If ground-disturbing activities occur, but the Project site is left undisturbed for more than 30 days, another pre-construction survey shall be conducted no less than fourteen (14) days prior to resuming ground-disturbing activities to safeguard that Burrowing Owl has not colonized the Project since it was last disturbed. If Burrowing Owls are found, the same coordination with CDFW in conjunction with the Town of Apple Valley described above shall be required.

The revised mitigation measure further supports the conclusions in the Draft EIR and is not evidence of a new or greater impact not previously disclosed.

- B-5 The commenter acknowledges the results of the Draft EIR on the presence of Mohave ground squirrel (MGS), recommends additional surveys to verify that MGS remains absent from the Project site prior to construction within suitable habitat, and provides a recommendation for a new mitigation measure for MGS.

As discussed in the Draft EIR Section 4.3, *Biological Resources*, and the General Biological Resources Assessment (*Technical Appendix C* of the Draft EIR), no MGS or diagnostic sign (e.g. scat, tracks, vocalizations) were detected on the Project site during focused surveys in 2025. The habitat is low-quality for these species and shows no indication of current or historical occupancy. The Project site is isolated by adjacent development and infrastructure, and it lacks the vegetative components critical to the persistence of MGS. The habitat on site is marginal for MGS—notably, certain plant species strongly associated with quality MGS habitat are absent. The assessment specifically notes that key forage and cover shrubs are absent or extremely sparse such as winter-fat (*Krascheninnikovia lanata*), spiny hopsage (*Grayia spinosa*), allscale saltbush (*Atriplex polycarpa*), and creosote bush (*Larrea tridentata*) (see Page 4.3-4 of the Draft EIR). These plants are key components of MGS diet and cover in the species' core range; their absence led the lead biologist to determine the site does not provide suitable foraging habitat for MGS. Furthermore, there are no CNDDDB records of MGS in the immediate vicinity of the Project. Furthermore, the focused protocol-level habitat assessment and visual encounter survey for MGS was conducted on site in Spring 2025 (April 3 and April 4), timed to coincide with the species' active season. The Draft EIR treated MGS as presumed absent due to lack of habitat and regional records. As a result, the Draft EIR did not identify any significant impact to MGS, and no species-specific mitigation measure was required. This conclusion was made based on substantial evidence in the record and habitat analysis by a qualified biologist.



Moreover, CEQA's standard is that mitigation measures must be adopted for significant impacts if substantial evidence in the record indicates the species is likely present. Here, no direct evidence of MGS was found. The Project site is in the Town of Apple Valley, an area that has undergone significant development and habitat fragmentation. The focused protocol-level habitat assessment was conducted in accordance with the Mohave Ground Squirrel Survey Guidelines. During the assessment, no MGS individuals or diagnostic signs (such as characteristic burrows) were observed. The biologists evaluated habitat quality using standard indicators. Given the marginal habitat conditions and no known occurrences nearby, the Project's impact on MGS was assessed as less than significant and no further protocol-level survey is necessary. However, a pre-construction visual encounter clearance survey will be conducted prior to ground disturbing activities within suitable habitat for MGS and the Project will abide by all applicable State laws protecting MGS. If an MGS is encountered during construction (e.g., an individual is observed above ground or inadvertently excavated), the Project would cease work in that area and consult with CDFW. As a CESA-listed species, any "take" of MGS would require an Incidental Take Permit. The need for such a permit would be triggered if MGS presence is confirmed, ensuring no unlawful impact occurs. Therefore, pursuant to the commenter's request, Mitigation Measure MM 4.3-8 has been added, as modified based on the discussion above, as shown below.

MM 4.3-8 Prior to commencement of ground disturbing Project activities, a focused visual encounter pre- construction clearance survey shall be conducted by a qualified biologist within suitable habitat for MGS . The survey shall be conducted on the Project site's limits of disturbance within suitable habitat for Mohave ground squirrel during daylight hours by the qualified biologist who holds a CDFW Memorandum of Understanding for MGS and other species. If the survey or monitoring confirms presence, the Project Proponent shall contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or obtain an incidental take permit.

The additional mitigation measure further supports the conclusions in the Draft EIR and is not evidence of a new or greater impact not previously disclosed.

- B-6 The commenter acknowledges the Draft EIR's analysis regarding impacts to desert tortoise, recommends a pre-construction survey be conducted prior to ground-disturbing activities to confirm continued absence of desert tortoise due to its CESA status and predicted range, provides details on specific impacts that could occur, and recommends a new mitigation measure for desert tortoise.

As discussed in Section 4.3, *Biological Resources*, of the Draft EIR, no Desert Tortoises or tortoise sign were detected anywhere within the Project site or survey area during



focused surveys in 2025. The Project site lies at the periphery of the range of the Desert Tortoise. Moreover, the busy Interstate-15 corridor near the Project site has been a known mortality hazard and barrier for tortoises in this region, making it unlikely for any to migrate into the area. Also, very few burrow-like structures of any kind were present in the hard, compacted ground (aside from shallow small mammal burrows) during the focused surveys. The Project would not impact lands that could be utilized by the Desert Tortoise as habitat, and no impact would occur (see Page 4.3-12 of the Draft EIR). A focused protocol-level survey was conducted in accordance with the U.S. Fish and Wildlife Service published standards for desert tortoise. Given that no desert tortoises or tortoise sign were detected during the focused survey, no further protocol-level survey is necessary. However, a pre-construction clearance survey will be required for the Project and the Project will abide by all applicable Federal and State laws protecting desert tortoises. If a desert tortoise is encountered during construction (e.g., an individual is observed above ground or inadvertently excavated), the Project would cease work in that area and consult with CDFW and the USFWS. As a ESA/CESA-listed species (Threatened), any “take” of desert tortoises would require additional state and federal authorizations. The need for such a approvals would be triggered if desert tortoises presence is confirmed, ensuring no unlawful impact occurs. Therefore, pursuant to the commenter’s request, Mitigation Measure MM 4.3-9 has been added, as modified based on the discussion above, as shown below.

MM 4.3-9 Prior to initial ground disturbance, a qualified biologist shall conduct a focused pre-activity clearance survey for desert tortoise and desert tortoise sign within the Project site, prior to Project activities and adjacent accessible areas where Project activities could affect the species. The pre-construction clearance survey methods will be consistent with U.S. Fish and Wildlife Service 2019 desert tortoise survey guidance (USFWS, 2019). The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their sign. If desert tortoise is observed, or if project activities may affect desert tortoise and complete avoidance is not feasible, work in the affected area shall stop and the Project Proponent shall coordinate with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife to determine and obtain any required approvals or authorizations before activities resume. Project activities shall fully avoid impacts to desert tortoise to the maximum extent practicable or obtain a ESA/CESA authiroizations if impacts are unavoidable.

The additional mitigation measure further supports the conclusions in the Draft EIR and is not evidence of a new or greater impact not previously disclosed.



- B-7 The commenter acknowledges the Draft EIR's analysis regarding impacts to Crotch's Bumblebee, expresses concern that the Draft EIR does not include avoidance and minimization to ensure Crotch's Bumblebee remains absent from the Project Site before construction commences due to the flowering species within the Project site and its candidate listing under CESA, and recommends a new mitigation measure for Crotch's Bumblebee.

As discussed in Section 4.3, *Biological Resources*, of the Draft EIR, Crotch's Bumblebee individuals or colonies were not detected during any of the survey events on the Project site. Despite the absence of the target species, the site demonstrated abundant insect activity and diverse pollinator presence, indicating that survey conditions were favorable for detecting bumble bees. However, a portion of the Project site (for example, near Stoddard Wells Road) showed signs of anthropogenic disturbance, including increased non-native invasive plants and scattered trash/debris. These disturbances degrade the habitat quality, introducing competition for native flora and altering the vegetation structure in those areas. Crucially, while the Project site does offer some nectar and pollen sources for generalist pollinators, it lacks the key floral hosts that Crotch's Bumblebee relies on. Given these conditions, the Project site is inadequate for supporting the Crotch's Bumblebee, the Project would not pose a threat to the population, and no impact would occur (refer to Page 4.3-13 of the Draft EIR). However, pursuant to the commenter's request, Mitigation Measure MM 4.3-10 has been added, as modified based on the discussion above, as shown below.

MM 4.3-10 If Project activities are due to occur anytime during the Colony Active Period (generally April through August) for Crotch's bumble bee, immediately prior to ground-disturbing activities and vegetation removal, a Designated Biologist shall conduct a survey of the entire Project site and a 50-foot buffer where floral resources are present to confirm Crotch's bumble is not foraging on the Project site. If Crotch's bumble bee is present, it shall be allowed to move out of harm's way of its own volition and CDFW shall be notified immediately (within 24 hours). All impacts to Crotch's bumble bee shall be fully avoided or if impacts are unavoidable a CESA ITP should be obtained.

The additional mitigation measure further supports the conclusions in the Draft EIR and is not evidence of a new or greater impact not previously disclosed.

- B-8 The commenter acknowledges the Draft EIR's analysis regarding impacts to nesting birds, recommends increasing the no-disturbance buffer for active raptor nests to 500 feet due to the observance of Swainson's hawk within two miles of the Project site, and provides recommended revisions to Mitigation Measure MM 4.3-7 to include Swainson's hawk.



Mitigation Measure MM 4.3-7 has been modified partially to address the commenter's suggestions, as shown below.

MM 4.3-7 In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any necessary vegetation clearing shall take place outside of the typical avian nesting season for protected species (February 1 through August 31).

If work must occur during the nesting season for protected avian species, a qualified biologist shall conduct a pre-construction nesting bird survey of the work area and 500-foot buffer not more than 3 days prior to the onset of ground disturbance. If any active nests are found, the biologist shall establish an appropriate no-work buffer around the nest (typically 50–100 ft for songbird nests and 100–5300 ft for raptors, adjusted based on species and observed behavior). Construction within the buffer will be deferred until the nest is no longer active (fledged or failed), as confirmed by the biologist. If Swainson's hawk is detected nesting within or adjacent to the Project site and impacts cannot be fully avoided, the Project Proponent shall coordinate with CDFW regarding appropriate protective measures and any required authorization before work proceeds in the affected area.

B-9 The commenter acknowledges the Draft EIR's analysis regarding impacts to desert kit fox, states that there is a potential for desert kit fox and American badger to utilize the Project area for denning or foraging, and provides a new mitigation measure for desert kit fox and American badger.

As discussed in Section 4.3, *Biological Resources*, of the Draft EIR, no definitive evidence of Desert Kit Fox presence was found on the Project site and no kit fox individuals were observed during the diurnal surveys. Human activity within the Project site (some evidence of occasional camping and dog-walking was found), and the general disturbance (off-road vehicles, etc.) reduce the study area's attractiveness to kit fox for denning. The survey found no evidence of regular or past kit fox use such as old dens, prey middens, or territorial markings. The soils and topography are suitable for kit fox denning (sandy substrates, gentle washes), but ongoing coyote presence and human disturbances likely make the Project suboptimal habitat. Desert Kit Foxes do not currently occupy or breed on the Project site, and no impact would occur (refer to Page 4.3-12 and 4.3-13 of the Draft EIR).

Although the Draft EIR did not have a stand-alone section on badger, the Project's General Biological Resources Assessment (*Technical Appendix C* of the Draft EIR) did account for potential impacts to mammals in the Project area. The field surveys and habitat assessments did not observe any badgers, nor did they find dens, scat, tracks, or



other sign of these species on the Project site. If present, these animals usually leave noticeable evidence (e.g., large open burrows for badger, predatory scat, etc.), especially if they are resident. The absence of such evidence strongly indicates that no badgers are currently denning or living on the site. This conclusion is bolstered by the context of the site. The site consists of creosote bush scrub and developed/disturbed lands in the vicinity of existing development. Badgers require large foraging territories and often avoid developed areas. It is likely that regular human presence and surrounding roads or structures deter badgers from establishing dens on this particular site.

It is also important to clarify that the desert kit fox, while a “fur-bearing mammal” protected from hunting/trapping by California law, is not a listed threatened or endangered species, and the American badger is designated as a Species of Special Concern but not legally protected under CESA. This does not diminish their biological importance, but it provides context that the regulatory threshold for requiring mitigation is based on CEQA’s significant impact criteria. The Project’s disturbance footprint (without known active dens) would not rise to a significant impact for the kit fox or badger. Moreover, these species are highly mobile and capable of avoiding danger – for instance, a kit fox disturbed by construction noise will typically flee the area. Project mitigation measure MM 4.3-1 (e.g. requirements for biological monitoring during initial grading, as outlined in the Draft EIR) provide a further safeguard that if any large burrows or animal activity are observed, appropriate action (such as inspection or avoidance) will occur.

Additionally, from a regulatory perspective, if kit fox or badger were transiently passing through the site, the Project would be bound by California laws that protect wildlife. The construction team will be trained to recognize sensitive species, as required by Mitigation Measure MM 4.3-3, and to halt work if any large mammal den or animal is encountered. For instance, desert kit fox, as a protected fur-bearer, cannot be harmed or killed, or it would result in a violation of California Fish & Game Code §4000 and Title 14 §460. Similarly, the Project’s general avoidance measures for biological resources require avoidance of any sensitive wildlife, if discovered. In practice, if a kit fox or badger were seen during construction, the response would be to stop work in that area and allow the animal to leave. Because the likelihood of encountering these species is low and any such encounter would be handled under existing protocols, the Lead Agency considered the impact less than significant and no protocol-level survey is necessary. However, a pre-construction clearance survey would be required for the Project. Therefore, pursuant to the commenter’s request, Mitigation Measure 4.3-11 has been added as modified based on the discussion above, as shown below.

MM 4.3-11 Within 14-21 days prior to the beginning of surface disturbing activities, a qualified biologist shall conduct a focused pre- construction clearance survey to determine if active desert kit fox or American badger dens or sign



of activity (e.g., tracks, scat, prey remains) are present within the Project site and within a 50-foot buffer of the of the disturbance area.

If active natal dens (a den with pups, cubs, or kits) are detected, a minimum of 500-foot no disturbance buffer (reduction of the no-disturbance buffer may occur upon consultation with CDFW) shall be maintained until the den is confirmed by the qualified biologist as no longer active through on going monitoring as follows:

Excavation and backfill of inactive and unoccupied dens within the Project site, shall only occur with dens in which the entirety of the den can clearly be seen (e.g., the den isn't deep and doesn't curve). In cases where the entirety of the den cannot be clearly seen, the CDFW-approved Designated Biologist(s) or Biological Monitor(s) shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of desert kit fox or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment.

The additional mitigation measure further supports the conclusions in the Draft EIR and is not evidence of a new or greater impact not previously disclosed.

The Project remains committed to complying with all applicable wildlife protection regulations, ensuring that even unexpected occurrences of kit fox or badger are managed in a way that avoids a significant impact.

- B-10 The commenter requests that any special status species and natural communities detected during Project surveys be reported to the California Natural Diversity Database (CNDDDB). As discussed in Section 4.3, *Biological Resources*, of the Draft EIR, no special-status or federal or State-listed plant species and no federally-listed wildlife species were observed within the study area during the field survey. One Burrowing Owl was observed within the Project site, and no desert tortoise, Mohave Ground Squirrel, Desert Kit Fox, or Crotch's Bumblebee were detected (refer to Pages 4.3-11 to 4.3-13 of the Draft EIR). Observations of special-status species may be reported to the CNDDDB, as appropriate.
- B-11 The commenter states that payment of the environmental document filing fee is required for Project approval to be operative, vested, and final. The Project Applicant will pay the environmental document filing fee upon filing of the Notice of Determination to the San Bernardino County Clerk-Recorder Office. Thus, no further response is needed.
- B-12 The commenter provides concluding remarks and states that CDFW personnel are available for consultation regarding biological resources and strategies to minimize



impacts. The Town will continue to coordinate with the CDFW and acknowledges Scott Jakubowsk as the CDFW contact person.

- B-13 The commenter provides a table with recommended language to be incorporated into a future environmental document for the Project. The Draft Mitigation and Monitoring Reporting Plan provided by CDFW has been reviewed and revised, as described above. Refer to Section 3.0, *Clarifications and Revisions*, of this Final EIR for the revised mitigation measures for biological resources impacts.



Apple Valley 84 Final Environmental Impact Report

COMMENT LETTER C

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 8
464 WEST 4TH STREET
SAN BERNARDINO CA, 92401
(909) 963-8604
www.dot.ca.gov



February 18, 2026

Route & Postmile: I-15/48.134
Cross Street: Stoddard Wells Rd & Grasshopper Rd.
GTS ID: 38936

Town of Apple Valley
Planning Division
Attn: Rick Hirsh
14955 Dale Evans Parkway
Apple Valley, CA 92307

Subject: Comments on the Draft Environmental Impact Report (Draft EIR) for Apple Valley 84 Project, SCH #: 2025100104

Dear Rick Hirsh:

Thank you for including The California Department of Transportation (Caltrans), District 8, Local Development Review (LDR) branch in the Draft EIR review process. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the Draft EIR for Apple Valley 84 project.

Project Understanding:

The proposed project site is located approximately 0.55 miles east of Interstate 15 (I-15) and approximately 4 miles north of State Route 18 (SR-18), in the Town of Apple Valley in San Bernardino County, California. The project proposes the construction and operation of one industrial building totaling approximately 1,381,412 square feet (SF). The project includes a total of 528 parking stalls, including 12 American with Disabilities Act (ADA) accessible stalls, 79 electric vehicle (EV) capable stalls, and 27 electric vehicle supply equipment (EVSE) stalls. In addition, the proposed project includes 898 (12' x 55') trailer parking stalls and 231 loading dock spaces. The proposed project would include improvements along Stoddard Wells Road, Wrangler Road, and Johnson Road, including frontage landscaping and pedestrian improvements. It would also involve widening Wrangler Road and Stoddard Wells Road to their ultimate sections and constructing Johnson Road along the project frontage.

Local Development Review:

Vehicle Miles Traveled:

1. Based on the VMT analysis provided, the project would result in a significant project level VMT impact and the proposed mitigation measures are insufficient to reduce impacts to less than significant, please evaluate additional on-site and off-site mitigation strategies.





COMMENT LETTER C

- See the attached [Caltrans VMT focused Traffic Impact Study Guide](#).
- 2. Feasible project alternatives that reduce VMT should be considered.
- 3. Programmatic VMT mitigation mechanisms should be explored.

Traffic Operations:

General:

- 1. Please provide truck turning templates for nearby on and off-ramps on the State Highway System (SHS).
- 2. Please include Responses to Review Comments memorandum for your next review submittal.

Traffic Analysis Report:

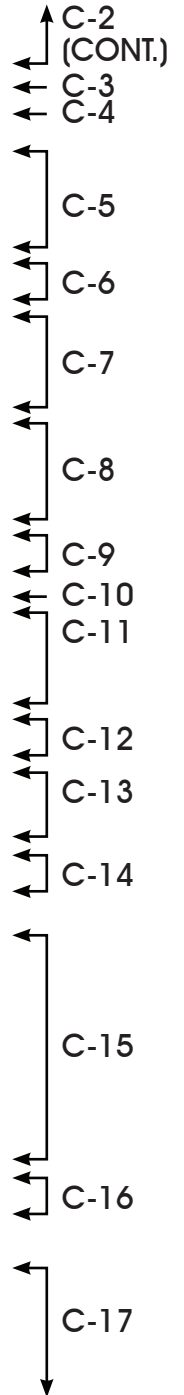
- 3. In addition to the analysis scenarios provided, please add a future scenario with and without project, 20 years from opening year (i.e. year 2048 with and without project scenarios).
- 4. Section 5.7 – Project deficiencies and Recommended improvements: Please discuss findings, project deficiencies, and recommended improvements in this section. Although this section refers to tables and worksheets, a discussion is requested about the findings and proposals that address intersection deficiencies and off-ramp queues.
- 5. Please include discussion of potential traffic impact of the Brightline West Project in the TA report.
- 6. The CA MUTCD has been updated to the CAMUTCD 2026 Edition.
- 7. The Opening Year conditions should be considered as follows:
 - a. Opening Year Conditions (Existing + Ambient Growth)
 - i. With project
 - ii. Without project
- 8. Provide the signal warrant analysis for the opening year (2028) with project (existing + ambient growth).
- 9. Intersection Analysis with Improvements – [The intersection Safety and Operational Assessment Process \(ISOAP\)](#) shall be determined when installing a new traffic signal at the intersection.
- 10. Please review and address additional comments on the attached [Traffic Analysis Report](#) and [TA Appendices](#).

Safety Reviews:

- 11. Please provide traffic safety review as a stand-alone report for proposed land use projects and plans affecting the State Highway System. See the attached [Local Development Review \(LDR\) Safety Review Practitioner's Guidance](#).
 - a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal at mycusthelp.com.
 - b. Please analyze the existing crash data and discuss project's impact on safety as needed.
 - c. Provide appropriate countermeasures (if any) to mitigate/reduce project's impact.
- 12. Please analyze safety concerns related to the increase in traffic volumes and potential queuing, propose appropriate mitigation measures as necessary.

Equitable Access:

If any Caltrans facilities are impacted by the project, they must comply with the American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and





COMMENT LETTER C

equitable transportation network for all users.

Caltrans Encroachment Permit:

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit.

For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526

D8.E-permits@dot.ca.gov

<https://dot.ca.gov/programs/traffic-operations/ep>

Important Note: All permit applications must now be submitted through our CEPS Online Portal at: <https://ceps.dot.ca.gov/>

Please be advised that LDR's point of contact role will conclude upon the completion of the development entitlement process. Once the project is entitled, the Encroachment Permit Office will serve as the primary point of contact moving forward.

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-963-8604.

Sincerely,

Janki Patel

Janki Patel
Branch Chief - Local Development Review
Division of Transportation Planning
Caltrans District 08

C-17
(CONT.)

C-18

C-19



Responses to Comment C

California Department of Transportation, dated February 18, 2026

- C-1 In this introductory comment, the California Department of Transportation (Caltrans) Local Development Review (LDR) Branch notes that Caltrans has reviewed the Draft EIR and provides comments for consideration. The commenter provides a brief summary of the proposed Project. This comment is acknowledged and the description of the proposed Project provided by this comment is accurate; no further response is necessary.
- C-2 The commenter acknowledges the Draft EIR's conclusion that impacts due to Vehicle Miles Traveled (VMT) would be significant and unavoidable, and encourages the continued exploration and implementation of on-site and off-site mitigation strategies. The commenter provides the Caltrans VMT focused Traffic Impact Study Guide for reference. As discussed in Section 4.13, *Transportation*, of the Draft EIR, Mitigation Measure MM 4.13-1 would include the implementation of a Transportation Demand Management Program that include all feasible transportation measures recommended by California Air Pollution Control Officers Association (CAPCOA; see Pages 4.13-18 to 4.13-19 of the Draft EIR).

Additionally, the Project's VMT Analysis (*Technical Appendix K2* of the Draft EIR) evaluated the Project using the Town of Apple Valley's adopted VMT methodology and significance thresholds, consistent with Town Resolution No. 2021-08 and San Bernardino County Transportation Authority (SBCTA) guidance. The analysis identified that the Project's VMT per service population would exceed the Town's project-level threshold under both baseline and cumulative conditions. Specifically, the Project was estimated at 37.8 VMT/Service Population (SP) under baseline conditions and 41.6 VMT/SP under cumulative conditions, compared to the Town threshold of 35.7 VMT/SP. The analysis further determined that the Project would need a 14.2 percent total VMT reduction to meet the Town's threshold.

Furthermore, the VMT Analysis evaluated feasible project-level transportation demand management and trip reduction measures applicable to the specific type of industrial employment in a suburban setting, consistent with the CAPCOA Handbook. The measures included commute trip reduction marketing, ridesharing, and end-of-trip bicycle facilities. Moreover, the combined reduction from these feasible project-level measures was estimated at 7.2 percent. However, as stated in the Project's VMT Analysis, the measures provided primarily reduce home-based work commute VMT, while the Town's adopted VMT metric considers total VMT per service population and



does not isolate commute trips. Since industrial projects include substantial non-commute travel components, including truck, delivery, and visitor trips, the evaluated measures would not reduce total Project VMT sufficiently to achieve a less-than-significant impact. Accordingly, the Draft EIR concluded that although feasible on-site measures have been incorporated and evaluated, the Project's project-level VMT impact would remain significant and unavoidable.

- C-3 The commenter recommends considering feasible Project alternatives that reduce VMT. As discussed in Section 6.0, *Alternatives*, of the Draft EIR, three Project alternatives were considered and analyzed including a No Project/No Development Alternative, No Project/Existing General Plan and Zoning Alternative, and Reduced Intensity Alternative. Under all three alternatives, only the No Project/No Development Alternative would eliminate the Project's significant and unavoidable VMT impacts. Changing the proposed land use from industrial to office uses and reducing the building footprint would not reduce the VMT impacts (refer to Pages 6-7 to 6-23 of the Draft EIR).

As discussed in the Project's VMT Analysis (*Technical Appendix K2* of the Draft EIR), characteristics of the proposed industrial warehouse/distribution use were taken into consideration. Additionally, feasible VMT reduction measures applicable to this project type and locational context were evaluated. As stated in the VMT Analysis, measures associated with neighborhood design or land use mix are generally not applicable to a stand-alone industrial warehouse project, and the most relevant feasible measures for this Project are those focused on reducing employee commute travel. Therefore, the analysis focused on the applicable CAPCOA Transportation measures for an employment-generating suburban project.

With respect to Project alternatives, it is acknowledged that reducing project-level VMT would generally require a more fundamental change in the Project's land use pattern, operational characteristics, or site selection. However, based on the analysis prepared for the Project, the feasible measures identified for this proposed industrial use do not reduce VMT to below the Town's threshold, and no additional alternative with clear attainment of a less-than-significant project-level VMT impact was identified in the VMT Analysis. Therefore, the Draft EIR conservatively identifies the project-level VMT impact as significant and unavoidable after incorporation of feasible mitigation.

- C-4 The commenter recommends exploring programmatic VMT mitigation mechanisms. Distinguishments between project-level VMT and the Project's cumulative effect on VMT are outlined in the Project's VMT Analysis (*Technical Appendix K2* of the Draft EIR). While the Project's project-generated VMT per service population exceeds the Town's adopted threshold, the boundary method analysis demonstrated that town-wide VMT per service population would decrease under both baseline and cumulative with-project conditions



compared to no-project conditions. Specifically, cumulative town-wide boundary VMT per service population was calculated at 15.3 under the no-project condition and 15.2 under the with-project condition. Therefore, the Project would not exceed the Town's cumulative effect threshold.

Moreover, the quantified project-level mitigation measures are most appropriately implemented at the employer or tenant level and, therefore, are inherently programmatic in nature to some degree, such as commute trip reduction marketing, ridesharing programs, and bicycle end-of-trip facilities. Accordingly, those measures were evaluated using CAPCOA methodologies and included in the Project's VMT Analysis. However, even with the implementation of these measures the Project would still exceed the required reduction needed to meet the Town's project-level VMT threshold. While programmatic VMT reduction strategies were explored to the extent applicable to the proposed industrial use, the analysis concluded that such measures would not reduce the Project's project-level VMT impact to a less than significant level.

- C-5 The commenter requests the inclusion of truck turning templates for nearby on and off-ramps on the State Highway System (SHS). The Town of Apple Valley includes transportation infrastructure as part of the Town's development impact fee program. The interchange ramps on the State Highway System is included in the Town of Apple Valley's development impact fee program. Additionally, the Project will pay its "fair share" towards improvements at Caltrans facilities. Once final improvements are identified by the Town, consistent with the existing fee program, truck turns will be developed in accordance with the Town's direction.
- C-6 The commenter requests a Responses to Review Comments memorandum in the next review submittal. Responses to Caltrans comments have been provided in Responses to Comments C-1 to C-19 in this Final EIR and will be provided to the commenter in accordance with CEQA requirements prior to public hearings.
- C-7 The commenter acknowledges the traffic analysis scenarios provided in the Project's Traffic Analysis (*Technical Appendix K1* of the Draft EIR) and requests the inclusion of a future scenario without the Project, 20 years from opening year (i.e. year 2048 with and without project scenarios). The Project's Traffic Analysis has been approved by the Town and as such was not revised; however, a separate supplemental technical memorandum (*Attachment B* of this Final EIR) was prepared that included the analysis of the same study area intersections for Horizon Year (2050) conditions. The Horizon Year (2050) coincides with the regional traffic model (San Bernardino Transportation Analysis Model or SBTAM) future year. Refer to *Attachment B* of this Final EIR for the supplemental assessment for review. Thus, no further response is required.



- C-8 The commenter acknowledges the tables and worksheets provided in Section 5.7, *Project Deficiencies and Recommended Improvements*, in the Project’s Traffic Analysis (*Technical Appendix K1* of the Draft EIR), and requests the inclusion of a discussion detailing the findings and proposals that address intersection deficiencies and off-ramp queues. As stated above, the supplemental technical memorandum (*Attachment B* of this Final EIR) includes a discussion of intersection deficiencies and off-ramp queues. Refer to *Attachment B* of this Final EIR for the supplemental assessment for review. No further response is required.
- C-9 The commenter requests the inclusion of a discussion of potential traffic impacts of the Brightline West Project in the Traffic Analysis report. Construction began in 2024, and the anticipated completion for the Brightline West Project is in late 2029 per the recent news article¹. This occurs after the Project’s opening year of 2029. As such, no changes were made to the Project’s Traffic Analysis, however, the supplemental technical memorandum (*Attachment B* of this Final EIR) for Horizon Year (2050) traffic conditions does include a discussion of the Brightline West Project although no changes to the regional traffic model forecasts have been made to conduct a conservative peak hour operations analysis.
- C-10 The commenter notes that the CA MUTCD has been updated to the CAMUTCD 2026 Edition. The traffic signal warrant analysis included in the Project’s Traffic Analysis (*Technical Appendix K1* of the Draft EIR) was prepared using the California MUTCD in effect at the time the study was completed. Since completion of the analysis, the 2026 California MUTCD has been released (January 2026). A review of the updated provisions indicates that the underlying warrant methodologies, equations, and analytical procedures applicable to this study remain substantively consistent with those used in the original analysis. As such, use of the 2026 California MUTCD would not materially change the warrant calculations, findings, or conclusions presented in the study. Accordingly, no revisions to the Project’s Traffic Analysis conclusions are necessary. No traffic signal warrants were evaluated in the latest supplemental traffic assessment evaluating Horizon Year (2050) traffic conditions since all unsignalized study area intersections met warrants under Opening Year Cumulative (2028) Without Project traffic conditions in the 2025 Traffic Study and these locations would continue to warrant a signal under future conditions.
- C-11 The commenter requests additional “Opening Year” scenario consisting of Existing plus Ambient Growth conditions, with and without the Project, and states that comparable

¹ <https://www.fox5vegas.com/2026/01/14/brightline-west-high-speed-rail-project-now-track-late-2029/>



cumulative scenarios should be considered for the Project. The Project's Traffic Analysis (*Technical Appendix K1* of the Draft EIR) was prepared in accordance with the scoping direction and study requirements established by the lead agency, including the analysis scenarios identified as necessary to evaluate potential Project-related deficiencies. As noted, Existing plus Ambient Growth (EA/EAP) scenarios are not identified as required analysis scenarios under the Town's adopted traffic study guidelines or the approved project scoping parameters. Therefore, the Project's Traffic Analysis focused on the future baseline and cumulative scenarios necessary to evaluate Project impacts and identify mitigation, consistent with local jurisdiction requirements and standard CEQA practice. Additionally, the requested alternative labeling would not alter the traffic forecasts, operational results, significance determinations, or mitigation conclusions presented in the study. The potential effects associated with Caltrans facility operations were evaluated within the study scenarios identified by the lead agency and consistent with applicable scoping guidance. Accordingly, the existing analysis provides an adequate basis for CEQA review, and no additional EA/EAP scenarios are required. The scenarios requested by the commenter (although the nomenclature is not exact) are already evaluated in the Project's Traffic Analysis and reported as Opening Year Cumulative (2028) Without and With Project traffic conditions which includes existing volumes, ambient growth, cumulative project traffic, and the addition of Project traffic.

- C-12 The commenter requests a signal warrant analysis for the Opening Year (2028) with the Project (existing and ambient growth). Refer to Response to Comment C-11 above regarding the required and evaluated scope of analysis in the Project's Traffic Analysis (*Technical Appendix K1* of the Draft EIR). Thus, no additional analysis is required.
- C-13 The commenter provides the Intersection Safety and Operational Assessment Process (ISOAP) Guide and states that the process will be determined when installing a new traffic signal at the intersection. At this stage of the Project, the final design, specific improvement requirements, timing of implementation, and funding responsibility have not been determined. Accordingly, preparation of a formal ISOAP during the entitlement phase would be premature. Should it be determined that improvements are needed at State facilities, coordination to develop any required ISOAP review would occur through the standard Caltrans review process during subsequent project development, permitting, or Project Study Report/Project Initiation Document (PSR/PID) stages, when refined plans and updated traffic data are available.
- C-14 The commenter requests the review of additional comments provided directly in the Project's Traffic Analysis Report and Appendices documents (*Technical Appendix K1* of the Draft EIR). Specific comments and responses from the Traffic Analysis Report and Appendices are provided below for reference.



- Exhibit 4-3: Project Only Traffic Volumes (Actual Volumes) – Call out in PCE.

No changes were made to the Project’s Traffic Analysis (*Technical Appendix K1* of the Draft EIR); however, the volumes exhibits included in the supplemental traffic assessment (*Attachment B* of this Final EIR) for Horizon Year (2050) traffic conditions are reflected in PCE as requested by the commenter. For reference, PCE volumes for all analysis scenarios evaluated in the Project’s Traffic Analysis are included as *Attachment C* of this Final EIR.

- Exhibit 5-1: Opening Year Cumulative (2028) Without Project Traffic Volumes – Recommend moving this Exhibit 5-1 to Section 5.2.

No changes were made to the Project’s Traffic Analysis (*Technical Appendix K1* of the Draft EIR) due to its previous approval from the Town.

- Provide another Exhibit for the opening (2028) without the project and with the project.

Refer to Response to Comment C-11 above regarding the required and evaluated scope of analysis in the Project’s Traffic Analysis.

- Provide the signal warrant analysis for the opening year (2028) with project (existing + ambient growth + project) and without project (existing + ambient growth).

Refer to Response to Comment C-11 above regarding the required and evaluated scope of analysis in the Project’s Traffic Analysis.

- Appendix 3.2: Existing (2025) Intersection Analysis – Provide the Synchro input files

Synchro input files for both the 2025 Traffic Study and the latest supplemental traffic assessment evaluating Horizon Year (2050) traffic conditions are included as *Attachment D* to this Final EIR.

- Appendix 5.2: OYC (2028) With Project Intersection Analysis, Intersection #4 – The cycle length of 120 seconds is too high. Recommended 80 seconds at the ramp intersection.

The 120 second cycle length was accepted by the Town for the intersection of Wrangler Road and Stoddard Wells Road. Therefore, no changes to the the Project’s Traffic Analysis are required.



- Appendix 5.2: OYC (2028) With Project Intersection Analysis, Intersection #4 - Intersection #4 is Stoddard Wells Road and a new Wrangler Road. Verify.

Urban Crossroads, Inc., prepared of the the Project’s Traffic Analysis, confirmed that Intersection #4 is Wrangler Road. The street name was changed after the the Project’s Traffic Analysis was underway, but represents the same location.

- C-15 The commenter requests a traffic safety review as a stand-alone report for proposed land use projects and plans affecting the State Highway System including, an analysis of crash data and discussion of the Project’s impacts on safety as needed. The commenter encourages the inclusion of appropriate countermeasures (if any) to mitigate/reduce Project impacts. Additionally, the commenter provides the Local Development Review (LDR) Safety Review Practitioner’s Guidance for reference.

No direct physical modifications to the State Highway System are proposed for immediate construction as part of this entitlement request and therefore, no crash analysis utilizing Caltrans collision records were included as part of this planning-level Traffic Analysis. Should improvements affecting State facilities be needed in the future, then a project-specific safety review using most current available collision data would be completed. Additionally, no improvements are identified for State facilities at this time. If they are identified in the future, traffic data, collision history and final engineering plans will be developed for the improvements at that time ensuring the most current data is being analyzed. Should Caltrans-related improvements be pursued in the future, preparation of the Safety Analysis can be completed and provide appropriate countermeasures to mitigate/reduce the Project’s impact (if any).

- C-16 The commenter requests an analysis of safety concerns related to the increase in traffic volumes and potential queuing, and recommends the inclusion of mitigation measures as necessary. At this stage of Project review, the specific improvements, if any, have not been identified. The Town requires the Project to pay its “fair share” towards improvements at Caltrans facilities.

- C-17 The commenter notes that if any Caltrans facilities are impacted by the Project, they must comply with American Disabilities Act (ADA) Standards upon Project completion. The commenter further asserts that the Project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase in order to align with Caltrans’ equity mission to provide a safe, sustainable, and equitable transportation network for all users. As discussed in Section 4.13, *Transportation*, of the Draft EIR, the Project area exhibits nominal amounts of pedestrian and bicycle traffic due to the general lack of land uses in the Project vicinity. Furthermore, there are no existing bicycle facilities within the immediate Project vicinity (refer to Page 4.13-2 of the Draft EIR). Additionally, a traffic



control plan would be required if Project construction activities occur within the public right-of-way and require a partial or full closure of a sidewalk or vehicle travel lane (refer to Pages 4.13-16 to 4.13-17 of the Draft EIR). As shown in Figure 3-4, *Site Plan*, of the Draft EIR, 16 ADA accessible standard and van parking spaces would be provided onsite and accessible paths of travel are provided from the parking space and sidewalk to the Project's office entrance at the northeastern and southeastern corners of the proposed building. Furthermore, the Project would not encroach onto Caltrans facilities. bicycle and pedestrian access shall be maintained during the construction phase, and all future roadway infrastructure is required to comply with ADA standards.

- C-18 The commenter states that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit, and provides contact information for obtaining an encroachment permit from Caltrans. This comment is acknowledged. The Project is not expected to affect Caltrans facilities necessitating a need for an encroachment permit; however, the Project Applicant would be required to obtain an encroachment permit from Caltrans if the Project would encroach onto Caltrans' Right-of-Way.
- C-19 The commenter provides concluding remarks, notes that the Local Development Review Office will serve as the primary contact moving forward, and provides contact information should the Town have any questions regarding this comment letter. The Town will continue to coordinate with the Caltrans and acknowledges Local Development Review Office as the point of contact.



COMMENT LETTER D

From: Jill McCormick <historicpreservation@quechantribe.com>
Sent: Tuesday, January 13, 2026 2:10 PM
To: Planning Main-VM <planning@applevalley.org>
Subject: Re: [EXTERNAL]:Notice of Availability of Apple Valley 84 Development Project Draft EIR (SCH 2025100104), Apple Valley

Good afternoon,
This email is to inform you that the Historic Preservation Office of the Ft. Yuma Quechan Tribe does not wish to provide comments on this project. We defer to the local Tribes and support their determinations on this matter.

Jill

H. Jill McCormick, M.A.
Historic Preservation Office
Ft. Yuma Quechan Indian Tribe

P.O. Box 1899
Yuma, AZ 85366-1899
Office: 760-919-3631
Cell: 928-920-6521

←
D-1
↓





COMMENT LETTER D

From: [Richard Hirsch](#)
To: [Nicole Morse](#)
Cc: [Amy Flores](#); [Tracy Chu](#)
Subject: FW: NOA Draft EIR for the Apple Valley 84 Project
Date: Monday, January 26, 2026 9:29:21 AM
Attachments: [Outlook-3xqpsjcs.png](#)

Hi Nicole,

Please see below for your records on this project’s DEIR.

Rick

From: Jill McCormick <historicpreservation@quechantribe.com>
Sent: Monday, January 26, 2026 8:34 AM
To: Richard Hirsch <rhirsch@interwestgrp.com>
Subject: NOA Draft EIR for the Apple Valley 84 Project

Good morning,

This email is to inform you that the Historic Preservation Office of the Ft. Yuma Quechan Tribe does not wish to provide comments on this project. We defer to the local Tribes and support their determinations on this matter. **Email correspondence is the preferred method of communication with this office. Hard copies of project letters are not required if an email containing the project documents has been sent to the Historic Preservation Office.**

Jill

H. Jill McCormick, M.A.
Historic Preservation Office
Ft. Yuma Quechan Indian Tribe
P.O. Box 1899
Yuma, AZ 85366-1899
Office: 760-919-3631
Cell: 928-920-6521

D-1
(CONT.)



COMMENT LETTER D





Responses to Comment D

Ft. Yuma Quechan Tribe, dated January 13, 2026 and January 26, 2026

D-1 The commenter states that the Historic Preservation Office of the Ft. Yuma Quechan Tribe does not wish to provide comments on the Project and concludes consultation efforts. The commenter adds that email correspondence is the preferred method of communication with the Historic Preservation Office of the Ft. Yuma Quechan Tribe. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.



COMMENT LETTER E

From: Christina Marsden Conley <christina.marsden@alumni.usc.edu>
Sent: Tuesday, January 13, 2026 2:38 PM
To: Planning Main-VM <planning@applevalley.org>
Subject: Re: Notice of Availability of Apple Valley 84 Development Project Draft EIR (SCH 2025100104), Apple Valley

Warning: Unusual sender <christina.marsden@alumni.usc.edu>
You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

We have no comment

E-1

- tehoovet taamet
CHRISTINA CONLEY
- Tribal Cultural Resource Administrator Under Tribal Chair, Robert Dorame
 - California Native American Heritage Commission contact
 - UCLA Scholar-in-Residence
 - CSUDH NAGPRA Oversight Committee
 - Natural History Museum: Native American Advisory Council
 - Catalina Tribal Coalition
 - First Peoples of LA Advisory Council Member
 - Coalition of California of State Tribes: Executive Board

<https://www.gtioc.org>
https://file.lacounty.gov/SDSInter/lac/1137966_AREPORTONHARMSCountyofLosAngeles.pdf



GABRIELINO TONGVA INDIANS OF CALIFORNIA
The Gabrielino Tongva Indians of California tribe is a direct descendant, traditionally and culturally recognized in the State of California as the aboriginal tribe to encompass the entire Los Angeles Basin area to Laguna Beach, extending to the Channel Islands of Santa Catalina, San Nicholas and San Clemente Islands

This e-mail transmission and any documents, files or previous e-mail messages attached to it, maybe privileged and confidential and is intended only for the use of the intended recipient of this message. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any review, disclosure, retention, copying, dissemination, distribution or use of any of the information contained in, or attached to this e-mail transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify me by return email or by telephone at the above number and delete the message and its attachments.



Responses to Comment E

Gabrielino Tongva Indians of California Tribe, dated January 13, 2026

- E-1 The commenter states that the Gabrielino Tongva Indians of California Tribe does not wish to provide comments on the Project and concludes consultation efforts. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.



COMMENT LETTER F

Mojave Desert Air Quality Management District

Brad Poiriez, *Executive Director*
 14306 Park Avenue, Victorville, CA 92392-2310
 760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD



January 28, 2026

Rick Hirsch
 Consulting Planner
 Town of Apple Valley
 14955 Dale Evans Parkway
 Apple Valley, CA 92307

Subject: Apple Valley 84 Warehouse Project DEIR

Dear Mr. Hirsch:

The Mojave Desert Air Quality Management District (District) has received the Request for Comments for the Apple Valley 84 Warehouse Project. The Project proposes the construction and operation of one industrial building totaling approximately 1,381,412 square feet (sf), including 30,000 sf of office space. Due to the speculative nature of the Project, cold storage has been assumed to account for potential future tenant needs. For the purposes of the analyses contained in the EIR, the Project mix assumes 10% general light industrial, 15% high-cube cold storage warehouse use, and 75% high-cube fulfillment (non-sort) center warehousing use. The Project would also include improvements along Stoddard Wells Road, Wrangler Road, and Johnson Road, including frontage landscaping and pedestrian improvements. Given the vacant, undeveloped nature of the Project site, both wet and dry utilities, including domestic water, sanitary sewer, storm drainage, and electricity, would need to be extended onto the Project site.

←
 F-1

We have reviewed the project as proposed and based on the information available to us at this time, the District recommends that the County requires the owner/operator obtain a Dust Control Plan (DCP) for the project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at <https://www.mdaqmd.ca.gov/permitting/compliance-forms>.

←
 F-2

Additionally, the District will require:

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.
- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

←
 F-3



COMMENT LETTER F

- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours.
- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: natural gas generators; internal combustion engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.
- Comply with all applicable provisions listed in Rule 403 – *Fugitive Dust Control*.
- The proponent should ensure all heavy-duty trucks comply with CARB (California Air Resources Board) idling and TRU regulations.
- An asbestos checklist is required for any demolition or renovation of existing facilities. MDAQMD asbestos informational flowchart and notification forms are available at <https://www.mdaqmd.ca.gov/permitting/asbestos-information>.

Lastly, the District encourages the Town of Apple Valley require the proponent to abide by the project mix (10% General Light Industrial, 15% High-Cube Cold Storage Warehouse use and 75% High-Cube Fulfillment (Non-Sort)) used in the DEIR as a binding condition of approval in any future tenant leases. Without guaranteed incorporation of DEIR project mix percentages, there is no guarantee actual emissions will mirror estimates used in the analyses.

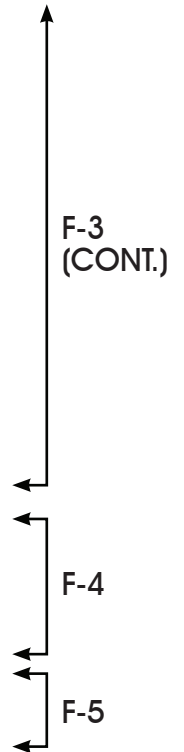
Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CJA/bg

Apple Valley 84 Project EIR CEQA Cmt 2026 22 Jan





Responses to Comment F

Mojave Desert Air Quality Management District, dated January 28, 2026

F-1 The commenter provides introductory remarks and summarizes the Project. This comment does not raise any issues concerning the environmental analysis provided in the Draft EIR and thus no further response is required.

F-2 The commenter recommends the lead agency require the owner/operator to obtain a Dust Control Plan for the Project. The Town of Apple Valley serves as the lead agency for this Project. As discussed in Section 4.2, *Air Quality*, of the Draft EIR, the Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 403, “Fugitive Dust Control” by implementing dust control measures during construction activities, including earth-moving activities, grading, and equipment travel on unpaved roads (refer to Page 4.2-22 of the Draft EIR). The following requirement to comply with Rule 403 will be added as a condition of approval for the Project.

Prior to grading permit issuance, the Town of Apple Valley shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by Town staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

- All clearing, grading, earth-moving, or excavation activities shall be reduced when winds exceed 25 miles per hour (mph) per MDAQMD guidelines in order to limit fugitive dust emissions. A reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.
- The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are subject to periodic watering for short-term stabilization of disturbed surfaces. Use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance.
- The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 mph or less.

F-3 The commenter states that the MDAQMD will require the following:

- Signage compliant with Rule 403 be erected at each Project site entrance no later than the commencement of construction.



- The usage of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions.
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours.
- The Project to comply with all applicable provisions listed in Rule 403 - Fugitive Dust Control.

Refer to Response to Comment F-2 above regarding the Project's compliance with Rule 403. This requirement will be added as a condition of approval for the Project. Thus, no further response is required.

The commenter also states that the MDAQMD will require the Project Applicant to obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including but not limited to: natural gas generators; internal combustion engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower. Based on information provided by the Project Applicant, it is anticipated that no generator will be used for the Project with the exception of emergency generators. The Project Applicant will obtain any applicable MDAQMD permits required for the implementation of the Project. Thus, no further response is required.

Additionally, the commenter states that the Project proponent must ensure all heavy-duty trucks comply with California Air Resources Board (CARB) idling and TRU regulations. As discussed in Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR, Mitigation Measures MM 4.7-12 will require truck idling on site to a maximum of 3 minutes, subject to exceptions defined by the CARB's commercial vehicle idling requirements, and Mitigation Measure MM 4.7-13 requires signage with anti-idling instructions, efficient load management, and anti-idling training to staff (see Page 4.7-36 of the Draft EIR). Therefore, the Project would comply with CARB's idling regulations.

The commenter states that an asbestos checklist is required for any demolition or renovation of existing buildings and provides information on the MDAQMD asbestos informational flowchart and notification forms. As discussed in Section 2.0, *Environmental Setting*, of the Draft EIR, the Project site wholly vacant and undeveloped, except for the concrete foundation of a removed structure located on the southerly part



of the site (refer to Page 2-8 of the Draft EIR). As discussed in Section 4.8, *Hazards and Hazardous Materials*, of the Draft EIR, the Project proposes demolition of the existing concrete however, a site reconnaissance and a historical and regulatory review identified no potential environmental concerns in association with the current or former use of the site (see Page 4.8-2 of the Draft EIR).

- F-4 The commenter states that the MDAQMD encourages the Town to require the proponent to abide by the Project mix (10% General Light Industrial, 15% High-Cube Cold Storage Warehouse use, and 75% High-Cube Fulfillment (Non-Sort)) used in the Draft EIR as a binding condition of approval in any future tenant leases. In response to this comment, the Town has added a condition of approval to the Project to limit cold storage use to no more than 207,211 square feet or a comparable amount of cold storage square footage that produces no greater adverse environmental effects than those disclosed in the EIR unless further studied under CEQA. If more than 207,211 square feet of cold storage square footage is proposed and analyzed and would produce greater adverse environmental effects than those disclosed in the EIR, an amendment to the Project approvals would be required, which would be subject to additional CEQA review.
- F-5 The commenter concludes the letter and provides contact information. The Town acknowledges Chris Anderson and Bertrand Gaschot as the contact person for the Mojave Desert Air Quality Management District. Thus, no further response is required.



COMMENT LETTER G



TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place, Coachella, CA 92236. Ph. 760.863.2444. Fax: 760.863.3449

February 20, 2026

Rick Hirsch, Consulting Planner
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

**RE: Notice of Availability of a Draft Environmental Impact Report for the Apple Valley 84 Project
(State Clearinghouse No. 2025100104)**

Dear Rick Hirsch,

This letter is regarding a consultation for CEQA and the Notice of Availability of a Draft Environmental Impact Report for the Apple Valley 84 Project (State Clearinghouse No. 2025100104). The proposed project involved applications for General Plan Amendment (GPA) 2024-001, Zone Change (ZC) 2024-007, Development Code Amendment (DCA) 2024-001, Development Permit (DP) 2025-013, Vesting Tentative Tract Map (VTM) No. 21034, and a Development Agreement. The Project proposes the construction and operation of one industrial building totaling 1,381,412 sf, including 30,000 sf of office space.

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

Additionally, the Tribe and THPO request the following: The Tribe and THPO look forward to working with the Town of Apple Valley on this project. This letter is not intended to be considered government to government consultation; it is a communication of possible concerns or comments regarding the project. Additional emails, letters, phone calls, virtual meetings, or in-person meetings may be requested. If you have any questions, please do not hesitate to contact Tribal Historic Preservation Office at (760) 863-2486 or email at Nicolas.Garza@29Palmsbomi-nsn.gov.

Sincerely,

Darrell Mike
Chairman, Twenty-Nine Palms Band of Mission Indians

G-1



Responses to Comment G

Twenty-Nine Palms Band of Mission Indians, dated February 20, 2026

G-1 The commenter states that the Twenty-Nine Palms Band of Mission Indians reviewed the project and determined that the Project is located within the Chemehuevi Traditional use Area. The commenter states that there are presently no known cultural resources located with the Project. However, there is potential for surface or buried archeological materials. The commenter states that the agency shall follow specific conditions for all cultural resources and looks forward to working with the Town on this Project. Pursuant to the commenter's request, Mitigation Measure 4.14-1 has been revised as follows to include the Twenty-Nine Palms Band of Mission Indians.

MM 4.14-1 Any culturally-affiliated Tribes (including the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department and/or Twenty-Nine Palms Band of Mission Indians) shall be contacted, as detailed in Mitigation Measure MM 4.4-1, of any pre-contact cultural resources discovered during grading activities, and be provided information regarding the nature of the find, so as to provide Tribal input with regard to significance and treatment. Should the find be deemed significant, as defined by CEQA, a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the Tribe, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents the Tribe for the remainder of the Project, should the Tribe elect to place a monitor on-site.

If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.



COMMENT LETTER H

From: Kristen Tuosto <Kristen.Tuosto@sanmanuel-nsn.gov>
Sent: Tuesday, January 20, 2026 1:57 PM
To: Richard Hirsch <rhirsch@interwestgrp.com>
Cc: David Contreras <dcontreras@applevalley.org>; Planning Main-VM <planning@applevalley.org>
Subject: RE: AB52 & SB18: Apple Valley 84 Bell Mountain Project, (YSMN)

Hello Richard,

Thank you for providing the requested reports, due to the nature and location of the proposed project, and given the CRM Department’s present state of knowledge, YSMN does not have any concerns with the project’s implementation, as planned, at this time. As a result, YSMN requests that the following language be made a part of the project/permit/plan conditions:

CUL MMs

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

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

3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.





COMMENT LETTER H

TCR MMs

1. The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era 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 shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

H-3

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

H-4

Note: Yuhaaviatam of San Manuel Nation realizes that there may be additional tribes claiming cultural affiliation to the area; however, Yuhaaviatam of San Manuel Nation can only speak for itself. The Tribe has no objection if the agency, developer, and/or archaeologist wishes to consult with other tribes in addition to YSMN and if the Lead Agency wishes to revise the conditions to recognize additional tribes.

H-5

Please provide a draft and the final copy of the project/permit/plan conditions so that YSMN may review the included language. If you should have any further questions with regard to this matter, please do not hesitate to contact me at your convenience, as I will be your Point of Contact (POC) for YSMN with respect to this project.

Regards,
Kristen



Responses to Comment H

Yuhaaviatam of San Manuel Nation, dated January 20, 2026

H-1 The commenter states that the Yuhaaviatam of San Manuel Nation (YSMN) determined that after review of the Draft EIR and supporting documentation, there are no comments or concerns with the Project. The commenter offered recommended mitigation measures for both cultural resources and tribal cultural resources. Refer to Responses to Comment H-2 to H-4 for the commenter’s recommendations.

H-2 The commenter requests that the YSMN be notified and consulted in the event of an inadvertent discovery during Project implementation. Pursuant to the commenter’s request, Mitigation Measures MM 4.4-1 and MM 4.4-2 have been revised accordingly. The revised mitigation measures further support the conclusions in the Draft EIR and is not evidence of a new or greater impact not previously disclosed.

Additionally, as discussed in Section 4.4, *Cultural Resources*, of the Draft EIR, if human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5 “Disturbance of Human Remains.” According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner is required to contact the NAHC by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code § 5097.98, any potential impacts to human remains, including human remains of Native American ancestry, that may result from development of the Project would be less



than significant (see Pages 4.4-13 to 4.4-14 of the Draft EIR). However, pursuant to the commenter's request, Mitigation Measure MM 4.14-1 has been revised to include the commenter's suggestion which would continue to ensure impacts to human remains remain less than significant.

MM 4.4-1 Prior to the issuance of a grading permit, the Project Applicant shall retain a Registered Professional Archaeologist, meeting Secretary of Interior standards, ("Project Archaeologist") subject to the approval of the Town to be on-call during all mass grading and trenching activities. The Project Archaeologist's responsibilities include, but are not limited to, performing the tasks that require the need for a qualified archaeologist pursuant to Mitigation Measures MM 4.4-2 through MM 4.4-3 below.

In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and the Project Archaeologist shall be contacted to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, any culturally-affiliated tribes (including the Yuhaaviatam of San Manuel Nation Cultural Resources Department [YSMN]) shall be contacted as detailed within Mitigation Measure MM 4.14-1, regarding any pre-contact finds and be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment.

MM 4.4-2 If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, that includes performance standards identified in Mitigation Measure MM 4.4-3. The drafts of which shall be provided to any consulting tribes (including YSMN) for review and comment, as detailed within Mitigation Measure MM 4.14-1. The Monitoring and Treatment Plan shall be subject to final approval by the Town of Apple Valley Planning Department. The Project Archaeologist shall monitor the remainder of the Project and implement the Plan accordingly.

MM 4.14-1 Any culturally-affiliated Tribes (including the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department and/or Twenty-Nine Palms Band of Mission Indians) shall be contacted, as detailed in Mitigation Measure MM 4.4-1, of any pre-contact cultural resources discovered during grading activities, and be provided information



regarding the nature of the find, so as to provide Tribal input with regard to significance and treatment. Should the find be deemed significant, as defined by CEQA, a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the Tribe, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents the Tribe for the remainder of the Project, should the Tribe elect to place a monitor on-site.

If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.

H-3 The commenter requests that YSMN be contacted of any pre-contact and/or historic era cultural resources discovered during project implementation. As discussed in Section 4.14, *Tribal Cultural Resources*, of the Draft EIR, Mitigation Measure MM 4.14-1 includes YSMN as a tribal contact for the Project (see Page 4.14-10 of the Draft EIR); thus, no further response is required.

H-4 The commenter recommends the addition of a mitigation measure to address the dissemination of any and all archaeological/cultural documents created as a part of the Project to YSMN, the Project applicant, and Lead Agency. Pursuant to the commenter's request, Mitigation Measure MM 4.14-2 has been added to Section 4.14, *Tribal Cultural Resources*.

MM 4.14-2 Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant and Town for dissemination to the culturally-affiliated Tribes (including) YSMN. The Town and/or Project Applicant shall, in good faith, consult with the Tribes (including YSMN) throughout the life of the Project.

H-5 The commenter requests a final copy of the Project/permit/plan conditions for YSMN to review the included language. Notice of public hearings and a copy of the Final EIR will be distributed to YSMN 10 days prior to the public hearing on the Project. Additionally, the Town acknowledges Kristen Tuosto as the contact person for YSMN. Thus, no further response is required.



COMMENT LETTER I

February 17, 2026

Advocates for the Environment

Rick Hirsch
Consulting Planner
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

A non-profit public-interest law firm
and environmental advocacy organization



Via U.S. Mail and email to rhirsch@interwestgrp.com

Re: Comments on Draft Environmental Impact Report for Apple Valley 84 Project, SCH No. 2025100104

Dear Mr. Hirsh:

Advocates for the Environment submits the comments in this letter regarding the Draft Environmental Impact Report (DEIR) for the Apple Valley 84 Project (Project). The Project Site is located by Johnson Road to the north, Grasshopper Road to the east, and Stoddard Wells Road to the south in the town of Apple Valley (Town). The Project proposes to develop the 92.73-acre Project Site by constructing one industrial building totaling 1,381,412 square feet. We have reviewed the DEIR prepared in January 2026 and submit comments regarding the sufficiency of the DEIR's Greenhouse-Gas (GHG) analysis under the California Environmental Quality Act (CEQA).

1-1

The Town Should Require the Project to be Net-Zero

Given the current regulatory context and technological advancements, a net-zero significance threshold is feasible and extensively supportable. GHG emissions from buildings, including indirect emissions from offsite generation of electricity, direct emissions produced onsite, and from construction with cement and steel, amounted to 21% of global GHG emissions in 2019. (IPCC Sixth Assessment Report, Climate Change 2022, WGIII, Mitigation of Climate Change, p. 9-4.) This is a considerable portion of global GHG emissions. It is much more affordable to construct new building projects to be net-zero than to obtain the same level of GHG reductions by expensively retrofitting older buildings to comply with climate change regulations. Climate damages will keep increasing until we reach net zero GHG emissions, and there is a California state policy requiring the state to be net-zero by 2045. It therefore is economically unsound to construct new buildings that are not net-zero.

1-2

Environmental groups have achieved tremendous outcomes by litigation under CEQA. Two of the largest mixed-use development projects in the history of California, Newhall Ranch (now FivePoint Valencia), and Centennial (part of Tejon Ranch) decided to move forward as net-zero communities after losing CEQA lawsuits to environmental groups. The ability for these large projects

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 dw@aenv.org



COMMENT LETTER I

Town of Apple Valley
 CEQA Comments on Apple Valley 84 Project

Page 2
 February 17, 2026

to become net-zero indicates that it is achievable, even for large-scale developments. The Applicant for this Project should do the same.

We urge the Town to adopt net-zero as the GHG significance threshold for this project. This threshold is well-supported by plans for the reduction of GHG emissions in California, and particularly the CARB Climate Change Scoping Plans. The CARB 2017 Scoping Plan states that “achieving no net additional increase in GHG emissions, resulting in no contribution to GHG impacts, is an appropriate overall objective for new development.” (CARB 2017 Scoping Plan, p. 101.) Additionally, the CARB 2022 Scoping Plan reaffirms the necessity of a net zero target by expressing: “it is clear that California must transition away from fossil fuels to zero-emission technologies with all possible speed ... in order to meet our GHG and air quality targets.” (CARB 2022 Scoping Plan, p. 184.) CARB further encourages a net-zero threshold in its strategies for local actions in Appendix D to the 2022 Scoping Plan. (CARB 2022 Scoping Plan, Appendix D p. 24-26.)

Moving this Project forward as a net-zero project would not only be the right thing for the Town to do, but also would also help protect the Town and the Applicant from CEQA GHG litigation.

1-2
 (CONT.)

GHG Mitigation is Insufficient under CEQA

The calculated project-related emissions amount to 18,176.56 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year (DEIR, p. 4.7-30). The Town adopted a significance threshold based on Appendix G of the CEQA Guidelines. Based on this threshold, Town concluded the Project would have significant GHG emissions. To reduce this identified significant GHG impact, the GHG Analysis offered GHG Mitigation Measures (MM-GHG) 4.7-1-4.7-19. (DEIR, p. 4.7-33-4.7-38.)

The DEIR did not include any quantitative estimate of the effectiveness of the proposed mitigation in reducing GHG emissions, nor did it provide evidence that there was no further feasible mitigation, stating there are “no feasible mitigation measures beyond the measures identified... that would reduce Project operational-source GHG emissions.” (DEIR, p. 4.7-38.) Despite the availability of other GHG mitigation measures, the DEIR declared that the Project’s emissions would remain significant and unavoidable even after the adoption of all feasible mitigation measures. However, the DEIR’s conclusion that additional mitigation measures would be infeasible is not supported by substantial evidence, the DEIR should have included more mitigation to reduce the Project’s GHG emissions to the extent required by CEQA.

1-3

The EIR Identifies Ineffective and Insufficient Mitigation Measures

MM-GHG 4.7-17 is unlikely to be effective because the measure only mandates providing information to promote alternative fuels and help support clean truck fleets without establishing clear methods to ensure tenants receive, understand, or act upon the information. (DEIR, p. 4.7-38.)

1-4

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 dw@aenv.org



COMMENT LETTER I

Town of Apple Valley
 CEQA Comments on Apple Valley 84 Project

Page 3
 February 17, 2026

Merely providing documentation is unlikely to contribute to effective changes in tenant behavior without additional enforceable measures. The Town should change this measure to make it more enforceable by contracting with the future tenant to require them to apply and join the programs in good faith and to use any granted funding accordingly. Ultimately, this mitigation measures should be revised to require the level of effectiveness required by CEQA, which is to the extent feasible to achieve fair share mitigation.

1-4
 (CONT.)

Infeasibility Finding Lacks Substantial Evidence

The conclusion that the Project will not be able to achieve any mitigation beyond which was identified in the proposed mitigation measures is not supported with substantial evidence. The DEIR should have proposed more mitigation measures to be applied to the maximum-feasible extent in order to justify the conclusion that the Project’s GHG impact would be unavoidable due to lack of feasibility of further mitigation. While the proposed mitigation measures are a good start, the Town did not demonstrate that these actions would represent the maximum feasible mitigation to support a finding that the Project’s impact would be significant and unavoidable.

1-5

There are other readily available mitigation measures, especially considering that about 83% of the Project’s GHG impact originates from mobile emissions. (DEIR, p. 4.7-30.) For instance, the DEIR notes that they cannot further reduce GHG emissions because “Neither the Project Applicant nor the Town have regulatory authority to control tailpipe emissions.” (DEIR, p. 4.7-38.) Yet, the Town and Applicant together can commit to design and technology specifications that reduce emissions, especially in the heavy-duty truck and transportation vehicle fleets. The Town could require that the applicant’s lease agreements include provisions to limit the use of heavy-duty diesel trucks or require that the tenant’s vehicle fleet use non-diesel fuels such as gasoline, ethanol, or biofuels. Another feasible mitigation measure would require the applicant to enter a contract with future tenants to use zero-emission commercial vehicles upon reasonable availability and maintain a charging system for the vehicle fleet that is powered by solar panels on the Project site. This kind of mitigation is both feasible and necessary to offset the Project’s fair share of emissions. Consequently, substantial evidence did not support the conclusion that further mitigation is infeasible.

1-6

The Project’s GHG Impacts Must be Fully Mitigated

CEQA requires that the Project include fair-share mitigation for all significant cumulative impacts. (*Napa Citizens for Honest Gov’t v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 364.) Here, this means mitigation of the full extent of the Project’s GHG impacts. The DEIR claims that no other mitigation measures are feasible, beyond the identified mitigation measures. But that conclusion is incorrect, and not supported by substantial evidence.

1-7

The amount of GHG emissions that comprises the Project’s fair share is clear. The reasonable lifespan this Project is approximately 30 years, as indicated by the amortization of construction

10211 Sunland Blvd., Shadow Hills, CA 91040 (818) 650-0030 X101 dw@aenv.org



COMMENT LETTER I

Town of Apple Valley
 CEQA Comments on Apple Valley 84 Project

Page 4
 February 17, 2026

emissions. (DEIR, p. 4.2-28.) Therefore, the Project would likely contribute around 545,00 MTCO_{2e} during its entire lifespan.¹ This would be a good starting point from which to subtract the effect of additional non-offset mitigation measures, before implementing offset purchases.

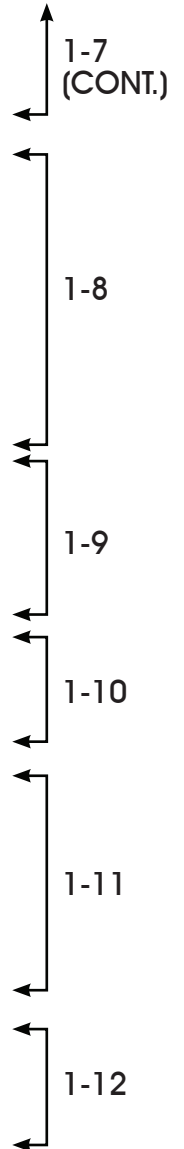
CEQA does not distinguish between mobile and non-mobile sources of GHG emissions; the lead agency can mitigate cumulative GHG impacts through any measure. In addition to implementing zero-emission vehicle fleets to the extent feasible, more mitigation options for reducing the GHG impact of project operations include: (1) exclusive use of electric-powered equipment in construction; (2) requiring all emergency generators to be powered by non-diesel fuel; and (3) installing solar water heaters, among many other mitigation strategies that can be incorporated in the Project as design features or as mitigation measures. Such features could be adopted individually or as part of a comprehensive goal of sustainable building certification, such as Leadership and Energy and Environmental Design (LEED), that extends further beyond CALGreen requirements.

The DEIR does not consider the use of electric or hybrid construction equipment as a feasible mitigation measure. This Project will rely on diesel-powered construction equipment, which contributes substantially to GHG emissions. (DEIR, p. 4.5-15.) Incorporating electric vehicle (EV) or hybrid construction equipment would reduce both short-term construction emissions and long-term operational emissions.

The Project also accounts for the possibility of refrigerated uses and trucks with cold storage. (DEIR, p. S-3.) However, there is no proposed mitigation for warehouse refrigeration storage. The Town should commit to low-warming HFCs or other alternatives to traditional coolants, as well as energy-efficient refrigeration systems.

Beyond addressing these gaps, the Project could expand on existing mitigation measures. The DEIR indicates that the Project will commit to on-site solar generation sufficient to meet at least 75% of the Project's total operational energy requirements. (DEIR, p. 4.7-33.) However, the measure does not specify how much solar will be installed. It is feasible to install solar panels across the maximum available surface area of the roof. Furthermore, this measure could be extended to require solar panels capable of offsetting 100% of the buildings' energy demands, which would enhance the effectiveness and decrease GHG emissions overall.

Even after implementing on-site emissions reductions to the maximum-feasible extent, the Town could also require the Applicant to purchase offsets to the extent necessary to mitigate the Project's emissions to the fair share extent. Overall, there are more options available to mitigate emissions to the full extent of project emissions.



¹ 18,176.56 MTCO_{2e} per year × 30 years = 545,296.8 MTCO_{2e}



COMMENT LETTER I

Town of Apple Valley
CEQA Comments on Apple Valley 84 Project

Page 5
February 17, 2026

Conclusion

The DEIR fails to require all feasible mitigation, despite concluding that the significant GHG impact will be unavoidable. The lead agency has not met its burden of showing that such measures are infeasible, and therefore the DEIR should be amended to reflect all feasible mitigation to the fair-share extent. Please put me on the interest list to receive updates about the progress of this Project. We make this request under Public Resources Code, section 21092.2.

←
1-13
←

Sincerely,

Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment



April 9, 2026

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



Rick Hirsch
Consulting Planner
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

Via email to rhirsch@interwestgrp.com

re: Withdrawal of comment letter on the Apple Valley 84 Project, SCH No.
2025100104

Dear Mr. Hirsch:

On February 17, 2026, Advocates for the Environment submitted a CEQA comment letter regarding the proposed the Apple Valley 84 Project, to be developed in the Town of Apple Valley.

We have reached a settlement with the developer of that project, and withdraw the comments we submitted in our February 17, 2026 letter. We no longer oppose the Apple Valley 84 Project.

Sincerely,

Dean Wallraff, Attorney at Law
Executive Director, Advocates for the Environment

←
1-14
←

10211 Sunland Blvd., Shadow Hills, CA 91040. (818) 650-0030 X101 dw@aenv.org



Responses to Comment 1

Advocates for the Environment, dated February 17, 2026 and April 9, 2026.

- 1-1 The commenter provides a brief introduction and states that the comments are regarding the sufficiency of the Draft EIR’s greenhouse gas (GHG) analysis under CEQA. Refer to Response to Comment 1-2 through 1-13, below, for responses to specific comments raised by the commenter.
- 1-2 The commenter asserts that the Project’s potential impacts due to GHG emissions should have relied on a net-zero significance threshold, asserts that development of buildings contribute a large portion of global GHG emissions, notes that it is State policy to achieve net zero by 2045, identifies two residential developments in other parts of California that were able to achieve net zero, provides several citations to the California Air Resources Board (CARB) 2022 Scoping Plan, and again reasserts the commenter’s opinion that the Project should be designed to be net zero.

First, while it is acknowledged that CARB has established a “net-zero” target for the State, there is no requirement for individual developments to achieve a net-zero GHG contribution on a project-by-project basis. The Project would conform with all existing and future applicable GHG emissions reductions policies and regulations and incorporates mitigation that would control and reduce GHG emissions to the extent feasible and consistent with Town requirements. As such, the Project promotes attainment of CARB’s statewide net-zero target. In addition, it is noted that the two developments cited by this commenter as achieving net zero emissions both consist of mixed-use residential development projects, and neither of these developments include warehouse uses with associated heavy-duty truck trips.

As shown in Table 4.7-4 of the Draft EIR, 77.2% of the Project’s overall GHG emissions would be due to mobile source emissions. Neither the Project Applicant nor Town of Apple Valley have the ability to regulate emissions from tailpipes, as the federal government and the State of California are the only entities capable of regulating tailpipe emissions. Moreover, it would not be feasible to impose a requirement that all of the Project’s heavy-duty trucks must be fully electric vehicles.

While the Town acknowledges that use of zero-emission trucks would reduce Project-related vehicular-source emissions, the commercial availability of zero-emission long-haul vehicles to exclusively serve the Project is, at best, limited at present, for a variety of reasons. First, there is not enough electrical grid power to sustainably charge these trucks. For example, one trucking company tried to electrify just 30 trucks at a terminal in Joliet, Illinois. Shortly after this plan began, local officials shut it down, commenting



that it would draw more electricity than is needed to power the entire city.² Even more relevant, a California company attempted to electrify 12 forklifts, which require significantly less power than trucks. Local power utilities told the California company that it was not possible.³ A May 2023 publication of Resources for the Future, titled *Medium- and Heavy-Duty Vehicle Electrification: Challenges, Policy Solutions, and Open Research Questions*, reported that medium- and heavy-duty electric vehicles (“MHDEVs”) charging (which may exceed several megawatts [MWs] of demand for large fleets) could destabilize electricity distribution systems. Additionally, due to logistical and operational barriers, MHDEVs must be comparable to diesel vehicles in model options, range, recharge time, payloads, and maintenance.⁴ However, considering current technologies, MHDEVs generally have ranges below 200 miles, versus more than 1,000 miles for diesel vehicles.⁵ Additionally, recharge times are substantially longer than diesel refueling. For example, a clean diesel truck can spend 15 minutes fueling anywhere in the country and then travel about 1,200 miles before fueling again.⁶ In contrast, today’s long-haul battery electric trucks have a range of about 150-330 miles and can take up to 10 hours to charge.⁷ Moreover, fleets without a charging depot will need to rely on public charging stations. In addition to the barriers described above, zero-emission trucks are much more costly to fleet owners. A new, clean-diesel long-haul tractor typically costs in the range of \$180,000 to \$200,000.⁸ Meanwhile, a comparable battery-electric tractor – with a quarter of the range and thus requiring frequent and long hours of charging – costs upwards of \$480,000.^{9,10} In addition, each charging station installation can exceed \$100,000¹¹ and public charging stations and required infrastructure for such charging is not widely available.¹²

Additionally, there is a significant constraint in sourcing enough raw minerals needed to produce the lithium-ion batteries used in zero-emission trucks. For example, tens of millions of tons of cobalt, graphite, lithium, and nickel will need to be produced.¹³ It is

² <https://www.trucking.org/news-insights/heavy-dose-reality-electric-truck-mandates>

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ https://media.rff.org/documents/Report_23-03_v3.pdf

¹² <https://www.ccjdigital.com/alternative-power/battery-electric/article/15545697/charging-forward-with-electric-truck-charging-stations>

¹³ <https://www.trucking.org/news-insights/heavy-dose-reality-electric-truck-mandates>



estimated that it could take up to 35 years to acquire all the minerals needed to generate enough truck batteries for current levels of global production.¹⁴ Additionally, expanding capacity and sourcing this amount of material creates environmental effects, that in some respects could exceed the emissions of current clean-diesel trucks.¹⁵

California's zero-emission trucking regulations have been challenged by numerous other states as an unconstitutional restraint on interstate commerce and are at least partially unenforceable while the legal challenges are pending and could ultimately be determined to be unlawful. Accordingly, because fully electric trucks are not feasible at this time for the reasons noted above, and because the vast majority of the Project's GHG emissions would be generated from mobile sources, it is concluded that there are no feasible mitigation measures available to reduce the Project's GHG impacts to below a level of significance. However, in an effort to reduce operational emissions to the extent feasible and commit to zero-emission vehicles in the future, the following mitigation measures are added to the Project.

MM 4.7-20 The Project shall implement the following measures in order to reduce operational off-road equipment, stationary source, and on-road vehicle air pollutant emissions to the extent feasible:

- All diesel-fueled emergency generators shall be equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors.
- In anticipation of a transition to zero emissions truck fleets during the lifetime of the Project, at least four heavy-duty truck vehicle charging stations shall be installed on-site by the later of 2030 or whenever electric power is both available and is no more than 25% more expensive than diesel or gasoline.
- All heavy-duty vehicles engaged in drayage to or from the Project site shall be zero emission by the later of 2030 or whenever electric

¹⁴ *Id.*

¹⁵ *Id.*



power is both available and is no more than 25% more expensive than diesel or gasoline.

- Meal options on site or shuttles between the facility and nearby meal destinations shall be provided, as feasible.
- Vegetation and tree canopy in and around the Project site shall be improved and maintained in accordance with the approved landscaping plan.

MM 4.7-21 The following measures shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:

- Train staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request;
- Enroll in the U.S. Environmental Protection Agency's SmartWay program, and if tenant owns, operates, or hires trucking carriers with more than 10 trucks to use carriers that are SmartWay carriers, as feasible.

Additionally, the following mitigation measures will be revised as follows:

MM 4.7-5 As a condition of certificates of occupancy, all on-site cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be required to be powered by electricity. Each building shall include the necessary charging stations or other necessary infrastructure for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.

MM 4.7-6 **Electrical Infrastructure for Electric Equipment and Vehicles.** The Project shall be designed to include electrical infrastructure to accommodate the required number of electric vehicle (EV) charging stations, the anticipated number charging stations for electric cargo handling equipment, and the potential installation of additional automobile and truck EV charging stations per Title 24, Part 11: California



Green Building Standards Code (CALGreen). Electrical conduit shall be installed within reasonable locations (e.g., parking areas, at or near dock doors) at the time of building construction to satisfy this requirement. The Project's electrical rooms shall be of sufficient size to accommodate the upsizing of electrical equipment to accommodate potential future electrical loads for electric truck charging stations at such time this technology becomes commercially available.

- MM 4.7-7 **EV Charging Stations.** Prior to issuance of a Certificate of Occupancy, Level 2 (or faster) EV charging stations shall be installed on-site for employees for the percentage of employee parking spaces commensurate with CALGreen requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By the later of 2030 or whenever sufficient electric power is both commercially available and is no more than 25% more expensive than diesel or gasoline, Level 2 (or faster) electric vehicle charging stations shall be installed for 25% of the employee parking spaces required.

There are no additional feasible mitigation measures available to reduce the Project's GHG impacts to below a level of significance. Furthermore, the commenter's suggestion to adopt and implement a Town-wide "net-zero GHG emission threshold" is beyond the scope of the Project and the Project's EIR. However, additional mitigation measures have been added to the Project in order to facilitate the anticipation of zero-emission vehicles in the future. The revised and additional mitigation measures further support the conclusions in the Draft EIR and are not evidence of a new or greater impact not previously disclosed.

- 1-3 The commenter states that the Draft EIR did not include any quantitative estimate of the effectiveness of the proposed mitigation in reducing GHG emissions and does not provide evidence that no further feasible mitigation is available. The commenter asserts that the Draft EIR does not provide rationale as to why existing regulations and the proposed mitigation measures would be the only feasible mitigation for the Project. Additionally, the commenter states that other GHG mitigation measures are available and concludes that the Draft EIR should include additional mitigation to reduce GHG emissions to the extent required by CEQA.

Refer to Response to Comments 1-2 and 1-8 for additional mitigation measures that have been incorporated into the Project. As discussed in Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR, Mitigation Measures MM 4.7-1 through MM 4.7-19 would reduce operational emissions by reducing the Project's water and energy consumption



with measures such as on-site solar generation, Energy Star-rated appliances, low-water use appliances and fixtures, and drought-tolerant plants, implementing solid waste reduction measures, using electrical cargo handling equipment, installing EV charging stations, reducing idling and queuing on public streets, reducing fugitive dust, and using zero-emission light- and medium-duty trucks. While Mitigation Measures MM 4.7-1 through MM 4.7-19 are identified as part of the Project and are expected to contribute to reductions in operational emissions, the reductions associated with these measures cannot be guaranteed. Therefore, as a conservative measure, emission credits or reductions from the implementation of these measures are not presented. The predominance of the Project's operational-source emissions are generated by passenger cars and trucks accessing the Project. Neither the Project Applicant nor the Town have regulatory authority to control tailpipe emissions, and no feasible Mitigation Measures beyond the measures identified herein exist that would reduce Project operational-source GHG emissions to levels that are less-than-significant. Therefore, impacts would remain significant and unavoidable (see Page 4.7-38 of the Draft EIR).

- 1-4 The commenter states that Mitigation Measure MM 4.7-17 is unlikely to be effective because the measure only mandates providing information to promote alternative fuels and help support clean truck fleets without establishing clear methods to ensure tenants receive, understand, or act upon the information and recommends revisions to make the mitigation measure more enforceable. As discussed in Response to Comment 1-2 above, Mitigation Measure MM 4.7-20 has been added to the Project and will require enrollment to the SmartWay program and attendance at CARB-approved courses to reduce emissions from trucks. Thus, no additional mitigation measure is required.
- 1-5 The commenter states that the Draft EIR should have proposed more mitigation measures to be applied to the maximum-feasible extent in order to justify the conclusion that the Project's GHG impact would be unavoidable. Refer to Response to Comment 1-2 above, regarding the additional mitigation measures added to the Project.
- 1-6 The commenter identifies a recommended mitigation measure mandating that the applicant's lease agreements include clauses limiting the use of heavy-duty diesel trucks or requiring tenants' vehicle fleets to use non-diesel fuels. The commenter further asserts that the applicant should be required to enter into an agreement for a zero-emission heavy-duty truck fleet to the extent feasible and also maintain a charging system for the fleet which is powered by solar panels on the Project site.

With respect to the commenter's assertion that all Project trucks should consist of zero-emission vehicles, the commenter is referred to the Response to Comment 1-2 which explains why such a requirement is not feasible at this time and the additional mitigation



measures added to the Project to ensure the Project's future commitment to zero-emission vehicles.

With respect to a requirement for non-diesel trucks, while natural gas-powered trucks can solve many of the limitations that currently make battery electric trucks infeasible, natural gas-powered trucks that meet CARB's 0.02 g/BHP-hr NO_x standard currently are in limited supply, and suffer from increased cost and limited refueling options compared to conventional diesel-powered trucks. Compared to conventional diesel trucks, the upfront cost of a compressed natural gas (CNG) truck is approximately \$10,000 higher, and this cost is significantly higher for liquefied natural gas (LNG) trucks¹⁶. While refueling infrastructure for CNG and LNG trucks is more mature than charging stations for battery electric trucks, there remains significantly fewer refueling options compared to diesel. It is estimated that there are currently approximately 200 public-access CNG refueling stations in California, Nevada, and Arizona, with significantly fewer available for LNG trucks¹⁷. Another potential issue with natural gas trucks is that challenges remain in meeting CARB's 0.02 g/BHP-hr NO_x emissions standard. According to a recent study funded by the South Coast Air Quality Management District (SCAQMD), the California Energy Commission (CEC), the California Air Resources Board (CARB) and SoCal Gas, a majority of natural gas trucks that were certified to meet the 0.02 g/BHP-hr NO_x standard failed to meet achieve this standard in real-world use, and NO_x emissions increased significantly as the engines and aftertreatment devices aged¹⁸. In order to address these increased emissions and the potential for these trucks to become high emitters as they age, CARB implemented the Heavy-Duty Inspection and Maintenance (HD I/M) program for trucks. These factors introduce the potential for increased downtime and maintenance costs for natural gas trucks compared to their diesel-powered counterparts. Additionally, trucks powered by hydrogen also would not be feasible at this time. According to the Department of Energy (DoE) Alternative Fuels data center, the nearest fueling station for hydrogen-powered vehicles is located at 1850 E Blot Blvd. in the City of Ontario, or approximately 52 roadway miles from the Project site.¹⁹ As further noted by the DoE's Office of Energy Efficiency & Renewable Energy, the use of hydrogen fuel cells also is limited due to current fuel cell costs and durability; due to lack of hydrogen storage facilities; and a lack of hydrogen production and delivery²⁰.

¹⁶ <https://theicct.org/sites/default/files/publications/low-nox-hdvs-compared-sept21.pdf>

¹⁷ <https://ca-cta.org/renewable-transportation-fuels/fueling-options/>

¹⁸ https://ww2.arb.ca.gov/sites/default/files/2021-04/Natural_Gas_HD_Engines_Fact_Sheet.pdf

¹⁹ https://afdc.energy.gov/fuels/hydrogen_stations.html

²⁰ <https://www.energy.gov/eere/fuelcells/technology-validation>



Accordingly, for the foregoing reasons the Town finds that a requirement that all Project trucks must be fueled by non-diesel sources would not be feasible at this time.

- 1-7 The commenter asserts that CEQA requires fair-share mitigation for cumulatively-considerable impacts, calculates the Project’s total emissions over a 30-year period, and asserts that the Project’s level of unmitigated GHG emissions should be used to determine appropriate additional mitigation measures before implementing offset purchases.

There is no established or viable mechanism for the Project Applicant to purchase carbon emissions offsets. Although it is generally true that it is possible to purchase carbon offsets, recent Court of Appeal decisions have cast considerable doubt on the use of such offsets to mitigate GHG impacts from land use development projects. In *Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, the Court of Appeal invalidated a mitigation measure that required the purchase of offsets from a “CARB-approved registry, such as the Climate Action Reserve, the American Carbon Registry, and the Verified Carbon Standard.” (Id. at 510.) Although the court insisted its decision “should not be construed as blanket prohibition on using carbon offsets” to mitigate GHG emissions under CEQA, it found numerous flaws with the measure at issue and failed to provide a clear roadmap for how to craft a similar valid measure. The court also declined to express an opinion on a number of issues, including whether offsets could potentially be used to mitigate more than 8 percent of a project’s emissions and the extent to which out-of-county offsets could be used. (Id. at 503, 513, n. 27.) Subsequent to *Golden Door*, another measure requiring the purchase of offsets was similarly found to be invalid in an unpublished Court of Appeal decision, with the court finding the measure’s inclusion of additional standards for offsets did “not cure the defects found in *Golden Door*.” (*Sierra Club v. County of San Diego* (Dec. 21, 2021, No. D077548) 2021 WL 6050624, at *11.) In light of such uncertainty, the Town finds that carbon offsets are not a feasible method for mitigating the Project’s GHG emissions.

In addition, it should be noted that the vast majority of emissions that would be generated by the Project, including mobile emissions and energy emissions, are subject to the California Cap and Trade program, which places an economy-wide “cap” on major sources of greenhouse gas (GHG) emissions, such as refineries, power plants, industrial facilities and transportation fuels. For example, “Fuel suppliers’ are responsible for the carbon pollution from fuels under the Cap-and-Trade Program” and thus must acquire



“allowances” to cover all carbon pollution from such fuels²¹. They may also purchase certain approved offsets to fulfill up to 8 percent of their compliance obligation. (See *Golden Door* at 485.) Given the vast majority of the emissions that would be generated by the Project are covered by Cap and Trade and thus are already subject to a regulatory program that includes offsets, the Town finds it would be inappropriate and infeasible to use offsets to mitigate such emissions. Rather, mitigation measures should focus on reducing emissions from the Project.

Indeed, *Golden Door* and other cases make clear that the purchase of offsets is not a substitute for avoiding emissions and that measures that result in actual reductions in emissions from a development project are preferable to attempting to offset emissions via offsets. Thus, the Draft EIR requires that the Project implement numerous mitigation measures designed to reduce the Project’s GHG emissions. For the reasons discussed above, the Town’s experts disagree that the purchase of carbon offsets is a feasible or appropriate way to mitigate the Project’s remaining GHG emissions.

- 1-8 The commenter recommends mitigation measures for (1) exclusive use of electric-powered equipment in construction; (2) requiring all emergency generators to be powered by non-diesel fuel; and (3) installing solar water heaters as part of LEED certification. Refer to Response to Comment 1-2 above regarding the addition of Mitigation Measure MM 4.7-20 which includes emergency generators to be equipped with CARB Tier 4 complaint engines. Additionally, pursuant to the commenter’s request, the following mitigation measures will be added to the Project.

MM 4.7-22 The following measures shall be implemented to reduce off-road equipment exhaust and off-site mobile source emissions during construction:

- Require all generators, and all diesel-fueled off-road construction equipment greater than 75 horsepower, to be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. An exemption from these requirements may be granted by the Town of Apple Valley in the event that the applicant

²¹ California Air Resources Board, FAQ for Fuel Purchasers. https://ww2.arb.ca.gov/sites/default/files/cap-and-trade/guidance/faq_fuel_purchasers.pdf



documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment (for example, another piece of equipment can be replaced with a zero-emission equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Final standards). Before an exemption may be considered by the Town, the applicant shall be required to demonstrate that at least two construction fleet owners/operators in the San Bernadino Region were contacted and that those owners/operators confirmed Tier 4 Final or better equipment could not be located within the San Bernardino Region. To ensure that Tier 4 Final construction equipment or better would be used during the proposed Project's construction, the applicant shall include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.

- Provide infrastructure for zero-emission off-road construction equipment if the contractors selected to construct the Project plan to use zero-emission off-road construction equipment.
- Provide electrical hook ups to the power grid, rather than diesel fueled generators, for contractors' electric construction tools, such as saws, drills and compressors. In applicable bid documents and contracts with contractors selected to construct the Project, include language requiring all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers, etc.) used during Project construction to be electric.
- Require construction equipment to be turned off when not in use.
- Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11. Prohibit off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day, as feasible.
- Designate an area in the construction site where electric-powered construction vehicles and equipment can charge, as feasible.



- Keep on site and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, as feasible.
- Conduct an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts, as feasible.
- Provide information on transit and ridesharing programs and services to construction employees, as feasible.
- Provide meal options on site or shuttles between the facility and nearby meal destinations for construction employees, as feasible.

MM 4.7-23 The Project shall be designed to include the following:

- Be able to achieve Leadership in Energy and Environmental Design (LEED) certification and meet or exceed California Green Building Standards (CalGreen) Tier 2 standards in effect at the time of building permit application. Documentation shall be provided to the Town of Apple Valley demonstrating that the Project meets this requirement prior to the issuance of building permits.
- Include the application of surface treatments (such as PURETi Coat or PlusTi) on impervious ground surfaces that lessen impervious surface-related radiative forcing.
- Include high efficiency particulate air (HEPA) air filtration systems within in all warehouse facilities.

The additional mitigation measures further support the conclusions in the Draft EIR and are not evidence of a new or greater impact not previously disclosed.

- 1-9 The commenter states that the Draft EIR does not consider the use of electric or hybrid construction equipment as a feasible mitigation measure. Refer to Response to Comment 1-8 above, regarding the additional mitigation measure MM 4.7-22 that has been added to the Project. Mitigation Measure MM 4.7-22 would support the use of electric construction equipment. Thus, no further mitigation measure is required.



- 1-10 The commenter states the there is no proposed mitigation for warehouse refrigeration storage. As shown in Table 4.7-4 of the Draft EIR, 77.2% of the Project's overall GHG emissions would be due to mobile source emissions and refrigerants account for only 0.2% of the total GHG emissions. Thus, mitigation measures for warehouse refrigeration would not substantially reduce or adequately address the Project's significant and unavoidable impacts due to GHG emissions.
- 1-11 The commenter states that Mitigation Measure MM 4.7-1 does not specify how much solar will be installed and should be modified to offset 100% of the building's energy demand. First, and as noted by this comment, the majority (77.2%) of the Project's GHG emissions would be due to mobile-source emissions, and the provision of solar panels sufficient to meet 100% of the building's energy demand would have no effect on the level of air quality or GHG emissions associated with Project-related traffic. Furthermore, neither the Project Applicant nor Town have the ability to regulate emissions from tailpipes, as the federal government and the State of California are the only entities capable of regulating tailpipe emissions. With respect to the commenter's assertion that the Project should be designed to meet 100% of the building's energy demands through on-site renewable energy production, the building's rooftop would not have sufficient space for solar panels necessary to achieve 100% of its energy demands from solar panels due to the need to accommodate other requirements, such as applicable Building Code requirements, clearance requirements around skylights and roof-mounted equipment, SCE interconnection regulations, transformer capacity, and other applicable code compliance constraints. Accordingly, the Town finds that a requirement to achieve 100% of the building's energy demands through on-site renewable energy production would be infeasible, and no revision to the Draft EIR is warranted pursuant to this comment.
- 1-12 The commenter states that even after implementing on-site emissions reductions to the maximum-feasible extent, the Town could also require the Applicant to purchase offsets to the extent necessary to mitigate the Project's emissions to the fair share extent. Refer to Response to Comment 1-7 above regarding the purchase of carbon offsets. Thus, no further response is required.
- 1-13 The commenter concludes the letter and states that the Draft EIR fails to require all feasible mitigation and the lead agency has not met its burden of showing that such measures are infeasible. Refer to Response to Comments 1-2 through 1-12 above. Additionally, the Town acknowledges Dean Wallraff as the contact person for Advocates for the Environment. Thus, no further response is required.
- 1-14 The commenter provides an updated letter on April 9, 2026, stating that they have reached a settlement with the Project Applicant and withdraw the comments they



Apple Valley 84
Final Environmental Impact Report

submitted February 17, 2026. The comment letter is acknowledged and will be provided to the decision makers prior to approval of this Project.



3.0 CLARIFICATION AND REVISIONS

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

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

None of the information contained in this section constitutes significant new information or changes to the conclusions of the Draft EIR. There were no new significant environmental impacts identified following circulation of the Draft EIR. Likewise, there were no substantial



increases in the severity of environmental impacts identified after circulation of the Draft EIR. Therefore, recirculation of the Draft EIR is not required because no new information was added to the EIR.

CLARIFICATIONS AND REVISIONS TO THE DRAFT EIR

This section includes recommended clarifications and revisions to the Draft EIR. This section is organized by respective sections of the Draft EIR. Deleted text is shown as ~~strikeout~~ and new text is underlined. The clarifications and revisions to the Draft EIR provided below do not constitute “significant new information” requiring recirculation pursuant to CEQA Guidelines Section 15088.5.

Section S.0, Executive Summary

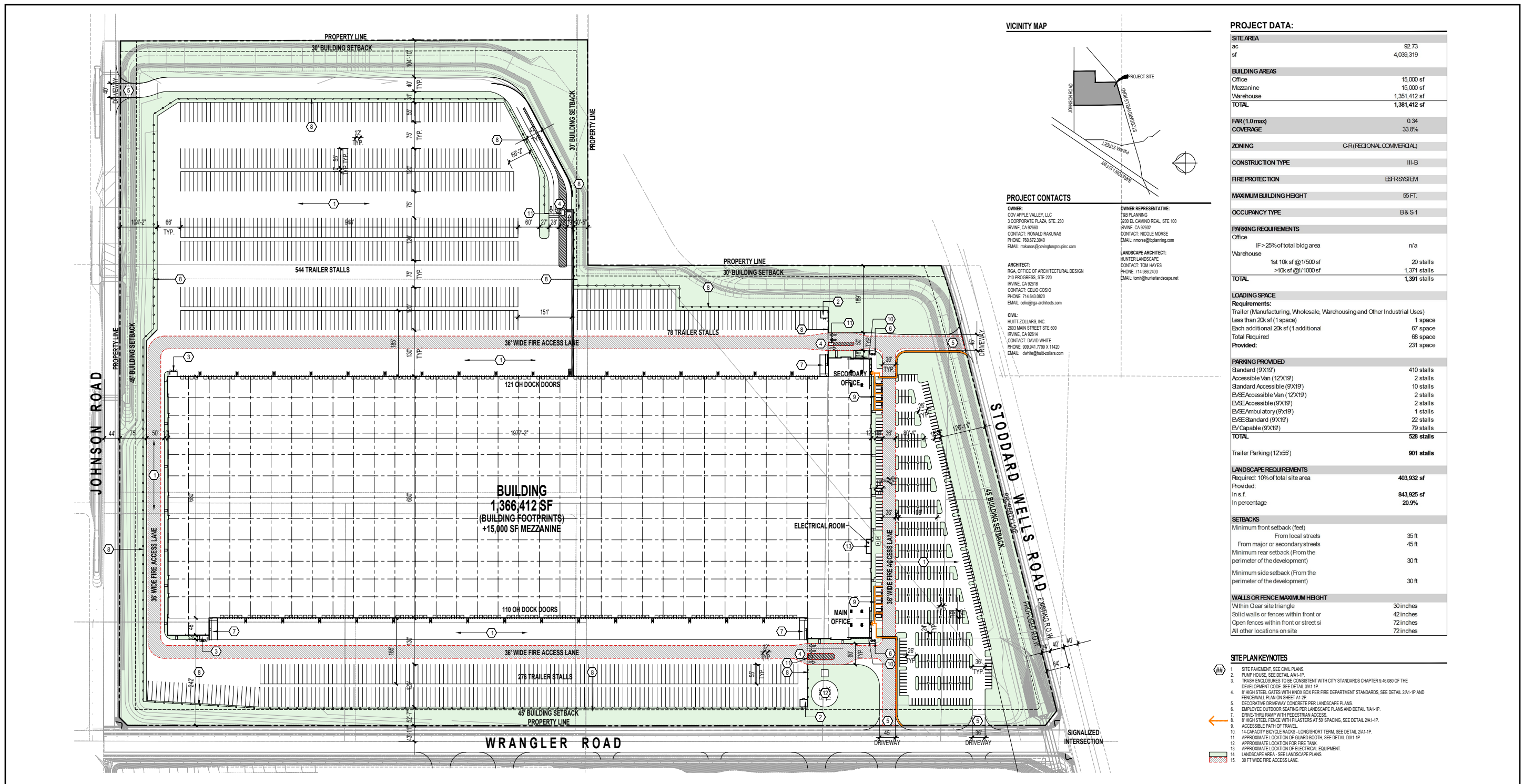
1. Pages S-1, 3-2, 3-20, and 5-6 are hereby modified due to a typographical error.

Governmental approvals requested from the Town of Apple Valley by the Project Applicant to implement the Project include General Plan Amendment (GPA) 2024-001, Zone Change (ZC) 2024-007, Development Code Amendment (DCA) 2024-001 ~~2025-003~~, Development Permit – Major Project 2025-013, Vesting Tentative Parcel Map No. 21034, and Development Agreement.

2. Pages S-3, 3-2, 3-7, and 6-5 are hereby modified due to updated site plan configurations.

The Project proposes the construction and operation of one industrial building totaling approximately 1,381,412 square feet (sf), including 15,000~~30,000~~ sf of office space and 15,000 sf of mezzanine space. Due to the speculative nature of the Project, cold storage has been assumed to account for potential future tenant needs. For the purposes of the analyses contained in this EIR, the Project mix assumes 10% general light industrial, 15% high-cube cold storage warehouse use, and 75% high-cube fulfillment (non-sort) center warehousing use. The Project includes a total of 528 parking stalls, including 10 Americans with Disabilities Act (ADA) accessible stalls, 2 ADA accessible van stalls, 22 electric vehicle supply equipment (EVSE) stalls, 2 EVSE ADA accessible stalls, 2 EVSE accessible van stalls, 1 EVSE ambulatory stall, and 79 electric vehicle (EV) capable stalls. Additionally, the Project provides 901~~898~~ (12' x 55') trailer parking stalls and 231 dock doors on the north and south building elevations.

3. Figure 3-4, *Site Plan* is hereby modified due to updated site plan configurations.



Source(s): RGA (04-29-2026)

Figure 3-4





4. Pages 3-10 and 4.1-12 are hereby modified due to updated site plan configurations.

B. Architecture Plan

Architectural elevations for the Project are illustrated in Figures 3-6a and 3-6b, *Proposed Architectural Elevations*. The proposed architecture plan includes a building with a maximum height of ~~5255~~ feet above finished floor elevation. The building would be constructed with concrete tilt-up walls, with special architectural features and colors at the potential office locations of the building, which would feature blue tempered vision glass and concrete back spandrel glass. The proposed building's exterior color palette would be comprised of various shades of white, gray, blue, and silver. Decorative building elements include panel reveals, parapets, mullions, canopies, and finished wood areas.

C. Landscape Plan

As shown in Figure 3-7, *Proposed Landscape Plan*, the Project would provide approximately ~~844,246~~~~843,925~~ sf of landscaping (20.9 percent of the Project site) including trees, shrubs, accents, and groundcover that surround the proposed building and parking areas. A variety of trees are proposed including 35 15-gallon shoestring acacia trees and 635 24-inch box trees consisting of Blue Palo Verde, Strawberry, Raywood Ash, Afghan Pine, Chinese Pistache, Mexican Palo Verde, Southern Live Oak, and African Sumac. Five (5)-gallon shrubs would be incorporated including Coyote Bush, Shrubby Senna, Parney's Cotoneaster, True Myrtle, English Lavender, Texas Ranger, Sugar Bush, Rosemary, Allen Chickering Sage, and Autumn Sage. Additionally, 5-gallon ocotillo accent and 1-gallon groundcover including Dwarf Cacia, Dwarf Coyote Bush, Trailing Indio Bush, Prostrate Rosemary, Morning Glory, and Gazania are proposed.

Section 4.3, Biological Resources

1. Page 4.3-16 hereby modified as follows in response to Comment B-4.

MM 4.3-1 A 30-day pre-construction survey for Burrowing Owl in compliance with CDFW's Staff Report on Burrowing Owl Mitigation, dated March 7, 2012 (or most recent version), shall be conducted prior to initial ground-disturbing activities (including vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading, etc.) to safeguard that no owls have colonized the Project site.

If Burrowing Owls have colonized the Project site prior to the initiation of grounddisturbing activities, the Project Applicant shall immediately inform the Town of Apple Valley to determine if "take" would occur and



~~coordinate with CDFW to determine minimization and avoidance measures, as needed if impacts to burrowing owl cannot be fully avoided to obtain an incidental take permit.~~

If ground-disturbing activities occur, but the Project site is left undisturbed for more than 30 days, another pre-construction survey shall be conducted no less than fourteen (14) days prior to resuming ground-disturbing activities to safeguard that Burrowing Owl has not colonized the Project since it was last disturbed. If Burrowing Owls are found, the same coordination with CDFW in conjunction with the Town of Apple Valley described above shall be required.

2. Page 4.3-18 hereby modified as follows in response to Comments B-6 through B-9.

MM 4.3-7 In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any necessary vegetation clearing shall take place outside of the typical avian nesting season for protected species (February 1 through August 31).

If work must occur during the nesting season for protected avian species, a qualified biologist shall conduct a pre-construction nesting bird survey of the work area and 500-foot buffer not more than 3 days prior to the onset of ground disturbance. If any active nests are found, the biologist shall establish an appropriate no-work buffer around the nest (typically 50–100 ft for songbird nests and 100–5300 ft for raptors, adjusted based on species and observed behavior). Construction within the buffer will be deferred until the nest is no longer active (fledged or failed), as confirmed by the biologist. If Swainson’s hawk is detected nesting within or adjacent to the Project site and impacts cannot be fully avoided, the Project Proponent shall coordinate with CDFW regarding appropriate protective measures and any required authorization before work proceeds in the affected area.

MM 4.3-8 Prior to commencement of ground disturbing Project activities, a focused visual encounter pre- construction clearance survey shall be conducted by a qualified biologist within suitable habitat for MGS . The survey shall be conducted on the Project site’s limits of disturbance within suitable habitat for Mohave ground squirrel during daylight hours by the qualified biologist who holds a CDFW Memorandum of Understanding for MGS and other species. If the survey or monitoring confirms presence, the Project Proponent shall contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or obtain an incidental take permit.



MM 4.3-9 Prior to initial ground disturbance, a qualified biologist shall conduct a focused pre-activity clearance survey for desert tortoise and desert tortoise sign within the Project site, prior to Project activities and adjacent accessible areas where Project activities could affect the species. The pre-construction clearance survey methods will be consistent with U.S. Fish and Wildlife Service 2019 desert tortoise survey guidance (USFWS, 2019). The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their sign. If desert tortoise is observed, or if project activities may affect desert tortoise and complete avoidance is not feasible, work in the affected area shall stop and the Project Proponent shall coordinate with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife to determine and obtain any required approvals or authorizations before activities resume. Project activities shall fully avoid impacts to desert tortoise to the maximum extent practicable or obtain a ESA/CESA authorizations if impacts are unavoidable.

MM 4.3-10 If Project activities are due to occur anytime during the Colony Active Period (generally April through August) for Crotch's bumble bee, immediately prior to ground-disturbing activities and vegetation removal, a Designated Biologist shall conduct a survey of the entire Project site and a 50-foot buffer where floral resources are present to confirm Crotch's bumble is not foraging on the Project site. If Crotch's bumble bee is present, it shall be allowed to move out of harm's way of its own volition and CDFW shall be notified immediately (within 24 hours). All impacts to Crotch's bumble bee shall be fully avoided or if impacts are unavoidable a CESA ITP should be obtained.

MM 4.3-11 Within 14-21 days prior to the beginning of surface disturbing activities, a qualified biologist shall conduct a focused pre- construction clearance survey to determine if active desert kit fox or American badger dens or sign of activity (e.g., tracks, scat, prey remains) are present within the Project site and within a 50-foot buffer of the of the disturbance area.

If active natal dens (a den with pups, cubs, or kits) are detected, a minimum of 500-foot no disturbance buffer (reduction of the no-disturbance buffer may occur upon consultation with CDFW) shall be maintained until the den is confirmed by the qualified biologist as no longer active through on going monitoring as follows:

Excavation and backfill of inactive and unoccupied dens within the Project site, shall only occur with dens in which the entirety of the den can clearly



be seen (e.g., the den isn't deep and doesn't curve). In cases where the entirety of the den cannot be clearly seen, the CDFW-approved Designated Biologist(s) or Biological Monitor(s) shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of desert kit fox or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment.

Section 4.4, Cultural Resources

1. Page 4.4-15 hereby modified as follows in response to Comment H-2.

MM 4.4-1 Prior to the issuance of a grading permit, the Project Applicant shall retain a Registered Professional Archaeologist, meeting Secretary of Interior standards, ("Project Archaeologist") subject to the approval of the Town to be on-call during all mass grading and trenching activities. The Project Archaeologist's responsibilities include, but are not limited to, performing the tasks that require the need for a qualified archaeologist pursuant to Mitigation Measures MM 4.4-2 through MM 4.4-3 below.

In the event that cultural resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and the Project Archaeologist shall be contacted to assess the find. Work on the other portions of the Project outside of the buffered area may continue during this assessment period. Additionally, any culturally-affiliated tribes (including the Yuhaaviatam of San Manuel Nation Cultural Resources Department [YSMN]) shall be contacted as detailed within Mitigation Measure MM 4.14-1, regarding any pre-contact finds and be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment.

MM 4.4-2 If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, that includes performance standards identified in Mitigation Measure MM 4.4-3. The drafts of which shall be provided to any consulting tribes (including YSMN) for review and comment, as detailed within Mitigation Measure MM 4.14-1. The Monitoring and Treatment Plan shall be subject to final approval by the Town of Apple Valley Planning Department. The Project



Archaeologist shall monitor the remainder of the Project and implement the Plan accordingly.

Section 4.7 – Greenhouse Gas Emissions

1. Page 4.7-34 is hereby modified as follows in response to Comment 1-2.

MM 4.7-5 As a condition of certificates of occupancy, all on-site cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and other on-site equipment) shall be required to be powered by electricity. Each building shall include the necessary charging stations or other necessary infrastructure for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.

MM 4.7-6 **Electrical Infrastructure for Electric Equipment and Vehicles.** The Project shall be designed to include electrical infrastructure to accommodate the required number of electric vehicle (EV) charging stations, the anticipated number charging stations for electric cargo handling equipment, and the potential installation of additional automobile and truck EV charging stations per Title 24, Part 11: California Green Building Standards Code (CALGreen). Electrical conduit shall be installed within reasonable locations (e.g., parking areas, at or near dock doors) at the time of building construction to satisfy this requirement. The Project’s electrical rooms shall be of sufficient size to accommodate the upsizing of electrical equipment to accommodate potential future electrical loads for electric truck charging stations at such time this technology becomes commercially available.

MM 4.7-7 **EV Charging Stations.** Prior to issuance of a Certificate of Occupancy, Level 2 (or faster) EV charging stations shall be installed on-site for employees for the percentage of employee parking spaces commensurate with CALGreen requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By the later of 2030 or whenever sufficient electric power is both commercially available and is no more than 25% more expensive than diesel or gasoline, Level 2 (or faster) electric vehicle charging stations shall be installed for 25% of the employee parking spaces required.

2. Page 4.7-38 is hereby modified as follows in response to Comments 1-2 and 1-8.



MM 4.7-20 The Project shall implement the following measures in order to reduce operational off-road equipment, stationary source, and on-road vehicle air pollutant emissions to the extent feasible:

- All diesel-fueled emergency generators shall be equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors.
- In anticipation of a transition to zero emissions truck fleets during the lifetime of the Project, at least four heavy-duty truck vehicle charging stations shall be installed on-site by the later of 2030 or whenever electric power is both available and is no more than 25% more expensive than diesel or gasoline.
- All heavy-duty vehicles engaged in drayage to or from the Project site shall be zero emission by the later of 2030 or whenever electric power is both available and is no more than 25% more expensive than diesel or gasoline.
- Meal options on site or shuttles between the facility and nearby meal destinations shall be provided, as feasible.
- Vegetation and tree canopy in and around the Project site shall be improved and maintained in accordance with the approved landscaping plan.

MM 4.7-21 The following measures shall be included as part of contractual lease agreement language to ensure that tenants and operators of the Project are informed of the following operational responsibility:

- Train staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also require facility operators to maintain records on site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request;



- Enroll in the U.S. Environmental Protection Agency’s SmartWay program, and if tenant owns, operates, or hires trucking carriers with more than 10 trucks to use carriers that are SmartWay carriers, as feasible.

MM 4.7-22 The following measures shall be implemented to reduce off-road equipment exhaust and off-site mobile source emissions during construction:

- Require all generators, and all diesel-fueled off-road construction equipment greater than 75 horsepower, to be zero-emissions or equipped with California Air Resources Board (CARB) Tier 4 Final compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. An exemption from these requirements may be granted by the Town of Apple Valley in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment (for example, another piece of equipment can be replaced with a zero-emission equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Final standards). Before an exemption may be considered by the Town, the applicant shall be required to demonstrate that at least two construction fleet owners/operators in the San Bernadino Region were contacted and that those owners/operators confirmed Tier 4 Final or better equipment could not be located within the San Bernardino Region. To ensure that Tier 4 Final construction equipment or better would be used during the proposed Project’s construction, the applicant shall include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- Provide infrastructure for zero-emission off-road construction equipment if the contractors selected to construct the Project plan to use zero-emission off-road construction equipment.



- Provide electrical hook ups to the power grid, rather than diesel fueled generators, for contractors' electric construction tools, such as saws, drills and compressors. In applicable bid documents and contracts with contractors selected to construct the Project, include language requiring all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers, etc.) used during Project construction to be electric.
- Require construction equipment to be turned off when not in use.
- Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11. Prohibit off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day, as feasible.
- Designate an area in the construction site where electric-powered construction vehicles and equipment can charge, as feasible.
- Keep on site and furnishing to the lead agency or other regulators upon request, all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, as feasible.
- Conduct an on-site inspection to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts, as feasible.
- Provide information on transit and ridesharing programs and services to construction employees, as feasible.
- Provide meal options on site or shuttles between the facility and nearby meal destinations for construction employees, as feasible.

MM 4.7-23 The Project shall be designed to include the following:

- Be able to achieve Leadership in Energy and Environmental Design (LEED) certification and meet or exceed California Green Building Standards (CalGreen) Tier 2 standards in effect at the time of building permit application. Documentation shall be provided to the Town of Apple Valley demonstrating that the



Project meets this requirement prior to the issuance of building permits.

- Include the application of surface treatments (such as PURETi Coat or PlusTi) on impervious ground surfaces that lessen impervious surface-related radiative forcing.
- Include high efficiency particulate air (HEPA) air filtration systems within in all warehouse facilities.

Section 4.13 – Transportation

1. Page 4.13-16 is hereby modified as follows for additional analysis.

Trucks accessing the Project site would be required to travel along Town-designated truck routes. Mandatory use of truck routes would minimize potential conflicts between truck traffic and other motorized and non-motorized transportation modes.

A. Freeway Off-Ramp Queuing Analysis

A project would result in a significant impact, if it would substantially increase hazards due to a geometric design feature or incompatible use. However, for informational purposes only, a queuing analysis was performed for the off-ramps at the I-15 Freeway at Quarry Road, Stoddard Wells Road, and Dale Evans Parkway interchanges to assess vehicle queues for the off ramps that may potentially result in deficient peak hour operations at the ramp-to-arterial intersections and may potentially “spill back” onto the I- 15 Freeway mainline.

Queuing analysis findings for the Existing (2025) traffic conditions are presented in Table 3-2 of the Traffic Analysis (Technical Appendix K1). As shown, there are no movements that are anticipated to experience queuing issues during the weekday AM or weekday PM peak under Existing (2025) traffic conditions.

Queuing analysis findings for Opening Year Cumulative (2028) traffic conditions are shown in Table 5-2 of the Traffic Analysis (Technical Appendix K1). As shown, the following movement is anticipated to experience off-ramp queuing issues during the weekday AM or weekday PM 95th percentile traffic flows under Opening Year Cumulative (2028) Without Project and With Project traffic conditions:

- I-15 NB Ramps & Stoddard Wells Road (#3) Southbound shared left-through-right – AM and PM peak hours



Although queue lengths could increase in the Opening Year, such queuing is consistent with general freeway conditions throughout the region and would not substantially increase hazards due to geometric design features or incompatible uses. Additionally, inadequate queuing at these locations would occur in 2028 without the Project. Therefore, the potential for the Project to substantially increase hazards due to a geometric design feature or incompatible uses is considered less than significant.

Section 4.14 – Tribal Cultural Resources

1. Page 4.14-10 is hereby modified as follows in response to Comments G-1, H-2, and H-4.

MM 4.14-1 Any culturally-affiliated Tribes (including the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department and/or Twenty-Nine Palms Band of Mission Indians) shall be contacted, as detailed in Mitigation Measure MM 4.4-1, of any pre-contact cultural resources discovered during grading activities, and be provided information regarding the nature of the find, so as to provide Tribal input with regard to significance and treatment. Should the find be deemed significant, as defined by CEQA, a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the Tribe, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents the Tribe for the remainder of the Project, should the Tribe elect to place a monitor on-site.

If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.

MM 4.14-2 Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant and Town for dissemination to the culturally-affiliated Tribes (including) YSMN. The Town and/or Project Applicant shall, in good faith, consult with the Tribes (including YSMN) throughout the life of the Project.



Attachment A

Comment Letter C Attachments

*Comments made are provided in Response to
Comments C-14 of the Final EIR;*

Available upon request at the

Town of Apple Valley Planning Department

14955 Dale Evans Parkway, Apple Valley, CA 92307



Attachment B

Supplemental Traffic Assessment



Attachment C
PCE Volumes



Attachment D

Synchro Files

Provided Electronically Only;

Available upon request at the

Town of Apple Valley Planning Department

14955 Dale Evans Parkway, Apple Valley, CA 92307