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May 28, 2026

Lilburn Corporation
Attn: Cheryl Tubbs
1905 Business Center Drive
San Bernardino, CA 92408

RE: SUPPLEMENTAL BIOLOGICAL MEMO FOR THE WAALEW ROAD TRUCK AND TRAILER FACILITY PROJECT IN THE TOWN OF APPLE VALLEY, SAN BERNARDINO COUNTY, CALIFORNIA

Dear Ms. Tubbs,

Jennings Environmental was asked to confirm the findings as they relate to the Biological Resources Report for the Waalew Truck and Trailer Facility Project. Specifically, to the comment from the California Department of Fish and Wildlife (CDFW).

Response to Comments

COMMENT 1: Nesting Birds

CDFW states the Mitigated Negative Declaration proposes to avoid impacts to nesting birds through mitigation measure BIO-2 (MM BIO-2). However, BIO-2 lacks proper methodology, timing, and monitoring to fully avoid take of nesting birds on the Project site.

Recommendation for Comment 1

Since the mitigation measure was previously proposed, Jennings recommends incorporating the changes as requested by CDFW. Therefore, the new MM BIO-2 should read:

> To avoid impacts to nesting birds (common, migratory, and special status) regardless of the time of year during the nesting season, a qualified Avian Biologist retained by the Project applicant will conduct pre-construction Nesting Bird Surveys (NBS) within 3 days prior to Project-related disturbance within the entire Project site and a 300-foot buffer around the Project site at the appropriate time of day/night, during appropriate weather conditions to identify any active nests. Surveys shall encompass all suitable areas including, trees, shrubs, bare ground, burrows and cavities. If no active nests are found, no further action will be required. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed prior to the commencement of ground disturbing Project activities. If an active nest is found, the qualified avian biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected

> types, intensity, and duration of the disturbance. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for one hour (four hours for raptors) prior to approaching the nest to determine status. The qualified avian biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird. The qualified avian biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. The nests and buffer zones shall be field-checked daily weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

COMMENT 2: Desert Tortoise

CDFW states the Project has the potential to result in permanent and temporary loss, degradation, and impacts to desert tortoise habitat. The Project may result in take of desert tortoise, a CESA listed endangered species, during construction of the Project and the life of the Project. 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".

Recommendation for Comment 1

Jennings disagrees with this comment as the site does not have suitable habitat for this species based on the presence of saline soils and surrounding development. As noted in Section 3.2.3 of the Biological Assessment for this Project:

> The habitat on site is not suitable for desert tortoise. The dominant soil type on-site is of a saline-alkaline nature. Additionally, no sign of desert tortoise (i.e. burrows, tracks, or pellets) was observed during the survey and no desert tortoise individuals were observed. The site also contained evidence of ongoing disturbance in the form of off-road vehicle use and pedestrian/domestic dog use.

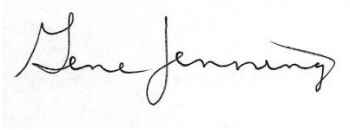
The majority of soils on site are saline in nature and not conducive to tortoise occupation (refer to Figure 1 in Attachment B; Rosamond Loam, Saline-Alkali covers majority of Project Site). Additionally, no evidence of current or past tortoise occupation was observed. Transient tortoises are also unlikely given the surrounding area is developed with residential and public uses, and includes major infrastructure that provides barriers to tortoise movement (see Figures 2 in Attachment B). The habitat is not suitable within the immediate surroundings, and the large number of predators within the immediate surroundings (ravens, dogs, humans, etc.) would preclude this species from utilizing the site for any purpose. Therefore, no additional surveys are warranted or recommended.

If tortoises were found to inhabit the site in the future, a Section 10(a) incidental take permit from the USFWS and a Section 2081 permit from CDFW will be required to mitigate impacts to the species.

Certification

I hereby certify that the statements furnished herein, and in the attached exhibits present data and information required for this analysis to the best of my ability, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief. This report was prepared in accordance with professional requirements and standards. Fieldwork conducted for this assessment was performed by me. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project proponent and that I have no financial interest in the project.

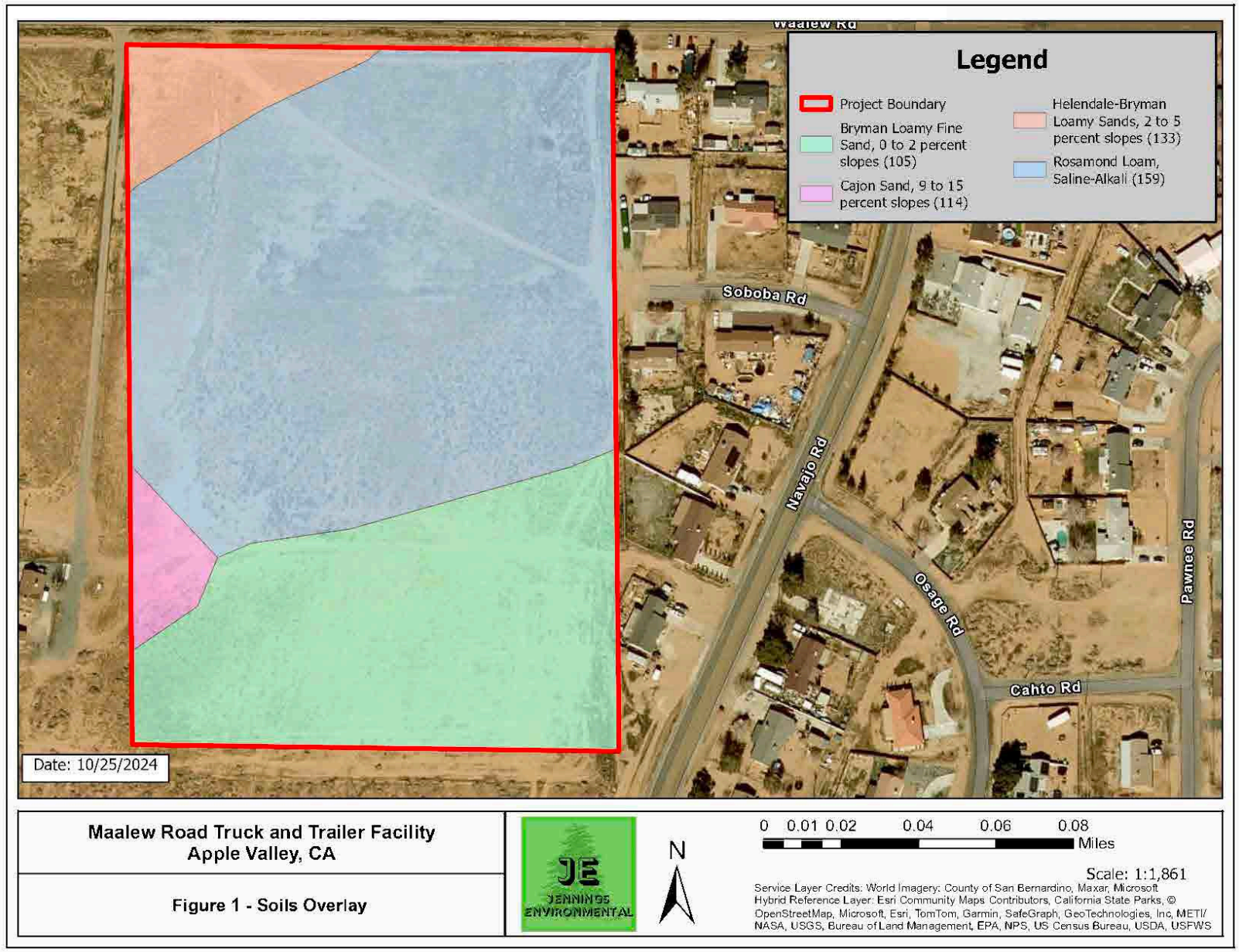
Please do not hesitate to contact me at 909-534-4547 should you have any questions or require further information.
Sincerely,



Gene Jennings
Principal/Regulatory Specialist

Attachments
Attachment A – Photos
Attachemnt B – Figures

	Photo 1 – Showing compacted soils on site with high levels of disturbance.
	Photo 1 – Showing compacted soils on site with high levels of disturbance, and little vegetation cover.


Maalew Rd
Legend
Project Boundary
Bryman Loamy Fine Sand, 0 to 2 percent slopes (105)
Cajon Sand, 9 to 15 percent slopes (114)
Helendale-Bryman Loamy Sands, 2 to 5 percent slopes (133)
Rosamond Loam, Saline-Alkali (159)
Soboba Rd
Navajo Rd
Osage Rd
Pawnee Rd
Cahto Rd
Date: 10/25/2024
Maalew Road Truck and Trailer Facility
Apple Valley, CA
Figure 1 - Soils Overlay
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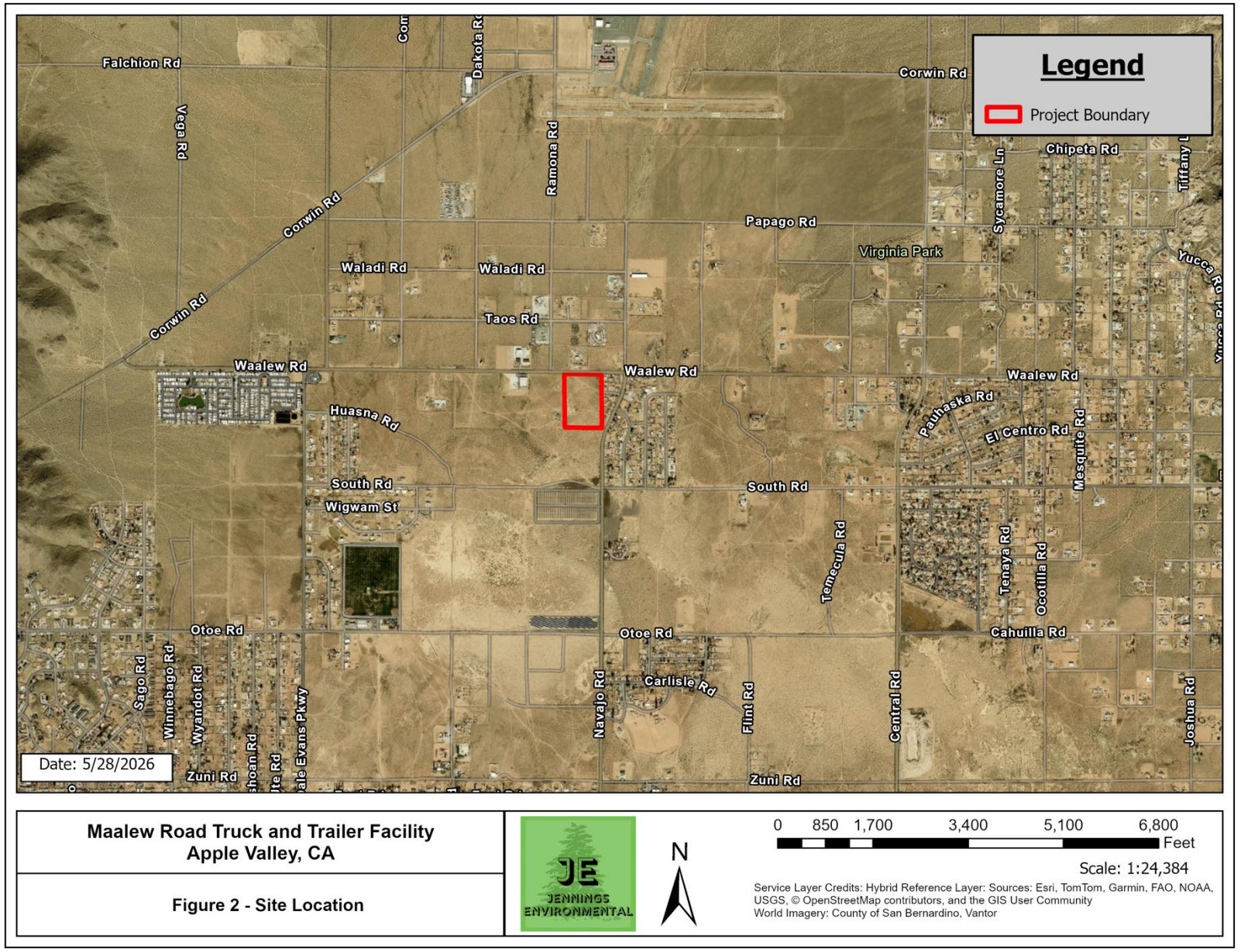
0 0.01 0.02 0.04 0.06 0.08
Miles
Scale: 1:1,861
Service Layer Credits: World Imagery: County of San Bernardino, Maxar, Microsoft
Hybrid Reference Layer: Esri Community Maps Contributors, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS


Legend
Project Boundary
Falchion Rd
Corwin Rd
Vega Rd
Dakota Rd
Ramona Rd
Chipeta Rd
Sycamore Ln
Tiffany Ln
Papago Rd
Virginia Park
Yucca Rd
Waladi Rd
Taos Rd
Waalew Rd
Huasna Rd
Pauhaska Rd
El Centro Rd
Mesquite Rd
South Rd
Wigwam St
Temecula Rd
Tenaya Rd
Ocotilla Rd
Cahuilla Rd
Otoe Rd
Carlisle Rd
Navajo Rd
Flint Rd
Central Rd
Joshua Rd
Sago Rd
Winnebago Rd
Wyandot Rd
Dale Evans Pkwy
Zuni Rd
Date: 5/28/2026
Maalew Road Truck and Trailer Facility
Apple Valley, CA
Figure 2 - Site Location
JE
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0 850 1,700 3,400 5,100 6,800
Feet
Scale: 1:24,384
Service Layer Credits: Hybrid Reference Layer: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
World Imagery: County of San Bernardino, Vantor