

Appendix K
RESPONSE TO COMMENTS TO
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
Joshua Grading and Excavating Operations Yard
Site Plan Review 2025-001
Conditional Use Permit 2025-002
Special Use Permit 2025-003

Applicant:

Conco Construction for Joshua Grading and Excavating
Attn: Shannon Denmark
22276 Ottawa Rd Suite 3
Apple Valley, CA 92308

Lead Agency:

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

June 29, 2026

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SECTION 1 INTRODUCTION

The Town of Apple Valley (Town), as CEQA Lead Agency, distributed the Draft Subsequent Initial Study/Mitigated Negative Declaration (Initial Study/MND) for the *Joshua Grading and Excavating Operations Yard, SPR 2025-001, CUP 2025-002, SUP 2025-003* for public review on May 29, 2026, initiating a 30-day public review period ending on June 29, 2026. The document was made available online, and at the Town’s office. A total of two letters were received by the close of the public comment period.

A list of the comment letters received, including details on the agency, organization, or individual that submitted the letter and the date of the letter is provided in **Table K-1: Comment Letters on the Draft Subsequent Initial Study/MND for the Joshua Grading and Excavating Operations Yard**. This appendix presents written responses to comments on environmental issues raised in these letters. The written responses describe the disposition of significant environmental issues raised, as required by CEQA Guidelines §15088(c).

Table K-1: Comment Letters on the Draft Subsequent Initial Study/MND for the Joshua Grading and Excavating Operations Yard

Letter Number	Public Agency, Organization or Individual	Date of Letter/Email
1	California Dept of Fish and Wildlife	June 18, 2026
2	Mojave Desert Air Quality Management District	June 26, 2026

1.1 LEAD AGENCY CONSIDERATION OF COMMENTS

Pursuant to California Environmental Quality Act (CEQA) Guidelines §15074(b), a Lead Agency must consider comments received during public review.

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

The decision as to whether a project may have a significant impact on the environment must be based on substantial evidence (CEQA Guidelines Section 15064[f]) that is supported by facts, not inaccurate or erroneous information:

Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence.

CEQA Guidelines Section 15064(c) states that the Lead Agency must determine if the environmental change is substantial:

In determining whether an effect will be adverse or beneficial, the lead agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. Before requiring the preparation of an EIR, the lead agency must still determine whether environmental change itself might be substantial.

CEQA Guidelines Section 15064(e) also precludes consideration of economic and social changes as significant:

Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

Additionally, the existence of public controversy over the environmental effects of a project does not require the preparation of an Environmental Impact Report (EIR) if there is no substantial evidence that the project may have a significant effect on the environment (CEQA Guidelines, Section 15064 [f][4]).

1.2 REVISIONS TO INITIAL STUDY BASED ON PUBLIC COMMENTS

Where comments necessitated revisions to the Draft Initial Study/MND, as well as minor administrative technical edits to correct typographical errors, the added text is reflected in underlined text (added text) and deletions are reflected in strikeout text (~~deleted text~~).

Pursuant to CEQA Guidelines Section 15088.5, none of the comments received during the comment period involve any new significant impacts or “significant new information” that would require recirculation of the Initial Study/MND. Specifically, Guidelines Section 15088.5 (b) states that *Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.*

Specifically, CEQA Guidelines Section 15088.5 states:

- (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 include, 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. (Mountain Lion Coalition v. Fish & Game Com. (1989) 214 Cal.App.3d 1043).

(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.

SECTION 2 COMMENTS AND RESPONSES: LETTER 1 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
wildlife.ca.gov

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

June 18, 2026
Sent via email.

Nicole Montano, Associate Planner
Town of Apple Valley
14955 Dale Evans Pkwy,
Apple Valley, CA 92307
nmontano@applevalley.org

**Subject: Joshua Grading and Excavating Operations Yard (Project)
Mitigated Negative Declaration (MND)
State Clearing House# 2026051054**

Dear Nicole Montano:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the Town of Apple Valley for the Project pursuant to 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.

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.

Responses to Comments – Letter 1

Response 1-1: The Applicant and the Town acknowledge the CDFW's role as a trustee agency and a responsible agency.

1-1

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.

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PROJECT DESCRIPTION SUMMARY

Proponent: Conco Construction for Joshua Grading and Excavating

Objective: The Project will construct an operations yard on 5.74 acres of a 10-acre parcel (Assessor's Parcel Number [APN] 0463-441-07). The operations yard will include: a 13,246-sf two-story building consisting of a 6,200-sf truck and equipment service area; a 7,046-sf administrative area; a 10,000-sf repair shop; and a 6,000-sf warehouse. The Project also includes installation of a diesel fuel island with two fueling pumps, one fuel dispenser, and a 12,000-gallon above-ground storage tank.

The Project will pave 3.69 acres for parking and driving aisles, including 74 passenger-vehicle spaces and 13 truck parking spaces. The Project will include landscaping of 0.55 acres. Off-site improvements include installation of 2,200 linear feet of water line from Dale Evans Parkway to the Project site; and grading, paving, and street improvements along Tecaya Road, Dale Evans Parkway, and between Tecaya Road and Dachshund Avenue.

Location: The Project occurs on APN 0463-441-07 in the Town of Apple Valley, San Bernardino County, State of California. The Project is 0.5 miles east of Dale Evans Parkway and approximately 8 miles east of the Mojave River. The Project is bound by vacant land to the west and east, Quarry Road to the north, and Tecaya Road to the south.

Timeframe: The Project is anticipated to begin in late fall of 2026 and last approximately 12 months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below 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 may also be included to improve the document.

COMMENT #1: Desert Tortoise (*Gopherus agassizii*)

Section #4.4, Page #50-52, and 162

Issue: The Project may result in take of desert tortoise, an endangered species protected under CESA. Take is prohibited unless authorized by California state law; for example, through a CESA Incidental Take Permit (ITP) from CDFW. 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".

Specific Impact: Project activities may result in degradation and permanent loss of desert tortoise habitat and may also result in direct mortality and/or injury to desert tortoise onsite (i.e., take).

Why Impact would occur: Staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in direct mortality and/or injury to desert tortoise. Project construction and operation may result in: collision with or crushing by vehicles or heavy equipment; entrapment within open trenches and pipes; entrapment or entanglement within materials and equipment staged and moved; crushing or burial of individuals or eggs in burrows; destruction of burrows and refugia; and increased predation.

Response 1-2: Project Description. The Project Description is correct.

1-2

Response 1-3: Desert Tortoise. The site has a low potential to support desert tortoise. However, because the species is a listed under the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA), PS-MM BIO-2 for pre-construction surveys was included. CDFW's comment represents minor modifications to PS-MM BIO-2. CDFW's comment represents minor modifications to PS-MM BIO-2. Because these modifications merely serve to clarify or amplify or make insignificant modifications to this Final Subsequent IS/MND, no recirculation under is required (CEQA Guidelines Section 15088.5 [b]).

1-3

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Evidence Impact would be significant: The MND mentions that a reconnaissance survey was conducted in March 2025 for desert tortoise. The MND also mentions that protocol level surveys for desert tortoise were conducted. However, the MND does not include details of the focused surveys, including protocols and results. Nevertheless, the MND concludes that no desert tortoise is present onsite, but that suitable habitat for desert tortoise is present. According to CDFW's California Natural Diversity Database (CNDDDB), desert tortoise occurs near the Project site and while mitigation measure "PS-MM BIO-2" was included in the MND to avoid and minimize impacts to desert tortoise, the pre-construction survey in PS-MM BIO-2 does not specify a protocol or appropriate timing for surveys. To ensure proper detection of desert tortoise, CDFW recommends conducting surveys as close to the initiation of Project Activities; for example, 48 hours prior to construction and according to methods in the USFWS Desert Tortoise (Mojave Population) Field Manual².

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW recommends inclusion of the following edits to PS-MM BIO-2 (edits are in ~~strike through~~ and additions are in **bold**) in the final MND to avoid and minimize impacts to desert tortoise:

PS-MM BIO-2 (Revised)

Pre-Construction Surveys: Desert Tortoise. All pre-construction surveys will be performed by an applicant-retained qualified biologist to the latest standards by the CDFW and USFWS protocols, **such as USFWS Desert Tortoise (Mojave Population) Field Manual**. No more than **48** ~~14~~ days prior to the beginning of ground disturbance and/or Project activities, an applicant-retained qualified biologist shall conduct pre-construction surveys to determine if **desert tortoise** ~~potential badger dens~~ are present in the Project area. Pre-construction surveys should include 100-percent visual coverage of the Project area and cannot be combined with other surveys conducted for other species while using the same personnel. If the pre-construction surveys confirm occupied desert tortoise **habitat**, Project activities shall be immediately halted, and the qualified biologist shall notify CDFW and USFWS to develop avoidance, minimization, and mitigation measures **or obtain a CESA ITP if impacts to desert tortoise cannot be fully avoided**.

COMMENT #2: Burrowing Owl (*Athene cunicularia hypugaea*)

Section #4.4, Page #70-73, and 185

Issue: Burrowing owl is a candidate species under CESA. During the candidacy period, burrowing owl is afforded the same protection as a threatened and endangered species under CESA. Take of burrowing owl is prohibited unless authorized by California state law; for example, through a CESA ITP from CDFW. The Project has the potential to result in take of burrowing owl and permanent loss and degradation of burrowing owl habitat.

Specific impact: Project related activities may result in direct or indirect take of burrowing owl and loss of suitable habitat for the species, restricting species movement or causing injury or mortality.

Why impact would occur: CDFW recognizes that a general reconnaissance survey for burrowing owl was conducted in March 2025; however, to ensure proper detection of burrowing owl, CDFW recommends following the guidelines

1-3
(cont'd)

1-4

Response 1-4: Burrowing Owl. (see next page).

² U.S. Fish and Wildlife Service (USFWS). (2009). Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.

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in the 2012 Staff Report on Burrowing Owl Mitigation or most recent version (Staff Report)³. This includes conducting four surveys as follows: 1) at least one site visit between 15 February and 15 April and 2) a minimum of three survey visits, at least three weeks apart, between 15 April and 15 July, with at least one visit after 15 June.

Evidence impact would be significant: CDFW considers the direct and indirect take of burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (i.e., Fish & G. Code, § 3503.5, etc.) and Federal laws (i.e., Migratory Bird Treaty Act). If Project activities could result in take of burrowing owl, appropriate CESA authorization (i.e., ITP under Fish & G. Code, § 2081) should be obtained prior to commencement of Project activities.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: Considering all the above, CDFW provides the following edits to "PS-MM BIO-1" to ensure impacts to burrowing owl are avoided and minimized to a level of less than significant (edits are in ~~strike through~~ and additions are in **bold**):

PS-MM BIO-1 (Revised)

Pre-Construction Surveys: Burrowing Owls. **Prior to any Project activities, breeding season and non-breeding season surveys shall be conducted in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation or most recent version. To confirm results of the breeding and non-breeding season surveys, a 1430-day pre-construction survey followed by a survey conducted within 24 hours** for Burrowing Owl in compliance with CDFW's Staff Report on Burrowing Owl Mitigation, dated March 7, 2012, 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 **halt all Project activities and inform CDFW and 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 a CESA ITP shall be obtained.**

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.

COMMENT #3: Crotch's Bumble Bee (*Bombus crotchii*)

Issue: The Project has the potential to result in take of Crotch's bumble bee, a candidate species protected under CESA. During the candidacy period, Crotch's bumble bee is afforded the same protection as a threatened and endangered species under CESA. Take of Crotch's bumble bee is prohibited unless authorized by California state law; for example, through a CESA ITP from

1-4
(cont'd)

Response 1-4: Burrowing Owl. Comment noted. However, the site has a low potential to support burrowing owl. The biological resources report in Appendix B identified that no burrowing owls were observed during the site visit, nor were there burrows of any kind located within the Project, and no portion of the Project site showed any evidence of past or present BUOW activity such as feathers, whitewash, or castings. Further, there were no suitable burrow surrogate species are present on-site in which burrowing owl would utilize those species burrows. Mitigation Measure PS-MM BIO-1 is sufficient to reduce potential impacts to the species. The CDFW suggestions to Mitigation Measure PS-MM BIO-1 will not be included in the Final IS/MND, nor will the Town condition the Applicant to revise the mitigation per the CDFW suggestions.

1-5

Response 1-5:Crotch's Bumble Bee. (see next page).

³ California Department of Fish and Wildlife. (2012). *Staff report on burrowing owl mitigation*. Accessed January 28, 2026, from

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CDFW. The Project has the potential to result in take of Crotch's bumble bee and permanent loss and degradation of Crotch's bumble bee habitat.

Specific impact: The Project may result in indirect and direct take of Crotch's bumble bee through destruction of nests, dust from Project operations, vehicle and equipment strikes, and removal of foraging and nesting habitat.

Why impact would occur: The Project is located within the current range of Crotch's bumble bee. The Project, as described, may remove potential habitat, including nesting and foraging habitat for Crotch's bumble bee. The MND's Biological Resource Assessment identifies buckwheat onsite, which is a foraging resource for Crotch's bumble bee. However, the MND concludes that suitable habitat for Crotch's bumble is absent from the Project Site and thus no measures to avoid and minimize impacts to Crotch's bumble bee were included.

Evidence impact would be significant: CDFW considers the direct and indirect take of Crotch's bumble bee, and the loss of species habitat, as a significant impact unless mitigated to a level of less than significant. CDFW considers impacts to species that are candidates for CESA listing to be significant under CEQA. Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee would require a mandatory finding of significance (CEQA Guidelines, § 15065).

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW recommends inclusion of PS-MM BIO-5 below in the final MND to avoid and minimize impacts to Crotch's bumble bee:

PS-MM BIO-5 (New)

Prior to vegetation removal and/or grading, a survey shall be conducted by a qualified biologist to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>). The survey shall include a minimum 50- foot buffer outside the Project impact area in adjacent habitat.

If habitat for Crotch's bumble bee is present, a qualified biologist familiar with Crotch's bumble bee behavior and life history shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>). Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, for example between March 1 to September 1. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, full avoidance of the species is required. If full avoidance of Crotch's bumble bee cannot be achieved, a CESA ITP shall be obtained prior to initiation of Project activities.

1-5
(cont'd)

Response 1-5: Comment noted. However, a habitat assessment was already conducted as part of the biological resources report in Appendix B and found that suitable habitat for this species does not occur within the Project site. As such, this species is considered absent from the Project site (refer to Table 2 of IS/MND Appendix B). The CDFW-suggested mitigation measure will not be included in the Final IS/MND, nor will the Town condition the Applicant as to this condition.

ADDITIONAL COMMENTS

COMMENT #3: Lake and Streambed Alteration Agreement

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Section #4.4, Page #74-75

The BRA included a stream delineation for the Project, and the BRA indicates that historical imagery identifies a blue-line stream on the Project site. However, according to the BRA, field surveys did not identify a streambed or streambank.

Based on a desktop review, CDFW identified potential ephemeral streams on the Project site subject to California Fish and Game Code section 1602. In addition, photographs included in the BRA confirm findings from CDFW's desktop review. California Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Thus, CDFW recommends the inclusion of the measure below in the final MND:

PS-MM BIO-6 (New)

Prior to construction and issuance of any grading permit, the Project Proponent shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the California Fish and Game Code is not required for the Project, or the Project Proponent shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to California Fish and Game Code section 1602 resources associated with the Project.

Comment #5: Nesting Birds

Section #4.4, Page #77

CDFW appreciates that the MND incorporated PS-MM BIO-3 to avoid and minimize impacts to migratory birds and raptors. This measure considers conducting pre-construction surveys during the typical nesting season for migratory birds (March 15 to August 31) and raptors (January 15 to August 31) but does not consider surveys for non-migratory birds, which are protected by Fish and Game Code section 3503. Please note that the timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that climate change conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW therefore recommends the completion of nesting bird surveys regardless of the time of year to ensure compliance with all applicable laws (e.g., Fish & G. Code, §§ 3503 & 3503.5) pertaining to nesting birds. CDFW recommends the following edits to PS-MM BIO-3 to ensure impacts to *all nesting birds* are reduced to less than significant (additions are in **bold** and deletions are in ~~strike through~~):

PS-MM BIO-3 (Revised)

To avoid and/or minimize impacts to nesting birds, to the extent possible, construction activities (i.e., earthwork, clearing, and grubbing) shall occur outside of the general bird nesting season for migratory birds, which is March 15 through August 31 for songbirds and January 15 to August 31 for raptors.

Regardless of the time of year, if construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory birds (March 15 to August 31) and raptors (January 15 to August 31), a qualified

1-6

Response 1-6: Streambed Permit. Comment noted. The biological report confirmed that there are no washes on the Project site, and any historic drainages have been cut off. Therefore, there are no streambed resources on site. There is no requirement in the Fish and Game Code to obtain concurrence that a Streambed Alteration Agreement is not required. The CDFW-suggested mitigation measure will not be included in the Final IS/MND, nor will the Town condition the Applicant as to this condition.

1-7

Response 1-7: Nesting Birds Comment noted. Mitigation Measure PS-MM BIO-3 was developed specifically considering the knowledge of the Project Site and the Project region. The CDFW suggestions to Mitigation Measure PS-MM BIO-3 will not be included in the Final IS/MND, nor will the Town condition the Applicant to revise the mitigation per the CDFW suggestions.

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biologist shall be retained to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to ~~migratory~~ birds and raptors afforded protection under the MBTA and CFG Code. The preconstruction survey shall be performed no more than ~~three~~ **seven** days prior to the commencement of construction activities. The results of the pre-construction survey shall be documented by a qualified biologist. If construction is inactive for more than seven days, an additional survey shall be conducted.

If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest, and the nest is confirmed to no longer be active, or as determined by the qualified biologist. The biological monitor may modify the buffer as applicable for the specific bird species and type of work, or propose other recommendations to avoid indirect impacts to nesting birds.

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

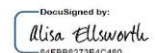
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental 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 MND to assist Town of Apple Valley in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Steven Recinos, Environmental Scientist at (909) 731-5954 or Steven.Recinos@wildlife.ca.gov.

Sincerely,

DocuSigned by:

64FB66273E4C460
Alisa Ellsworth
Environmental Program Manager

1-7
(cont'd)

END OF RESPONSES

SECTION 3 COMMENTS AND RESPONSES: LETTER 2 –MOJAVE DESERT AQMD

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

June 26, 2026

Nicole Montano
Town of Apple Valley - Planning Division
14955 Dale Evans Parkway
Apple Valley, CA 92307

Subject: Joshua Grading and Excavating Operations Yard – CEQA Comments
SPR-2025-001, CUP 2025-002, SUP 2025-003

Dear Ms. Montano:

The Mojave Desert Air Quality Management District (District) has reviewed the above-referenced project and its associated documents. The District does not object to the less-than-significant air quality conclusions based on the information provided; however, the applicant/operator is requested to address the following clarifications and District requirements prior to construction or operation.

Please note that the following rule and permit requirements may be applicable:



- **Fugitive Dust Control:** Construction, grading, staging, hauling, and disturbed areas shall comply with District Rule 403 – Fugitive Dust Control.
- **Dust Control Plan / Disturbed Acreage:** The Air Quality Study estimates approximately 4.79 acres of disturbance. However, other project information appears to identify 10 total acres and 5.74 acres dedicated to the project. Please clarify the actual area of disturbance. If the actual disturbed area reaches or exceeds five acres, the applicant/operator will need to obtain an approved Dust Control Plan from the District prior to construction.
- **Minimize Truck Idling:** Operators and drivers shall comply with applicable California Air Resources Board diesel-fueled commercial motor idling requirements. The requirements of the Airborne Toxic Control Measure are set forth in Title 13, CCR, Section 2485.
- **Permits/Authorizations:** District permits are required for diesel fuel storage/dispensing equipment, stationary internal combustion engines rated at 50 brake horsepower or greater, emergency generators/fire pumps, and other equipment or processes not exempt under District Rule 219.
- **Demolition/Renovation Notification:** If there are any existing structures, an asbestos checklist is required for demolition or renovation activities involving existing structures. Forms are available at:
<https://www.mdaqmd.ca.gov/permitting/asbestos-information>
- **Rule 402 - Nuisance:** The Air Quality Study identifies residential sensitive receptors approximately 1,600 feet west and 2,000 feet southwest of the project site. The applicant/operator is responsible for compliance with District Rule 402 – Nuisance, which prohibits the discharge of air contaminants or other material in quantities that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public.

Responses to Comments – Letter 2

Response 2-1: Comment noted. The Applicant is required to comply with all regulations during Project construction and operations.

2-1

- **Air Quality Study Clarifications:** The District requests that the final air quality analysis clarify internal inconsistencies and outdated information in the Air Quality Study.
 - **Table 2** – Review and update to reflect current National Ambient Air Quality Standards, including the current annual PM2.5 standard and current SO2 standards.¹
 - **Table 3** – Review against the District’s current CEQA Guidelines, as the PM2.5 significance thresholds appear to be incorrect. The District’s CEQA Guidelines identify the PM2.5 annual threshold as 12 short tons and the daily threshold as 65 pounds.²

The requested clarifications are intended to ensure that the final environmental document accurately reflects current air quality standards, District CEQA thresholds, and the final project description/modeling assumptions.

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 Michelle Zumwalt at extension 5756.

Sincerely,



Chris Anderson
Planning and Air Monitoring Supervisor

CJA/mz

Apple Valley Joshua Grading - CEQA Cmt 2026 29 JUN.docx

2-2

Response 2-2:

Table 2 – this table has been revised in a revised Air Quality Report (Appendix A, new report dated 6/30/26) with the current information and footnotes have been updated accordingly. No changes to the Initial Study are required as a result of this revision to Appendix A.

Table 3 - The data has been revised in Air Quality Report in Appendix A, (new report dated 6/30/26, Table 8 and Table 9) to include both the annual and daily thresholds for both construction and operational emissions. The result is that neither exceed MDAQMD standards. There were no changes to the Initial Study, *Table 5: Daily Construction Emissions* as a result of the revision to the report in Appendix A. However, the Initial Study, *Table 6: Daily Operational Emissions* was revised to reflect the current daily emissions as a result of the revision to Appendix A. However, the result did not change as the revised operational emissions still do not exceed MDAQMD standards.

END OF RESPONSES

¹ https://ww2.arb.ca.gov/sites/default/files/2024-08/AAQS%20Table_ADA_FINAL_07222024.pdf

² <https://www.mdaqmd.ca.gov/rules/rule-plan-development#docaccess-7b21c5aafa1366cf6324c84cab07a19ae820271b692265c4a3ff53b327183a9b>