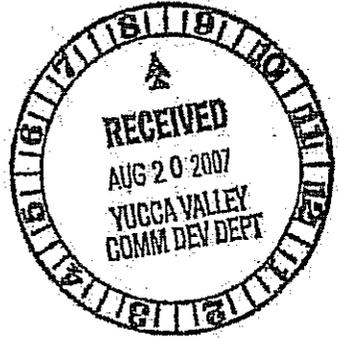


19 August 2007

Bradford W. Berger  
PO Box 142  
Pioneertown, CA 92268  
760-228-0738



Town of Yucca Valley  
Community Development Department  
58928 Business Center Drive  
Yucca Valley, CA 92284

To Whom it may concern:

Please consider this letter as my comments and suggestions regarding the Draft Environmental Impact Report (EIR) mandated by the California Environmental Quality Act (CEQA) for the Yucca Valley Retail Specific Plan intended for the proposed Super Walmart store and other businesses in Yucca Valley.

My letter dated 15 August 2004 contained comments for the scoping process of the proposed project. The main points of my letter were:

Protected native plants that aren't adopted should be transplanted to a suitable permanent restoration site of comparable size within the town of Yucca Valley.

Major impacts that I feel should be addressed and mitigated to produce a level of zero impact or to offset the impact to a net improvement include:

- 1) Water runoff from the site will be significant.
  - a) The water will not percolate into the ground over the original area of the site.
  - b) The water runoff from the site will be contaminated, especially from automobile wastes such as oil, grease, and exhaust soot.

I believe retention ponds for the water runoff should be required and that this water be purified before being released into the environment and into our aquifer. Groundwater quality must be maintained.

- 2) Light pollution will be significant. It has been shown that light pollution affects insects and vertebrates such as birds. The light pollution will also negatively impact the steps the town has taken to assure dark night skies.
- 3) Air pollution will impact local plant communities as well as human communities. Significant effort should be made to assure that a minimum number of automobile trips are made to the site including a convenient mass transportation center. Impact to the flow of highway 62 should be minimized.

NN-1

NN-2

NN-3

NN-4

4) Trash from the site when it is in operation will encourage raven populations.

Ravens have been shown to predate young desert tortoises and considering that the desert tortoise is a federally listed species, this impact should be mitigated to zero or below zero significance. This should include adequate periodic cleanup and fencing.

NN-5

5) The site is part of an existing animal movement corridor connecting the Joshua Tree National Park to the area north of highway 62. This corridor is critical to maintaining viable populations of desert fauna. Mitigation should include a north-south corridor; probably a 200 or 300 foot-wide strip of undisturbed land on the east side of the site with suitable barriers to ensure animals are not endangered by entering the parking area of the site.

Coordination with subsequent projects in the vicinity of the site should be addressed.

NN-6

After reviewing the Draft EIR, I believe the document is inadequate regarding my original comments. I will outline these deficiencies below:

NN-7

I could not find suitable provision in the document to save protected native plants that are not adopted.

NN-8

Section 4.8 in the Draft EIR addresses Hydrology and Water Quality. However, water runoff and pollution carried by this runoff is insufficiently mitigated by the plan outlined in the document. First of all, the current pre-project site would absorb the water of moderate rain events. Greater amounts of rain would runoff in a distributed manner. However, site after build-out would be impermeable and result in a concentrated outflow location facilitated by flow control including a detention pond, eventually reaching Covington wash to the east of the Home Depot site. This is inadequate and will likely cause excessive erosion in the wash. Permeable paving could be employed, but this would not address pollution issues.

NN-9

The most troubling issue regarding runoff is the pollution that the runoff will carry. The document only shows a detention pond as the method of mitigating runoff pollution. Treatment Control Best Management Practices (BMP's) are listed for various pollutants, but detention ponds are rated with U (unknown) removal efficiency for pathogens, pesticides, organic compounds, and M (medium) for metals, nutrients, oxygen demanding substances, and oil and grease. Table 4.8.A shows that all of these pollutants are P (potential) and many are E (expected) at the site. From this information it is clear that a detention pond will allow substantial pollution to enter the environment. Considering that the final resting place of this water is the aquifer, the town's drinking water supply, a detention pond is inadequate. The only listed solution that might offer a solution is filtration.

NN-10

Another issue is the use of table 4.8.B. This shows impact on water bodies, not an aquifer. Appropriate information related to how these pollutants affect aquifers should be used.

NN-11

Regarding light pollution, even with approved light fixtures the added lights will reflect off the pavement and cause degradation of the night sky. This is contrary to the goals of the town to preserve night skies.

NN-12

The Draft EIR states that air pollution in the region cannot be reduced to a level requiring no mitigation during both construction AND operation of the project. The document estimates that 10,590 daily vehicle trips will be generated by the project, and although I commend the attempt to mitigate this figure with storage facilities for 12 bicycles, I don't believe that the additional mitigation of employee carpool incentives and a travel information center can offset the huge contribution these trips will have to destroying the town's air and filling our roads with traffic.

NN-13

Considering traffic, just in the region of the project, I feel it is very disruptive to flow on highway 62 to have a traffic signal just for the project, even if it is shared with the Home Depot store. Traffic should be routed to Avalon Rd. and the Avalon/62 intersection if vehicles wish to go west on highway 62, and only right turns should be allowed out of any driveway that connects to highway 62.

NN-14

Regarding Ravens and trash, it is laudable that signs saying that it is illegal to litter will be put in place, but the fact is, the project is in a region where it is often very windy. I would like to see some form of fencing to collect blow-trash, as well as some permanent trash clean-up plan for the adjacent properties. One need only visit other large parking areas in the town to see the problem this trash presents. The survival of the desert tortoise should not be compromised.

NN-15

Section 4.4 of the Draft EIR is focused on biological resources. It states that the site is of reduced habitat quality, and that being surrounded on its north, east and west side by roads and development, is not a wildlife corridor. Both these statements are in conflict with the document. A focused survey was done in February 2005 and updated in May of 2006 (while looking for tortoise). Although the Loggerheaded Shrike is listed as having a low probability to occur, the quality of the site was high enough for it to be observed on the site. Regarding wildlife corridors, roads are seldom an impediment to wildlife movement. Wildlife are known to cross highway 62 in Morongo Valley as part of a corridor linking the Little San Bernardino Mountains with the Big Morongo Preserve and Joshua Tree National Park. As seen in figure 4.8.2 the project would block a clear wildlife corridor running from the south-east to the north-west where no development exists. The project will seriously fragment this corridor. At the very minimum, some thought should be put into maintaining this corridor by altering the parking area of the project substantially on its west side.

NN-16

NN-17

In general, I believe the Draft EIR points out the serious impact that this project will have on Yucca Valley and the surrounding communities. The impact is not only to our precious wildlife, landscape, water, air, and traffic, but to the grounding principle that Yucca Valley maintain its rural character. Unless serious changes are made to mitigate these impacts, including those outlined above, this project should be halted.

NN-18

I appreciate your concern in this matter and look forward to reviewing the Final EIR. Please keep me informed about this project and send a copy of the Final EIR to me by mail using the address listed above.

Sincerely,

Bradford W. Berger

## RESPONSE TO THE DRAFT EIR, COMMENT LETTER NN

### Bradford Berger

**Response to Comment Letter NN-1:** Please refer to Response to Comment A-51. Analysis of protected native plants was identified and discussed in Section 4.4 (Biological Resources) of the DEIR. As indicated in the DEIR, "... Compliance with the requirements of the Town's Native Plant Protection and Management Ordinance and any other applicable local policies or ordinances protecting biological resources would ensure potential impacts associated with this issue would remain less than significant" (DEIR 4.4-11). As indicated in Section 89.0133 (Retention of Joshua Trees and Yuccas) of Ordinance 140 (Plant Protection and Management) of the Town of Yucca Valley, Joshua trees and yuccas "... may be transplanted to another location on the same property or may be made available for adoption through the Town's Joshua Tree Preservation and Adoption Program." Therefore, all suitable protected plants on the project site would either be replanted within the project site or would be made available for adoption through the Town's Preservation and Adoption Program.

**Response to Comment Letter NN-2:** Please refer to Response to Comment A-54. Analysis of stormwater runoff and water quality have been identified and discussed in Section 4.8 (Hydrology and Water Quality).

**Response to Comment Letter NN-3:** The DEIR states, "... in spite of reduction of lighting impacts provided in the *Yucca Valley Retail Specific Plan*, development of the project site would introduce into the area a new source of nighttime light and ... could create a potentially significant impact from spillover light toward the adjacent properties to the east and south" (DEIR p. 4.1-19). However, the DEIR provides mitigation measures (Mitigation Measures 4.1.1A through 4.1.1C) in addition to requirements contained in the Town's applicable ordinances. Implementation of these identified mitigation measures would ensure that there would be no spillover light from on-site lighting.

**Response to Comment Letter NN-4:** The Commentor asserts that air pollution would impact local plant communities as well as human communities; however, this claim is not substantiated through facts or reasonable assumptions predicated on facts. The Commentor states that significant effort should be made to ensure that a minimum number of automobile trips is made to the project site. To the extent feasible, the DEIR has identified that the proposed project would implement Transportation Demand Management (TDM) measures that aim to reduce vehicle trips to the proposed project. Although such measures would be implemented, it is not possible to quantify the reduction in the amount of emissions that may occur. The Commentor also indicates that the impact to the flow of State Route 62 should be minimized. This comment has been addressed in Response to Comment NN-14.

**Response to Comment Letter NN-5:** Comment noted. Please refer to Response to Comment A-40, which contains an appropriate response to this comment.

**Response to Comment Letter NN-6:** As stated in the DEIR (p 4.4-2), the project lies in the immediate vicinity of developed areas. Furthermore, State Route 62, the heavily traveled primary arterial through the Town, forms the northern boundary of the project site. As stated in the DEIR, the proximity of the site to developed uses, its degraded nature, absence of high-quality habitat, and the presence of State Route 62 have already effectively created a barrier to wildlife movement; therefore, the development of the project site would not significantly impede wildlife movement in the project area.

**Response to Comment Letter NN-7:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment Letter NN-8:** Please refer to Response to Comment NN-1.

**Response to Comment Letter NN-9:** Please refer to Responses to Comments A-63 and A-71.

**Response to Comment Letter NN-10:** Please refer to Responses to Comments A-63 and A-65.

**Response to Comment Letter NN-11:** Impacts related to groundwater contamination are either related to a manufactured chemical, a microbial contamination, or a naturally occurring mineral or metallic deposit in the soil. These pollutants and their effects have been included in Table 4.8.B of the DEIR. The water quality impact of these general pollutants focuses on aquatic life as these organisms are often more sensitive to changes in pollutant levels than other organisms. Thus, these impacts are indicative of a worst-case scenario. Furthermore, water being pulled from an aquifer for human consumption has to meet specific requirements of the Department of Environmental Health Services before it can be pumped for municipal use.

**Response to Comment Letter NN-12:** The potential light and glare impacts of the proposed project are analyzed in detail in Section 4.1 of the DEIR. The DEIR acknowledges the fact that the project will introduce new light sources to the area, which could cause potentially significant impacts on neighboring properties from light and glare. However, the DEIR also acknowledges that the proposed project is required to comply with the Town of Yucca Valley Ordinance 90, which establishes regulations as stated for outdoor lighting and night sky protection. The objectives of Ordinance 90 are to substantially reduce light pollution, which can be generated from commercial lighting fixtures, and reduce and minimize lighting practices, which cause unnecessary illumination of adjacent properties. Ordinance 90 requires that any new construction located in a commercial land use district must fully shield all light fixtures to preclude adverse impacts through adjacent properties as a result of light trespass. To reduce potential light and glare impacts to a less than significant levels, the DEIR identifies Mitigation Measures 4.1.1A through 4.1.1C, which require the project to control all in one and spill light onto adjacent properties by fitting light fixtures with glare-shields or adjustable barn door fixtures, as well as submit to the Town a photometric study proving that the project light sources do not spill over onto adjacent off-site properties in compliance with Ordinance 90. With the limitation of the identified mitigation measures, the DEIR indicates that the proposed project will have a less than significant impact from light and glare.

**Response to Comment Letter NN-13:** As indicated in the DEIR, although implementation of TDM measures (which include bicycle storage and a transportation information center) may reduce vehicle trips associated with the proposed project, "... it is not possible to quantify the reduction in the amount of emissions that may occur. Considering the volume of emissions estimated to be generated by the project and current commuter habits of retail customers, it is unlikely that the implementation of TDM measures will result in a reduction of operational project emissions to below MDAQMD thresholds" (p. 4.3-40). The DEIR acknowledges that even with these measures, potential long-term air quality impacts resulting from the operation of the proposed project will remain significant and unavoidable.

**Response to Comment Letter NN-14:** As stated in the DEIR, SR-62 is a Caltrans controlled roadway. The type and placement of any required traffic signal, as well as the control of traffic on SR-62 adjacent to the project frontage, will be governed by established Caltrans standards. The traffic mitigation features identified in the DEIR recognize and incorporate the appropriate Town and Caltrans requirements.

**Response to Comment Letter NN-15:** The removal of trash from within the project site would be part of ongoing maintenance operations to maintain building standards as well as health and safety requirements. Because the project would be required to adhere to these standards and requirements, trash on site would not impact the desert tortoise.

**Response to Comment Letter NN-16:** Even though the DEIR states that the loggerhead shrike has a low probability of occurrence, the DEIR concludes that there is suitable habitat and that "... the loggerhead shrike was observed on-site during the Desert Tortoise Presence/Absence Survey in May 2006" (p. 4.4-5). Furthermore, the DEIR discusses impacts to the loggerhead shrike within Impact 4.4.1 (Non-listed Sensitive Species) and mitigation measures that would reduce impacts to the loggerhead shrike to a less than significant level (p. 4.4.-13).

**Response to Comment Letter NN-17:** The Commentor refers to Figure 4.8.2, which is identified in the DEIR as "FEMA Flood Zones." Figure 4.8.2 does not identify any wildlife movement corridor. Based on this aerial photograph, the Commentor states the southeast to northwest movement of wildlife through the project site is possible. The nature of existing development along SR-62 in the vicinity of the project site eliminates the potential for wildlife movement. The project site is bounded by SR-62, Palisade Drive, and Avalon Avenue on the north, south, and west, respectively. Beyond these roadways, residential and commercial development has occurred. To utilize the "corridor" identified by the Commentor, wildlife would have to cross SR-62, Avalon Avenue, and Paxton Avenue. Key considerations in determining whether an area is suitable to act as a wildlife corridor are: will wildlife encounter the entrance to the corridor; once encountered, will wildlife enter and follow the full length of the corridor; is the condition of the corridor adequate to satisfy the needs of wildlife using the corridor; are there impediments to wildlife use of the corridor (e.g., domestic animals, noise from traffic, outdoor lighting, on- and off-road use, and other human activity). As identified in the DEIR, the quality of the project site has been reduced, "...due to a moderate level of disturbance." Because of the proximity of well traveled roadways, adjacent development, and human activity, the corridor perceived by the Commentor, when measured against the considerations for a viable corridor, does not harbor the prerequisites to be considered a viable wildlife corridor.

**Response to Comment Letter NN-18:** The comment is noted and will be considered during the Town Council review of the EIR.

**Jeannie Lindberg**

---

**From:** eir@yucca-valley.org  
**Sent:** Wednesday, August 22, 2007 4:55 PM  
**To:** Jeannie Lindberg  
**Subject:** Super Wal-Mart EIR

**Name:** Ann Holley  
**Organization:**  
**Address:** 3021 Warren Vista  
**City:** Yucca Valley  
**State:** Ca  
**Zip:** 92284  
**Phone:**  
**E-mail:**  
**Comments:**

No matter how well the objections are covered it's still a Wal-Mart and your middle class tax base will still shop down the hill.

No matter how well the objections are covered a superstore doesn't fall into the town plan of low controlled growth preserving our rural lifestyle.

Please pass on this and do something different. We can wait.

} 00-1

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER OO**

**Ann Holley**

**Response to Comment Letter OO-1:** Section 4.9 (Land Use and Planning) addresses the impacts of the proposed project conflicting with any applicable land use plans. The Yucca Valley Retail Specific Plan is consistent with the goals and policies of the General Plan.

**Jeannie Lindberg**

---

**From:** eir@yucca-valley.org  
**Sent:** Wednesday, August 22, 2007 5:06 PM  
**To:** Jeannie Lindberg  
**Subject:** Super Wal-Mart EIR

**Name:** Allen Perry  
**Organization:**  
**Address:** 311 S Delgada Ave  
**City:** Yucca Valley  
**State:** CA  
**Zip:** 92284  
**Phone:** 760-364-3012  
**E-mail:** itsearthms@yahoo.com  
**Comments:**

I have lived in this town for nearly 30 years. The proposed SuperWalmart would not entice or attract more growth of the working middle class as this area has experienced in the recent past. Most of these new residents do not shop at Walmart. I remember the hundreds of Joshua Trees killed for the first Walmart and think it is preposterous to do the same for another Walmart. Walmart has a poor reputation as an employer. Please do not agree for a SuperWalmart. Thank you, Allen Perry

PP-1

PP-2

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER PP**

**Allen Perry**

**Response to Comment PP-1:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment PP-2:** Please refer to Response to Comment A-51. Section 4.4 addresses the requirements of the Town's Native Plant Protection and Management Ordinance, which requires the issuance of a permit for removal of Joshua trees. As discussed in Section 4.4, prior to implementation, the proposed project would be required to adhere to the Town's Plant Protection and Management Ordinance, which includes the incorporation of Joshua trees into the landscaping.

**Jeannie Lindberg**

---

**From:** eir@yucca-valley.org  
**Sent:** Wednesday, August 22, 2007 5:24 PM  
**To:** Jeannie Lindberg  
**Subject:** Super Wal-Mart EIR

**Name:** Becky Boyles  
**Organization:**  
**Address:**  
**City:** Yucca Valley  
**State:** CA  
**Zip:**  
**Phone:**  
**E-mail:** becky\_0305@verizon.net  
**Comments:**

I have serious concerns about the town's desire to build a Super Wal Mart in Yucca Valley. I do not shop at our current WalMart - it is dirty and they do not carry the items that I purchase. I do not believe that a Super Wal Mart will benefit our town. I will continue to drive to Palm Desert to shop at Target and Trader Joe's. These stores carry the items that I purchase for my family. I have never purchased clothes at Wal Mart. Their clothes are cheaply made and are not fashionable. Target's clothes are better made and more in style. All of the items that I have purchased at Target are better quality than Wal Mart.

I feel that if our local government was concerned with improving the perception and image of our town, then they would attempt to bring in better quality stores - like Target and Trader Joes, which would appeal to the upper middle class. The housing market is improving and more homes are being sold in the \$350,000 + range. Those of us who have the income to purchase these homes desire better quality stores. We don't want another Wal Mart ! We will continue to shop 'down the hill' to get the quality we want.

QQ-1

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER QQ**

**Becky Boyles**

**Response to Comment Letter QQ-1:** The comment is noted and will be considered during the Town Council review of the EIR.

**Jeannie Lindberg**

---

**From:** eir@yucca-valley.org  
**Sent:** Wednesday, August 22, 2007 10:19 PM  
**To:** Jeannie Lindberg  
**Subject:** Super Wal-Mart EIR

**Name:** Willie Ramerize  
**Organization:**  
**Address:**  
**City:** Yucca Valley  
**State:** CA  
**Zip:**  
**Phone:**  
**E-mail:**  
**Comments:**

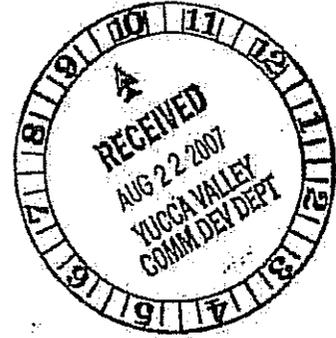
Just what the DR. ordered! YV needs S.W.M like the desert needs rain. I hope all goes as planned once construction starts. The EIR covers it all.

RR-1

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER RR**

**Willie Ramerize**

**Response to Comment RR-1:** The comment is noted and will be considered during the Town Council review of the EIR.



August 18, 2007

Thomas A. Best  
 Town of Yucca Valley, Development Department  
 58928 Business Center Drive  
 Yucca Valley, CA 92284

Re: Comments on Wal-Mart Supercenter Environmental Impact Report

Dear Mr. Best:

The "Yucca Valley Retail Specific Plan" in section 4, states: "The ozone levels in the Basin are caused in large part by transport of ozone from urban coastal areas." Also it states our region is designated "nonattainment" under both state and federal ozone and particulate matter (10) ambient air quality standards. Further, our designation includes a "severe 17" classification for federal ozone standards requiring us to come into compliance by November 15, 2007.

Section 5, repeats that we have not attained the state and federal air quality standards for ozone and PM(10). And it states: "Project emissions would contribute to this nonattainment status." The report also states the emissions from this proposed project cannot be avoided.

Since we are required to be in compliance with federal ozone ambient air quality standards, why should we consider a project which would contribute even more to poor air quality and to the poor health of our citizens? We should be doing everything we can to improve the air quality and not knowingly contribute to our air quality problem.

Without some method to end the transport of ozone from outside our area, we can only be responsible for our own contribution. Is employment, economic development, or growth worth the penalty of contributions to poor air quality? Unless there is an overriding compelling reason, the negative impact to the air we breathe should, regrettably, prohibit going forward with this project.

Ronald Reitenauer, Yucca Valley

SS-1

**RESPONSE TO THE DRAFT EIR, COMMENT LETTER SS**

**Ronald Reitenauer**

**Response to Comment SS-1:** Please refer to the Responses to Comments S-1 and Y-1.



August 20, 2007.

Tom Best and Nicole Sauviat Criste  
Town of Yucca Valley  
Community Development Department  
58928 Business Center Drive  
Yucca Valley, CA 92284

Re: **Comments on Draft EIR – Yucca Valley Retail Specific Plan (Super Walmart)**

The Hi-Desert Water District has reviewed the Draft EIR for the above referenced project and offers the following comments:

The District has undertaken to construct a regional wastewater treatment and collection sewer system for the community of Yucca Valley, which has been and continues to rely on septic systems for sewage disposal. The continuous use of septic systems has resulted in nitrate contamination in various areas of the groundwater aquifer (Warren Valley Basin), which is the primary water source for the residents of Yucca Valley.

A critical component of the District's regional wastewater treatment facility will be the final treatment stage of the effluent. Since recharge of this water into the aquifer is planned, the District is required to meet at a minimum tertiary treatment for the planned facility by the California Department of Health Services (DHS) for now. It is anticipated that advanced treatment beyond tertiary level would be required by the District to continue groundwater recharge in the future.

Water quality of the groundwater aquifer is of the utmost importance for both the District and the Warren Valley Basin Watermaster, which is charged with protecting the groundwater aquifer. For this reason, the District recommends that the effluent from the proposed package treatment facility, to serve the above referenced project, be treated to a minimum of tertiary standards to prevent further degradation of the aquifer. At the time the regional facility is constructed, it is anticipated the proposed development can then connect without the need of further treatment encumbrances to the proposed package plant.

TT-1

Should you have any questions in this regard, please contact me at 760.365.8333.

Sincerely,

  
Pat Grady  
Asst. to the General Manager

Cc: Board of Directors  
Regional Water Quality Control Board

55439 29 Palms Hwy.  
Yucca Valley, CA 92284-2503  
760.365.8333 / fax: 760.365.0599  
www.hdwd.com  
email: info@hdwd.com

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER TT**

### **Hi-Desert Water District**

**Response to Comment TT-1.** Tertiary treatment is applied to improve the effluent quality before it is discharged to the receiving environment. More than one tertiary treatment process may be used at any treatment plant. Such tertiary treatment processes include filtration, lagooning, constructed wetlands, nutrient removal (consisting of nitrogen or phosphorus removal), and disinfection (which includes use of chlorine, iodine, or ultraviolet light.) It is anticipated that the project will install a Z-MOD S Below Ground Packaged Plant from General Electric. Components of this particular package plant include an ultraviolet system that would disinfect the effluent; a co-nutrient dosing system that would increase the total amount of nitrogen removed from the effluent; and a coagulant dosing system that would increase phosphorous removal. With these systems in place, it is anticipated that effluent coming from the wastewater package plant would be treated to tertiary standards and would have no negative impact on the aquifer and would be compatible with connection to the future regional wastewater facility.

Jeannie Lindberg

---

From: Tom Best  
Sent: Thursday, August 23, 2007 12:48 PM  
To: Jeannie Lindberg  
Subject: FW: Wal-Mart EIR comments

Attachments: EIR comments.doc



EIR comments.doc  
(30 KB)

For your Wal-Mart folder.

-----Original Message-----

From: Bill Souder [mailto:yuccaview@juno.com]  
Sent: Thursday, August 23, 2007 10:14 AM  
To: Tom Best  
Subject: Wal-Mart EIR comments

Tom,  
My comments on the draft EIR are attached.  
Bill

August 23, 2007

Mr. Tom Best  
Community Development Department  
58928 Business Center Drive  
Yucca Valley CA 92284

Dear Tom,

Here are my comments on the Draft EIR for the Wal-Mart SuperCenter:

Section 4.1.1 addresses lighting requirements and mitigation measures. They make some good comments about meeting the requirements of lighting ordinance 90, but due to some major flaws in that lighting ordinance, I think that some additional conditions should be applied. The existing ordinance does not address the quantitative lighting level. The result is the situation at Phelps Chevy/Nissan, where they are compliant with the ordinance, but the lighting intensity is 7 to 10 times greater than the lighting level of other projects. I measured 1500 lux at Phelps where the Home Depot photometric plot shows typically 200 lux. This excessive lighting level reflects up into the night sky causing significant sky glow. The sky glow can be seen from north of Buena Vista and as far as into the West entrance of Joshua Tree National park. Also, I think that Wal-Mart should be requested to carry night sky friendly light fixtures – namely shielded light fixtures.

UU-1

Section 4.3.2 summarizes the cumulative Air Quality Impacts and Mitigation. It states: "Because the project site is located in a nonattainment air basin for criteria pollutants, and in the absence of mitigation measures that would reduce the proposed project's emission of contribution of CO, ROC, NOx, and PM10 to below MDQAMD thresholds, potential long-term air quality impacts resulting from the operation of the proposed project will remain significant and unavoidable.

UU-2

Since many people have moved to Yucca Valley due to health reasons and are dependent upon clean air to (among other things) reduce the effects of asthma and other respiratory problems, I feel that the conclusion is non-responsive and cannot be accepted.

Section 4.15.2 addresses traffic Cumulative Impacts. This section clearly states "The project contributes to these level of service deficiencies, which are considered to be significant cumulative impacts requiring mitigation." Even with the Town's mitigation measures, the Level of Service is significantly degraded at many intersections. Wal-Mart says that they are paying their "fair share" of \$676K out of \$5.19 million. This hardly seems like a fair share. The mitigation consists mainly of additional traffic signals. These signals may help the traffic flow at individual intersections, but the cumulative effect of additional signals will make driving through the Town much more difficult.

UU-3

I suggest that Wal-Mart be required to provide the continuous cost of additional busses along highway 62 to their location.

Also, the numbers for additional traffic due to the SuperCenter seem to be inconsistent. Section 4.15 (page 4.15-31) adjusts the traffic count to 11,226 new trips per day, while appendix B (page 17) uses 10,590 new project vehicle trips per day. I would like to see an explanation of this discrepancy.

↑  
UU-4  
UU-5

Section 4.17 addresses Urban Decay and Appendix O addresses Market impact. Their arguments that additional gasoline and grocery store facilities can be accommodated are one sided. As long as existing stores are able to meet demand, it doesn't make sense that additional stations or stores will reduce leakage or increase revenue for the Town.

The retail leakage will continue to be high as long as there are not enough local jobs to keep residents working within Yucca Valley. With a stated 40% of the working population having to travel out of our community to work, it is human nature that they will do a significant amount of their shopping near where they work.

UU-6

Sincerely,

Bill Souder  
5022 Canton St  
Yucca Valley, CA 92284  
760 369-3814

## RESPONSE TO THE DRAFT EIR, COMMENT LETTER UU

### Bill Souder

**Response to Comment UU-1:** Please see Response to Comment NN-12. As indicated in the DEIR, "... pole-mounted floodlights at the main entry façade shall be fitted with glare shields or adjustable "barn doors" to control unwanted spill light" (p. 4.1-20). In addition, the proposed project would be required to mitigate for spillover light and direct glare through the specifications for light intensity for outdoor lighting as well as a photometric study that would provide additional project design features that would prevent light sources from spilling over to adjacent off-site properties.

**Response to Comment UU-2:** Please see Responses to Comments S-1 and Y-1. Potential air quality impacts to the proposed project are discussed in detail in Section 4.3 of the DEIR. Table 4.3.D located on page 4.3-18 of the DEIR indicates that the Mojave Desert Air Basin (MDAB) is currently designated as non-attainment for PM<sub>10</sub> and ozone. As discussed in Section 4.3, the project will result in emissions of PM<sub>10</sub> as well as various ozone precursors including reactive organic gases and oxides of nitrogen during both the construction and operation phases of the project. Even after implementation of mitigation measures identified in the DEIR, the proposed project will continue to have a significant and unavoidable air quality impact on a regional basis. The DEIR also analyzed the potential impact of the proposed project to expose sensitive receptors to substantial pollutant concentrations. As reflected on page 4.3-23, the proposed project will not result in a significant localized carbon monoxide impact due to the additional vehicular trips generated by the proposed project. Moreover, as indicated on page 4.3-32, the proposed project would not expose sensitive receptors to long-term diesel exhaust health risks or chronic non-carcinogenic health risks due to construction and operation on the proposed project.

**Response to Comment UU-3:** Fee-based mitigation programs for cumulative traffic impacts based on fair-share infrastructure contributions by individual projects are appropriate mitigation measures under CEQA. Furthermore, as indicated in *CEQA Guidelines* Section 15041, there must be a rough proportionality between the environmental impacts of a project and the mitigation measures imposed upon the project applicant. In determining the project's fair share, the EIR calculated the project's percentage of future increase in traffic along areawide roadways. The project is thereafter responsible for that percentage of the cost of the improvements necessary to maintain adequate levels of service on areawide roadways.

**Response to Comment UU-4:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment UU-5:** Section 4.3 (Air Quality) and Appendix B cited 10,590 new net vehicle trips. Section 4.15 (Traffic) and Appendix M cited 11,226 new net vehicle trips. The most recent version of the Air Quality Analysis (August 2006) mistakenly used 10,590 new net vehicle trips when it should have utilized 11,226 new net vehicle trips. The DEIR will be revised as follows:

Based on the traffic study prepared for this project (LSA, August 2006), the proposed project would generate 11,226 new net ~~10,590~~ vehicle trips per day. (DEIR p.4.3-39)

Although Section 4.3 cites 10,590 new net vehicle trips, the emissions tables in the Section 4.3 are based on 11,226 new net vehicle trips as indicated in an earlier version of the Air Quality Analysis (September 2005). However, in an abundance of caution, the operational emissions were rerun using the 11,226 net trips with the URBEMIS2007 model. The result of this emissions run resulted in ROC summer emissions being reduced under the MDAQMD threshold of 137 lbs/day. All other emissions (CO, ROC [winter emissions], NO<sub>x</sub>, SO<sub>2</sub> and PM<sub>10</sub>) would still exceed the MDAQMD thresholds.

Although PM<sub>2.5</sub> was also included in the emissions calculations, this inclusion is for informational purposes as MDAQMD currently does not have a threshold for PM<sub>2.5</sub>. The DEIR will be revised as follows:

**Table 4.3.M – Project Operational Emissions<sup>1</sup>**

Source	Pollutants (lbs/day)				
	CO	ROC	NO <sub>x</sub>	SO <sub>2</sub>	PM <sub>10</sub>
Stationary Sources: Summer	4.3	2.1	2.4	0.00	0.01
Vehicular Traffic: Summer	1,718	138	242	1.7	173
Subtotal Summer	1,722	140	244	1.7	173
Stationary Sources: Winter	2.0	1.8	2.4	0.00	0.00
Vehicular Traffic: Winter	2,098	174	290	1.7	173
Subtotal Winter	2,100	176	292	1.7	173
MDAQMD Threshold	548	137	137	137	82
Exceeds Threshold?	Yes/Yes <sup>2</sup>	Yes/Yes <sup>2</sup>	Yes/Yes	No/No	Yes/Yes

<sup>1</sup> Calculated for the opening year, 2006, as a worst case scenario.

<sup>2</sup> Summer/winter exceedance.

Source: LSA Associates, Inc., August 2006.

**Table 4.3.N – Project Operational Emissions<sup>1</sup>**

Source	Pollutants (lbs/day)					
	CO	ROC	NO <sub>x</sub>	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Stationary Sources: Summer	7.1	2.0	2.3	0.00	0.01	0.01
Vehicular Traffic: Summer	1,500.0	120.0	210.0	1.1	180.0	36.0
Subtotal Summer	1,510.0	120.0	210.0	1.1	180.0	36.0
Stationary Sources: Winter	1.9	1.5	2.3	0.00	0.0	0.00
Vehicular Traffic: Winter	1,500.0	140.0	250.0	0.94	180.0	36.0
Subtotal Winter	1,500.0	140.0	250.0	0.94	190.0	36.0
MDAQMD Threshold	548	137	137	137	82	==
Exceeds Threshold?	Yes/Yes <sup>2</sup>	No/Yes <sup>2</sup>	Yes/Yes	No/No	Yes/Yes	==

<sup>1</sup> Calculated for the opening year, 2006, as a worst-case scenario.

<sup>2</sup> Summer/winter exceedance.

Source: LSA Associates, Inc., November 2007.

Since the DEIR took into account a worst-case scenario emissions generation (based on 11,226 new net vehicle trips), the change of the net vehicle trips from 10,590 to 11,226 does not constitute new and significant information. As evidenced by the project-related emissions quantified under the most recent air quality modeling methodology (URBEMIS2007), emissions of CO, ROC, NO<sub>x</sub>, and SO<sub>2</sub> would actually be less than that identified in the EIR. While emissions of PM<sub>10</sub> increased slightly over that identified in the DEIR, like the earlier analysis the level of PM<sub>10</sub> emissions exceeds established MDAQMD thresholds for this pollutant. No new significant impact would result from the remodeling of the air quality data. The determinations and conclusions stated in the DEIR's air quality analysis remain the same even after rerunning operational emissions. Therefore, the change in emissions does not represent significant new information, or constitute a new significant impact requiring recirculation of the DEIR.

**Response to Comment UU-6:** Based on market data collected for the proposed project, "... the area's existing inventory of retail facilities is not large enough to fully serve the shopping demands of these residents and tourists. Because of a lack of a full-scale shopping mall, residents and tourists travel to facilities in the Coachella Valley and elsewhere for portions of their shopping needs. Consequently, Yucca Valley and other nearby communities experience significant leakage of residential retail demand. Current leakage is approximately \$52.7 million per year, an amount that could support about 226,600 square feet of additional retail space in Yucca Valley" (p.4.17-1).

August 24, 2007

**Comments on SuperWalMart EIR****Biological Resources:**

*Impact 4.4.1B: "Any burrowing owls identified during on-site focused surveys shall be relocated by a qualified biologist prior to the commencement of grading activities. The relocation of any specimen shall be conducted per applicable CDF&G and/or USFWS procedures. Relocation of on-site burrowing owls shall not be permitted during the nesting season for this species."*

VV-1

The EIR is to specifically identify and outline the exact definition of "relocation." Relocation shall in no way constitute "shooing" or chasing away the birds. Also, both CDF&G and USFWS policies and procedures shall be required.

**Hydrology and Water Quality**

4.8: On June 7, 2001, the United States Environmental Protection Agency reached a water pollution settlement with WalMart that commits Wal-Mart to establish a \$4.5 million environmental management plan, to improve the retailer's compliance with environmental laws at each of its construction sites and minimize the impact of its building on watersheds. The settlement also compelled the company to pay a \$1 million civil penalty. The EPA reports states that this agreement should substantially reduce the hundreds of thousands of dollars spent by communities and states each year to ensure the safety of their drinking water. The settlement terms requires Wal-Mart to implement a storm water management plan to increase compliance at each of its construction sites nationwide by additional site inspections, record-keeping, reporting and training. Specifically, Wal-Mart will, among other things:

1. Produce a video on storm water control best management practices to be shown to contractors at each construction site prior to the commencement of any excavation or construction;
2. Require its contractors to certify that all appropriate storm water control are in place before construction begins;
3. Designate a storm water coordinator to be responsible for oversight of storm water compliance by Wal-Mart and its general contractors for all store construction sites covered by the agreement;
4. Require in its construction contracts at each Wal-Mart-owned store construction site that the general contractor designate its site superintendent as its storm water coordinator;
5. Review with the general contractor, as part of the awarding of a construction contract, a specific checklist of storm water requirements;
6. Hold an annual storm water seminar for contractors and others involved in the Wal-Mart storm water program;
7. Inspect storm water controls weekly and correct any problems found within seven days;

VV-2

- 8. Report to EPA all discharges of pollutants resulting from the absence or failure of erosion or sediment controls at its site following a rain event of 0.5 inch or more;
- 9. Conduct sampling at its sites to monitor and analyze the level of pollutants in its storm water discharge and to report this information to EPA; and
- 10. Have an independent audit conducted at some of its construction sites to assess, among other things, the success of its compliance plan and compliance with storm water regulations. (www.epa.gov)

↑  
VV-2

The EIR shall also disclose WalMart's entire agreement with the EPA, and any water pollution litigations/settlements dating after June 7, 2001.

Noise

If construction of the Super WalMart is approved, 4.1.1A should read: Construction activities are restricted within the Town to the hours of 7 a.m. to 10 p.m. Monday through Saturday, since Impact # 4.11.1, Short Term Construction Noise Impacts and Impact # 4.11.2, Groundborne Vibration cannot be mitigated, per the Town of Yucca Valley's noise ordinance.

↑  
VV-3

Mitigation # 4.11.3A and 4.11.3B: Please describe how WalMart will guarantee and enforce these mitigations, and exactly how WalMart will respond to resident complaints and Town Code Enforcement citations.

↑  
VV-4

Population and Housing

- 1. The EIR reports that the two largest employers in Yucca Valley are WalMart and the Morongo Unified School District. This is not something to be proud. It is a disproportion which screams poverty. Please keep in mind that the median family income in Yucca Valley is \$35,000 (California Department of Finance Demographic Research Unit). The average home cost is \$315,000 (California Association of Realtors).

↑  
VV-5

While Wal-Mart claims that it will bring over 300 jobs, most of these will be part-time, low-wage jobs that include little or no benefits. The average Wal-Mart worker makes \$8.23 an hour and typically works less than 24 hours a week. The average Wal-Mart employee working 40 hours a week would earn only \$17,118 a year, but a more realistic annual wage for a Wal-Mart worker is about \$10,000. In California, this is well below the poverty level for a family of two. Most Wal-Mart workers qualify for federal, state and local social services. WalMart workers will not be able to make a Morongo Basin rent or house payment, and commuters who are making house and rent payments will not surrender their jobs to work at WalMart.

↑  
VV-6

In February 2004, a Report by the Democratic Staff of the Committee on Education and the Workforce, Representative George Miller of California, detailed WalMart's labor practices. The report found that when a Wal-Mart

↑  
VV-7  
↓

Supercenter comes to town, the cost to federal taxpayers is \$420,750 a year, or \$2,103 per employee. The breakdown: \$36,000 a year in free and reduced school lunches; \$42,000 a year for Section 8 housing; \$125,000 a year for federal tax credits and deductions for low-income families; \$100,000 a year for Title I expenses; \$108,000 a year for federal health care costs; and \$9,750 a year for low-income energy assistance.

Wal-Mart claims that it provides health benefits to its workers. A part-time worker must work at Wal-Mart for a minimum of two years to be eligible for health benefits. When eligible, most Wal-Mart workers cannot afford health benefits that cost more than 20 percent of the average worker's salary. Wal-Mart workers have no choice but to rely on publicly assisted health care. Even upper-management cannot afford the health benefits Wal-Mart "provides."

In 2005, Wal-Mart posted revenues of \$256 billion; with profits of more than \$9 billion. With this kind of income, the Town of Yucca Valley should compel Wal-Mart to act in a legal, ethical, socially responsible manner and pay its workers a living wage with health benefits, rather than the tax-paying citizens of the Morongo Basin subsidizing their private profits.

VV-7

- 2. If construction of the Super Walmart is approved, WalMart must be required to use the local construction workforce. "Thousands of carpenters, drywall installers and other people in the building trades were idled in July as the slumping real estate market put a sledgehammer to construction jobs in California, state figures released Friday showed. Overall, the state lost a net 8,600 jobs as unemployment crept up to 5.3%. Construction employment shrank by 7,800 jobs as home developers curtailed projects amid weak demand and emerging signs of a credit crunch. Home construction and the jobs it created had played a key role in the state's economic expansion. The retrenchment in construction undercut gains in other employment sectors...The state's unemployment rate rose from 5.2% in June to 5.3% in July. By comparison, the state jobless rate was 4.8% in July of last year. Much of the bad news on the job front was related to the housing market, which many economists believe has yet to bottom out." (Los Angeles Times, August 18, 2007)

3.

Utilities and Service Systems

The wastewater treatment facility (WWTF) described in the EIR is an unproven and unreliable method of waste management. (Missouri Water Resources Research Center, University of Missouri – Columbia). The town's first waste water treatment facility at Applebees has failed and is currently polluting Yucca Valley's ground water (Jon Rokke, RWQCB, Interview, June 2007) Yucca Valley has no agency that can monitor these systems. **Therefore, the construction of a Super WalMart must be denied until the Phase I sewer system is completed.** The data used in the EIR on this subject is not current, and does not include the Regional Water Quality Control Board's recent mandate

VV-8

VV-9

VV-10

of the Hi-Desert Water District and the Town of Yucca Valley to have a substantial part of the sewer system completed in two years, not 20.

VV-10

If the construction of Super WalMart is approved, all permits must be in place before construction begins. This includes the WWTF approval permit from the Regional Water Quality Control Board.

VV-11

Urban Decay

“This General plan for Yucca Valley reflects the Town’s appreciation for the best things the community has to offer and a determination to protect them. The Plan also reflects and acts on the new opportunities that arise from the new status and appreciation for our unique desert lands. Simply, the community’s highest values go hand in hand; appreciating and protecting the rural and natural environments are both sides of the same coin.” (Yucca Valley General Plan, p. I-1.)

“We have the choice to keep intact what makes this valley unique for our seniors, our families, our animals, our rural way of life.” (A Vision of Yucca Valley, General Plan, p. I3)

“The United States Census Bureau classifies as "urban" all territory, population, and housing units located within an urbanized area (UA) or an urban cluster (UC). It delineates UA and UC boundaries to encompass densely settled territory, which consists of:

VV-12

- core census block groups or blocks that have a population density of at least 1,000 people per square mile and
- surrounding census blocks that have an overall density of at least 500 people per square mile

In addition, under certain conditions, less densely settled territory may be part of each UA or UC.

The Census Bureau's classification of "rural" consists of all territory, population, and housing units located outside of UAs and UCs. The rural component contains both place and nonplace territory. Geographic entities, such as census tracts, counties, metropolitan areas, and the territory outside metropolitan areas, often are "split" between urban and rural territory, and the population and housing units they contain often are partly classified as urban and partly classified as rural.”  
([http://www.census.gov/geo/www/ua/ua\\_2k.html](http://www.census.gov/geo/www/ua/ua_2k.html))

The Urban Decay portion of the EIR references the 2004 edition of Dollars and Cents of Shopping Center published by the Urban Land Institute, and national median supermarket sales volumes from 2002, again published by the Urban Land Institute. Not only is the data outdated, it is quoted from a members-only, multi-disciplinary real estate forum.  
([http://www.uli.org/AM/Template.cfm?Section=About\\_ULI](http://www.uli.org/AM/Template.cfm?Section=About_ULI)).

VV-13

The Town of Yucca Valley's own General Plan defines and the U.S. Census Bureau classifies Yucca Valley as a rural area. Therefore, the data in the Urban Decay portion of the EIR is flawed, and must be re-done using rural community data from a non-exclusive resource.

VV-14

Sincerely, *Rae Packard*

Rae Packard  
8271 Tamarisk Avenue  
Yucca Valley, CA 92284  
760-369-1235



## RESPONSE TO THE DRAFT EIR, COMMENT LETTER VV

### Rae Packard

**Response to Comment VV-1:** As indicated in the DEIR, "... the relocation of any specimen [of burrowing owl] shall be conducted per applicable CDFG and/or USFWS procedures" (DEIR p.4.4-14). CDFG and USFWS procedures identify relocation as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 50 meters from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls. Relocation of owls should only be implemented during the non-breeding season. Because any relocation of burrowing owl will be conducted only with CDFG and USFWS approval and per applicable CDFG and USFWS procedures, the relocation does not constitute "shooing" or chasing away the birds.

The DEIR shall be revised to reflect the following change:

**"4.4.1B** Any burrowing owls identified during on-site focused surveys shall be relocated by a qualified biologist prior to the commencement of grading activities. The relocation of any specimen shall be conducted per applicable CDFG ~~and/or~~ and USFWS procedures. Relocation of on-site burrowing owls shall not be permitted during the nesting season for this species."

**Response to Comment VV-2:** The general information provided by the Commentor regarding the settlement agreements between the EPA and Wal-Mart is noted. Because the settlements between the EPA and Wal-Mart are legally binding agreements, it is reasonable to conclude that Wal-Mart would implement the stipulations contained within such agreements. Therefore, the inclusion of the detailed settlements between the EPA and Wal-Mart does not constitute a significant environmental issue, nor does it raise any concerns about the adequacy of the DEIR.

**Response to Comment VV-3:** The DEIR shall be revised to reflect the following changes:

**"4.11.1A** Construction activities are restricted within the Town to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday ~~Sunday~~. The following measures would reduce short-term construction-related noise impacts resulting from the proposed project:" (DEIR p.4.11-25)

**Response to Comment VV-4:** The Final EIR includes a mitigation monitoring and reporting program that identifies how and when mitigation measures are implemented, the reviewing/approving authority, and sanctions for non-compliance. The Code Compliance Division is responsible for the enforcement of local, state, and federal laws relating to land use, zoning, housing, and public nuisances. The staff responds to violations that involve health and safety issues, issues code enforcement violation notices and citations, and conducts administrative hearings. These measures would be enforced not only by Wal-Mart but through the Town's own governmental processes.

**Response to Comment VV-5:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment VV-6:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment VV-7:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment VV-8:** Please refer to Response to Comment W-4. The Commentor cites that the wastewater treatment facility described in the EIR is an unproven and unreliable method of waste management. This is based on information obtained from the Missouri Water Resources Research Center. This statement may be accurate for Missouri as it is in a different geographical location with different hydrological conditions (e.g., high water table); however, the Colorado River Basin RWQCB has adopted waste discharge requirements for discharges of wastes from wastewater treatment package plants that service commercial and residential developments in the Town of Yucca Valley. In the analysis of this issue, it is more appropriate to consider the findings and requirements for the local regulatory agency. It can be reasonably inferred that the RWQCB considers that wastewater treatment package plants, such as the proposed on-site package plant, are an appropriate method of waste management for the area.

**Response to Comment VV-9:** Refer to Response to Comment W-4. The RWQCB has adopted waste discharge requirements for discharges of wastes from wastewater treatment package plants that service commercial and residential developments in the Town of Yucca Valley. Since the RWQCB has adopted waste discharge requirements for wastewater treatment package plants and would issue such waste discharge permits, it can be reasonably inferred that the RWQCB would have oversight of the monitoring of these systems in coordination with other responsible public agencies such as the Town and the HDWD. The project applicant would be required to adhere to all appropriate RWQCB permit requirements.

**Response to Comment VV-10:** The Commentor asserts that the construction of the proposed project must be denied until the Phase I sewer system is completed. Although the design and public outreach for the construction of the wastewater treatment facility has begun, there is no way to determine when the completion of Phase I would occur. Furthermore, the proposed project's package treatment plant would be designed for the eventual connection to the Town's wastewater treatment facility when the facility comes online. The proposed wastewater package plant would be able to connect to the Town's future wastewater treatment facility.

The Commentor states that the data used in the DEIR regarding the Town's wastewater treatment facility are not current. When the DEIR was written, the most current information regarding the Town's wastewater treatment facility was utilized based on available sources. Since the release of the DEIR for public review, additional information on the construction of the Town's wastewater treatment facility has been made available. The DEIR shall include this information and revises the wastewater treatment facility discussion as follows:

"Concerned with the problem of rising nitrates, the Hi-Desert Water District approved a nitrate removal facility in September 2000. According to the District, a long-term solution, such as a wastewater treatment facility, is needed. The Board of Directors is predicting that it would take 20 years for the full construction of this facility, with a substantial part of the facility anticipated to be completed in 2 years. The need for a facility is mainly due to the growing number of wells testing high in nitrates and the need to protect the groundwater from further contamination. Numerous tasks have been undertaken (e.g., seismic studies and CEQA clearances) to move this project (the wastewater treatment facility) forward. Seventy acres have been acquired for a wastewater treatment facility on the eastern end of the Town of Yucca Valley off State Route 62 between La Contenta Road and Avalon Avenue. Funding sources for the treatment facilities include Federal funding for 25 percent of the project's construction cost. Grant funds (\$800,000 in fiscal year 1997 and \$500,000 in fiscal year 1998) have been used for engineering, seismic, and CEQA studies; property acquisition; and other pre-construction costs. The CEQA and NEPA environmental studies have begun and are expected to be complete sometime in early 2008. Phase 1, which includes the project site,

is currently being evaluated by the HDWD engineer and would ultimately run along State Route 62 providing the backbone for the entire wastewater collection system.” (DEIR p.4.16-5)

The information added to the paragraph would not alter the conclusions or analysis of the DEIR related to wastewater treatment. The information serves to supplement existing information in the DEIR and does not constitute significant and new information that would require a recirculation of the DEIR.

**Response to Comment VV-11:** The Commentor is correct in stating that all permits must be in place before development begins; however, as indicated in the DEIR, wastewater generated by the proposed project would be treated by the proposed wastewater treatment package plant. This proposed wastewater treatment package plant would be a stand-alone treatment system that would have a separate approval permit from the RWQCB. When the HDWD’s wastewater treatment facility comes online, the project’s wastewater treatment package plant would connect to and would have to adhere to requirements of the approval permit for the Town’s wastewater treatment facility.

**Response to Comment VV-12:** The comment is noted will be considered during the Town Council review of the EIR.

**Response to Comment VV-13:** As indicated in *CEQA Guidelines* Section 15148, “... preparation of EIRs is dependent upon information from many sources ... these documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR.” Section 4.17 of the DEIR (Urban Decay) was based on the Market Impact , which was included as Appendix O to this EIR. The Commentor claims that the data are outdated, or otherwise flawed; however, as indicated in Appendix O, the “current” year in the analysis is 2004, which is used as the base year in this study since it is the latest full year for which taxable sales data were available from the State Board of Equalization at the time the study was prepared. As indicated in *CEQA Guidelines* Section 15204, “... reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible.” Furthermore, as indicated in *CEQA Guidelines* Section 15125, the “... environmental setting will normally constitute the baseline” conditions. Since the Notice of Preparation was dated July 2004, the conditions at that time are appropriate for use in the analysis of Urban Decay.

**Response to Comment VV-14:** As indicated in the DEIR, “... Indications of urban decay include visible symptoms of physical deterioration that invite vandalism, loitering and graffiti. These visible symptoms include, but are not limited to, boarded doors and windows, existence of dumping or refuse on-site, lack of maintenance of parking areas and landscaping, long-term use of site for parking or storage of vehicles or other machinery, and unsightly and dilapidated fencing. Accordingly, urban decay is characterized by not only vacant retail buildings and centers, but by outward manifestations of disrepair of those vacant buildings” (DEIR p.4.17-8). Although the Town of Yucca Valley can be considered a rural area, rural areas can still be susceptible to urban decay. The Commentor seems to indicate that the data contained in the Urban Decay Analysis were based on urban areas; however, the DEIR section on Urban Decay was based on data from the Town of Yucca Valley, the communities of Joshua Tree, Landers, and Morongo Valley, the City of Twentynine Palms, and the Twentynine Palms Marine Corps Air Ground Combat Center. The data contained in the DEIR Urban Decay section and the accompanying Urban Decay Analysis has been fully disclosed.

**Jeannie Lindberg**

---

**From:** alr@yucca-valley.org  
**Sent:** Monday, August 27, 2007 2:00 PM  
**To:** Jeannie Lindberg  
**Subject:** Super Wal-Mart EIR

**Name:** John Woods  
**Organization:**  
**Address:**  
**City:** Yucca Valley  
**State:** CA  
**Zip:**  
**Phone:**  
**E-mail:**  
**Comments:**

Yes, this is it! My family and I are so thrilled to Super Wal Mart will soon be here. This is one of the reasons why we choose to move to YV. More than enough room for future growth making it a beautiful place to live and raise up our kids. Thank you Super Wal Mart for coming to YV!

Wood's family

} WW-1

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER WW**

**John Woods**

**Response to Comment WW-1:** The comment is noted and will be considered during the Town Council review of the EIR.



ARNOLD SCHWARZENEGGER  
GOVERNOR

August 24, 2007

Tom Best and Nicole Sauviat Criste  
Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

Subject: Yucca Valley Retail Specific Plan  
SCE#: 2004071127

Dear Tom Best and Nicole Sauviat Criste:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 23, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

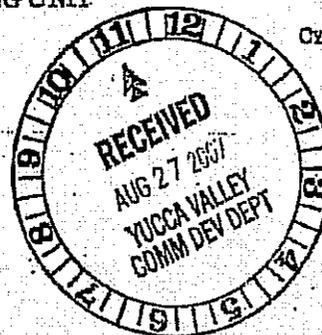
Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BREANT  
DIRECTOR



XX-1

Document Details Report  
State Clearinghouse Data Base

Letter XX

**SCH#** 2004071127  
**Project Title** Yucca Valley Retail Specific Plan  
**Lead Agency** Yucca Valley, City of

**Type** EIR Draft EIR

**Description** The proposed project involves the construction and operation of a 229,000-square foot supercenter, a twelve position gas station, a 4,000-square foot fast food restaurant, a 1.82-acre retention basin, and 10,000 gallon on-site wastewater treatment plant.

**Lead Agency Contact**

**Name** Tom Best and Nicole Sauvlat Crista  
**Agency** Town of Yucca Valley  
**Phone** (760) 369-6575 **Fax**  
**email**  
**Address** 58928 Business Center Drive  
**City** Yucca Valley **State** CA **Zip** 92284

**Project Location**

**County** San Bernardino  
**City** Yucca Valley  
**Region**  
**Cross Streets** State Highway 62 and Avalon Avenue  
**Parcel No.** 0601-201-37  
**Township** 1N **Range** 6E **Section** 32 **Base** SBBM

**Proximity to:**

**Highways** 62  
**Airports** Yucca Valley Airport  
**Railways**  
**Waterways**  
**Schools** Onaga ES, La Contenta JH, Sky Continuation  
**Land Use** Vacant  
Z: General Commercial  
GP: General Commercial

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

**Reviewing Agencies** Resources Agency; Regional Water Quality Control Bd., Region 6 (Victorville); Department of Parks and Recreation; Native American Heritage Commission; Department of Fish and Game, Region 6; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Caltrans, Division of Aeronautics; Department of Toxic Substances Control

**Date Received** 07/09/2007 **Start of Review** 07/10/2007 **End of Review** 08/23/2007

This letter has been separately submitted as Letter O.



Letter XX



Linda S. Adams  
Secretary for  
Environmental Protection

## Department of Toxic Substances Control

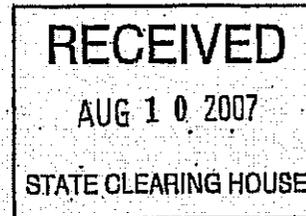
Maureen F. Gorsen, Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

August 2, 2007

Mr. Tom Best and Ms. Nicole Sauviat Criste  
Town of Yucca Valley  
Community Development Department  
58928 Business Center Drive  
Yucca Valley, California 92284



clear  
8/23/07  
e

### NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR YUCCA VALLEY RETAIL SPECIFIC PLAN PROJECT (SCH# 2004071127)

Dear Mr. Best and Ms. Sauviat Criste:

The Department of Toxic Substances Control (DTSC) has received your submitted Notice of Preparation of a Supplemental EIR for the above-mentioned project. The following project description is stated in your document: "The Yucca Valley Retail Specific Plan would provide development regulations and design guidelines resulting in a commercial retail center on the approximately 25.51-acre project site located on the southeast corner of SR-62 (Twentynine Palms Highway) and Avalon Avenue... The project as currently proposed includes a total of approximately 233,000 square feet of building area and a retention basin comprised of: A 229,000-square foot major Supercenter and gas station; A 4,000-square foot fast-food restaurant with drive-through; A retention basin... The proposed project also include the construction of off-site improvements, including street improvements, the installation of a water line, the construction of storm drain structures and the construction of catch basins and drain pipes."

Based on the review of the submitted document DTSC has the following comments:

- 1) The EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents. Please see comment 4 below for more information.
- 2) The project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions

This letter has been separately  
submitted as Letter O.

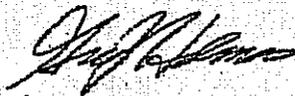
Mr. Tom Best and Ms. Nicole Sauviat Criste  
August 2, 2007  
Page 2

(LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

- 3) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area would cease and appropriate health and safety procedures should be implemented.
- 4) Envirostor (formerly CalSites) is a database primarily used by the California Department of Toxic Substances Control, and is accessible through DTSC's website. DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA please see [www.dtsc.ca.gov/SiteCleanup/Brownfields](http://www.dtsc.ca.gov/SiteCleanup/Brownfields), or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489 for the VCA.

If you have any questions regarding this letter, please contact  
Ms. Eileen Khachatourians, Project Manager, at (714) 484-5349 or  
email at [EKhachat@dtsc.ca.gov](mailto:EKhachat@dtsc.ca.gov).

Sincerely,



Greg Holmes  
Unit Chief

Southern California Cleanup Operations Branch - Cypress Office

cc: Governor's Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

CEQA Tracking Center  
Department of Toxic Substances Control  
Office of Environmental Planning and Analysis  
1001 I Street, 22<sup>nd</sup> Floor, M.S. 22-2  
Sacramento, California 95814

CEQA# 1760

**DEPARTMENT OF TRANSPORTATION**  
 DIVISION OF AERONAUTICS - M.S.#40  
 1120 N STREET  
 P. O. BOX 942873  
 SACRAMENTO, CA. 94273-0001  
 PHONE (916) 654-4959  
 FAX (916) 653-9531  
 TTY 711

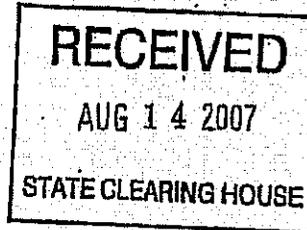
This letter has been separately  
 submitted as Letter EE.



*Flex your power!  
 Be energy efficient!*

August 7 2007

Mr. Tom Best and Ms. Nicola Sarviat Criste  
 Town of Yucca Valley  
 58928 Business Center Drive  
 Town of Yucca Valley, CA 92284



clear  
 8/23/07  
 e

Dear Mr. Best and Ms. Sauviat Criste:

Town of Yucca Valley's Draft Environmental Impact Report for the Yucca Valley Retail Specific Plan;  
 SCH# 2004071127

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports.

The proposal is for a 229,000 square foot Wal-Mart supercenter, 4,000 square foot fast-food restaurant with drive-through, gas station, 1.82-acre retention basin and a 10,000 gallon on-site wastewater treatment plant. The project site is located approximately 4,225 feet east of the Yucca Valley Airport. Yucca Valley Airport has approximately 65 based aircraft and over 14,000 annual operations. The project site may be subject to aircraft overflights and subsequent aircraft-related noise and safety impacts. The proposal should be submitted to the Yucca Valley Airport Manager to ensure that the proposal will be compatible with future as well as existing airport operations.

Public Utilities Code Section 21659 prohibits structural hazards on or near airports. The proposal will require submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace." Form 7460-1 is available on-line at <http://forms.faa.gov/forms/7460-1.pdf>.

Land use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife-aircraft collisions. The FAA recommends that wastewater treatment facilities and other uses that have the potential to attract wildlife be restricted in the vicinity of an airport. FAA Advisory Circular 150/5200-33A entitled "Hazardous Wildlife Attractants on or Near Airports" addresses these issues. For further information, please refer to the FAA website [http://wildlife-mitigation.tc.faa.gov/public\\_html/index.html](http://wildlife-mitigation.tc.faa.gov/public_html/index.html).

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our Caltrans District 8 office in San Bernardino concerning surface transportation issues.

Mr. Tom Best and Ms. Nicole Sauviat Crista  
August 7, 2007  
Page 2

This letter has been separately  
submitted as Letter EE.

Thank you for the opportunity to review and comment on this proposal. If you have any questions,  
please call me at (916) 654-5314.

Sincerely,

*Original Signed by*

**SANDY HESNARD**  
Aviation Environmental Specialist

c: State Clearinghouse, Yucca Valley Airport

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER XX**

**State of California Office of Planning and Research, State Clearinghouse and Planning Unit**

**Response to Comment Letter XX-1:** The comment regarding the processing of the DEIR comment letters is noted and will be considered during the Town Council review of the EIR.

**Jeannie Lindberg**

---

**From:** eir@yucca-valley.org  
**Sent:** Tuesday, August 28, 2007 1:31 PM  
**To:** Jeannie Lindberg  
**Subject:** Super Wal-Mart EIR

**Name:** Lisa Rohimer  
**Organization:**  
**Address:**  
**City:** Yucca Valley  
**State:** CA  
**Zip:**  
**Phone:**  
**E-mail:**  
**Comments:**

I'm a 39 single female Yucca Valley resident for the past 6 years. Frequently I must take that long drive down the hill to purchase items that Super Wal-Mart offers that our current Wal-Mart store doesn't. What a huge relief Super Wal-Mart will soon be here! As for me and my many girlfriends we know that will save us tons of money and time. Along with eliminating all that frustration by not needing to make that hot trying gas burning drive down the hill. Who knows how much auto air pollution that will cut. Just think how many jobs this will provide! All my girlfriends and I are EXCITED and love the EIR you displayed. Yucca Valley will be a much better place to live by Super Wal-Mar coming here. Thank you from the bottom of our hearts for coming to Yucca Valley!

BEST WISHES,  
Lisa and her girlfriends

YY-1

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER YY**

**Lisa Hohimer**

**Response to Comment YY-1:** The comment regarding reduced air pollution is noted and will be considered during the Town Council review of the EIR.



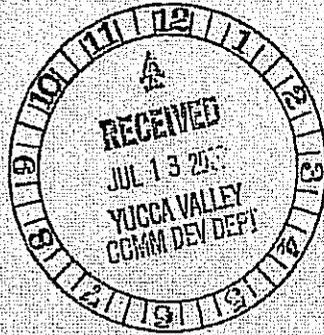
Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

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

Eldon Heaston, Executive Director



July 11, 2007

Tom Best/Nicole Sauviat Crista  
Town of Yucca Valley Community Development Dept.  
58928 Business Center Drive  
Yucca Valley, CA 92284

**Project Title: Yucca Valley Retail Specific Plan**

Dear Mr. Best/Ms. Sauviat Criste:

The Mojave Desert Air Quality Management District (District) has reviewed the Yucca Valley Retail Specific Plan, to construct a 25.51 acre Wal-Mart supercenter/gas station/fast food restaurant. The proposed action will employ equipment which may require District or State permits. Specifically, the gasoline dispensing equipment and stationary internal combustion engines will require the submission of permit applications and the associated application and permit fees.

ZZ-1

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

Sincerely,

Alan J. De Salvo  
Supervising Air Quality Engineer

RNB/AJD

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER ZZ**

### **Mojave Desert Air Quality Management District**

**Response to Comment ZZ-1:** The comment is noted and will be considered during the Town Council review of the EIR.



Town of Yucca Valley  
Community Development Department  
58928 Business Center Public Works Drive  
Yucca Valley, CA 92284

Dear Mr. Tom Best:

Defenders of Wildlife is pleased to submit these comments regarding the Yucca Valley Retail Specific Plan Environmental Impact Report (EIR), State of California Clearinghouse No. 2004071127. Defenders of Wildlife (Defenders) is a national, nonprofit membership organization dedicated to the protection of all native animals and plants in their natural communities.

Our principle concerns relate the lack of robustness in the scientific survey activity to date, and to landscape-level ecosystem processes, and how the proposed development will directly and indirectly impact wildlife in the adjacent areas.

**1. Need for a more recent desert tortoise survey**

The results of the biological surveys which found no desert tortoises were only valid up until March of 2007. The last survey is now outdated and needs to be conducted again before construction can even be considered. Defenders cannot stress this point enough; any decision for or against this development must be based on the most current and up-to-date field science data available.

AAA-1

**2. Associated indirect effects**

There will be various indirect effects resultant from this project. Principle ones of concern include:

**a. Trash management and ravens**

There will be impacts of blowing trash nearby and this will no doubt increase the raven population, which has proven very adept at establishing themselves around human-caused centers of trash. There is a strong correlation with raven predation on juvenile tortoises (see attached Defenders publication) and we fear this will affect tortoises outside of the development's immediate sphere of influence.

AAA-2

**b. Climate change and protected area planning**

The desert tortoise and California desert wildlife as a whole will continue to be threatened by the effects of climate change in the future. This will place stress on traditional wildlife habitat and force migration elsewhere in many cases. A strong network of protected areas with key linkages between them is therefore needed, and buffer

AAA-3

California Program Office  
1303 J Street, Suite 270  
Sacramento, CA 95814  
Telephone 916-313-5800  
Fax 916-313-5812  
www.defenders.org/california

National Headquarters  
1130 17<sup>th</sup> Street NW  
Washington, DC 20036  
Telephone 202-682-9400  
Fax 202-682-1331  
www.defenders.org

Printed on Recycled Paper

zones become increasingly important. As this project will have an impact on the nearby borders of Joshua Tree National Park, buffer zones open to the tortoise will be further eroded. Development should be sensitive to emerging needs in protected area planning

AAA-3

*c. Climate change and emissions from automobile traffic*

This development runs in direct conflict with Assembly Bill 32's statewide effort to cap greenhouse gas emissions across all sectors of California's economy. The increase in emission from traffic to the Walmart will no doubt have a cumulative effect on greenhouse gas emissions long into the future. It also encourages leapfrog development nearby to take advantage of the increased consumer market from those already visiting Walmart.

AAA-4

*d. Rain run-off*

Large buildings and paved parking lots will increase surface area run-off when seasonal inundations occur. This could carry with it pollution from the ground surface due to waste and/or oil from automobiles.

AAA-5

Defenders urges the project proponents to address all of the above concerns in order to comply with existing law and produce a project that address all direct and indirect effects on the environment. Please feel free to contact our Sacramento office with any follow up questions. Thank you for taking the time to read over our comments.

Sincerely,

Mike Skuja, MSc.  
California Representative  
Defenders of Wildlife  
(916)-313-5800, x 110

D'Anne Albers  
Desert Associate  
Defenders of Wildlife  
(760)- 366-3073

## RESPONSE TO THE DRAFT EIR, COMMENT LETTER AAA

### Defenders of Wildlife

**Response to Comment AAA-1:** As indicated in Mitigation Measure 4.4.3B, "... pursuant to the USFWS 1992 Field Survey Protocol, focused presence/absence surveys, which must be conducted during the activity period of the tortoise between March 25 and May 31, are valid for one year. Therefore, if construction is not initiated prior to March 25, 2007, another focused protocol survey will be required between March 25 and May 31 to determine presence/absence of Desert Tortoise within the project site impact area. If the focused protocol survey is positive, incidental take permits will be required from the USFWS and the CDFG" (DEIR p.4.4-16). Mitigation Measure 4.4.3B specifically requires additional protocol surveys for desert tortoise prior to commencing construction activities on site.

**Response to Comment AAA-2:** Please refer to Response to Comment A-40.

**Response to Comment AAA-3:** The DEIR identifies that, "...according to the 2006 California Climate Action Team Report, [the increased vulnerability of forests due to pest infestation and increased temperatures] ...can be expected in California over the course of the next century." (DEIR p. 4.3-8) Although the proposed project is 3 miles north of Joshua Tree National Park, "...the project site lies in the immediate vicinity of developed areas and roadways to the north, east, and west. These existing buildings and roads serve as barriers to regional wildlife movement." (DEIR p. 4.4-12) Because the project site is not adjacent to Joshua Tree National Park, it would not impact buffer zones that surround the borders of Joshua Tree National Park.

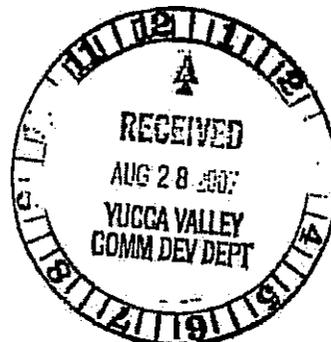
**Response to Comment AAA-4:** Please refer to Responses to Comments A-24 and A-26.

**Response to Comment AAA-5:** Please refer to Response to Comment A-70.



**Morongo Basin Conservation Association, Inc.**

[mbcoservation.org](http://mbcoservation.org)



August 26, 2007

Thomas A. Best, Community Development Director  
Town of Yucca Valley  
Community Development Department  
58928 Business Center Drive  
Yucca Valley, CA 92284

Subject: Comments on Draft EIR for the Yucca Valley Retail Specific Plan

Dear Mr. Best:

The Morongo Basin Conservation Association, since its inception in 1969, has had as a primary goal the preservation of the quality of life in all its aspects in the Morongo Basin. Therefore, we thank you for this opportunity to go on record with concerns related to the Draft EIR for the Yucca Valley Retail Specific Plan.

Our chief concern is the negative effect of the Super WalMart on emergency transportation safety in the Basin. In our letter of September 2004, we mention the importance of Highway 62 as the main artery for the Morongo Basin. We are disappointed that the cumulative impacts section of the EIR does not consider the impacts of this retail development with "other closely related past, present, and reasonably foreseeable or probable future developments. (2.4 Description of Cumulative Projects)

BBB-1

Residents, tourists, delivery trucks and the military depend on this highway to enter, traverse, and exit the basin. In recent years the local press has recorded numerous delays and/or closures, lasting from hours to days, caused by floods, fires and automobile accidents. In the summer of 2005 one such closure caused by a fire prevented traffic from entering or leaving the valley for more than a day. In November of the same year, Highway 62 was closed because of snow and ice. Within the past month there was an 8 hour delay caused by a truck accident. Summer thunderstorms bring lightning, which can ignite fires, and torrential rains which routinely cause flooding and debris flow onto the roads creating perilous conditions.

In 2006, basin wide travel experienced problems because of the Sawtooth Complex fire and the Covington and Whispering Pines fires.

BBB-2

Table 2.A lists 6 projects (Y13, 22, 27, 28, 30 and 35) which, when completed will add an additional 1590 homes to the already existing homes in the area between the Wal-Mart and Home Depot complex and Joshua Tree National Park. *These developments will basically connect the Park with the retail center at Highway 62.* Since 1995 there has been an increase in large wildland fires, especially in the topographic wind tunnel connecting the Covington Flats area to the Wal Mart and Home Depot developments. (See attached map of Joshua Tree National Park Fires 1995 to 2006.) There are only four miles between the park boundary and Highway 62 which flames and sparks can cover in a matter of minutes,

The fire danger to residents at this urban/wildland interface is a "reasonable foreseeable future development" which must be anticipated and planned for. The fire threat will increase as development sprawls and firefighters are prevented from concentrating on extinguishing fires in order to save homes. Exits from the Wal Mart and Home Depot complexes are planned to accommodate an orderly passage of cars. In the event of fire these exits can become choke points preventing a timely evacuation by threatened residents and shoppers possibly causing injury and death.

BBB-3



**Morongo Basin Conservation Association, Inc.**  
mbcoservation.org

We continue to think that a smaller scale store would be more appropriate to the area. We also urge that planning for the Yucca Valley area consider the real, if infrequent, hazards of fire and flood to human health, safety and the quality of life within the Morongo Basin.

↑  
BBB-3

Sincerely,

Board of Directors, Morongo Basin Conservation Association

*Ruth Linsen*  
President

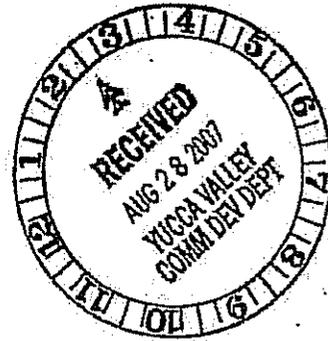
## RESPONSE TO THE DRAFT EIR, COMMENT LETTER BBB

### Morongo Basin Conservation Association, Inc.

**Response to Comment BBB-1:** The DEIR states that specific evacuation routes will be designated during an emergency, in accordance with the evacuation procedures within the San Bernardino County Emergency Management Plan and Town of Yucca Valley Emergency Management Plan. State Route 62 has been designated as a potential evacuation route. Furthermore, the DEIR identifies that "... the addition of the proposed uses to the area would result in increased fire flow demand, as well as increased emergency calls for fire prevention and medical aid. Additionally, the project would contribute to increased traffic congestion on adjacent SR-62, which may, in turn, result in increased traffic collisions, as well as traffic congestion which could slow fire department response times to emergency calls" (DEIR p.4.13-4). However, the DEIR concludes that "... while the development of the proposed project and other projects occurring within the Town would result in increased demand for police and fire protection services, each project would be required to pay fees to a Town-wide public services assessment" which would reduce impacts to this particular retail development along with other closely related past, present, and reasonably foreseeable or probable future developments (DEIR p.4.13-6).

**Response to Comment BBB-2:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment BBB-3:** Please refer to Response BBB-1. The Commentor claims that "... the fire danger to residents at this urban/wildland interface is a reasonable foreseeable future development which must be anticipated and planned for." The comment is correct in this claim; however, this type of specific analysis is required to be discussed in each of the residential developments' environmental documents. The Commentor further states that exits from the Wal-Mart and Home Depot sites are planned to accommodate an orderly passage of cars; however, in the event of fire, these exits can become choke points preventing a timely evacuation by threatened residents and shoppers that could result in injury or death. The comment is unsubstantiated as there is no way to predict the type and extent of an emergency that would affect the area. Depending on the situation and type of emergency, an argument could be made that these exits may facilitate the safe passage of shoppers and residents. Similar to Response to Comment BBB-1, specific evacuation routes will be designated during an emergency based on the conditions and requirements of that particular situation.



To. Thomas A. Best  
Town of Yucca Valley  
Community Development Dept.  
58928 Business Center Drive  
Yucca Valley, CA 92284

Re. Walmart EIR

August 27, 2007

After having read the 3 articles in The High Desert Star about the Walmart EIR, it is our opinion that:

1. the contents of the report are biased in favor of the party who paid for the report, which, consequently, means that the interpretation of the statistics is suspect.
2. it is unfair to expect citizens, unfamiliar with legal, statistical and technical terminology, without emotion, to intelligently comment on the issues for mitigation (given the size of the report).
3. there seem to be 3 major issues involving unknown compensation which need to be settled before approval. These would include: fire and police services, town traffic and signal impact fees and development impact fees.
4. since the Mojave Desert Air Pollution Control Board is unable to attain mandated State standards at this point, it is unacceptable to add even more pollution to this already fragile environment.

CCC-1  
CCC-2  
CCC-3  
CCC-4

In conclusion, we feel Yucca Valley does not need a project of this scope at this point in time.

Sincerely,  
Anja Homburg  
Sanford Berlove

*Handwritten signature of Anja Homburg*  
*Handwritten signature of Sanford Berlove*

## RESPONSE TO THE DRAFT EIR, COMMENT LETTER CCC

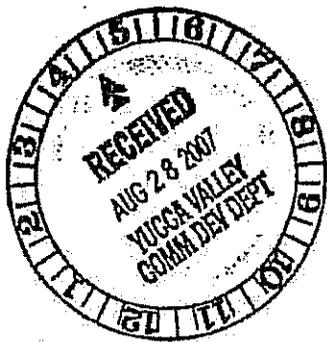
### Anja Homburg and Sanford Berlove

**Response to Comment CCC-1:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment CCC-2:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment CCC-3:** Section 4.13 (Public Services) has identified that the proposed project would be required to make payment of fair-share contribution fees to a Town-wide public services assessment district. Since payment of the fee would reduce impacts to a less than significant level, the inclusion of the actual monetary amount in the EIR is not necessary. Furthermore, such information as the exact amount of fees would likely be determined or stipulated in a condition of approval to obtain a building permit. Therefore, these issues would be settled before approval of permits.

**Response to Comment CCC-4:** The comment is noted and will be considered during the Town Council review of the EIR.



Delivered by safehand.

August 28, 2007
Thomas A Best, Esq.
Town of Yucca Valley Community Development Department
56928 Business Center Drive
Yucca Valley, CA 92284.

Dear Sir,

Subject: Observations on Wal Mart draft EIR on its proposed Supercenter in Yucca Valley.

Reference: Based on information from the relevant disc (partly) and articles in the Hi-Desert Star on August 4, 8 and 11, 2007.

Thank you for the opportunity to provide general comments as a resident of Yucca Valley on subject report.

Some areas on which I like to comment are:

Air Quality.

Categories of impact and proposed mitigation (to mitigate= to lessen the effect or severity of something) of significant impacts on air quality other than short-term ones give reason for concern and require further study.

DDD-1

A statement like 'pollutants of particulate matter, organic gases and nitrogen oxide will exceed Mojave Desert Air Quality Standards, but those standards don't meet federal and state standards anyway' gives the impression of "who cares", or worse: "free for all."

DDD-2

Note: Many of us are living here because of fresh air and starry nights.

Traffic.

Another traffic signal with its negative impact on traffic flow.

However, the expected increase of traffic may not materialize: contrary to the two interviewed ladies who stated that their grocery trips will now be extended from four to five doesn't make sense.

Reality will be that when they are at the Wal Mart supercenter already, they won't go to other stores for groceries. They very well buy at the center, which is exactly its purpose.

DDD-3

Grocery Stores.

The above reasoning leads one to conclude that the existing grocery stores might see less sales, contrary to the EIR.

DDD-4

(Continue)

To Thomas. A. Best, Contd.

Leakage.

Let's call it 'bleeding'.

The millions of dollars of retail sales Yucca Valley is said to loose to other communities, probably in this case mainly to facilities in the Coachella Valley.

Using statistics, which, as everybody knows, can be adjusted to serve the using party better by re-arranging the same coordinates, could in this case show a somewhat different picture.

When Home Depot opens (which was realized in the EIR), the need to go outside Yucca Valley for a.o. building materials will diminish.

DDD-5

Also, there are many viable reasons why we should go down into the lower valley simply because comparison of a smaller town (Yucca Valley) with a much bigger conglomerate of amenities (Coachella Valley) isn't applicable.

A considerable number of Yucca Valley residents are employed and earn their income outside of Yucca Valley; it is only natural that they spend some of it elsewhere. Even a supermarket won't change it; hopefully we still have the freedom where we use our own money, please!

Runoff.

One day mother Nature will decide to let it pour.

When that happens, the runoff of a practically sealed area of 25 acres (22 acres of buildings plus parking lots) from that area will be tremendous. Flash flooding will occur.

DDD-6

Superstore's entrails.

One may ask: do we need an addition for another:

Bank? (Bank of China?)

Gas Station: (plenty of them to pay the piper)

Fast-Food Restaurant? (More obesity?)

Pharmacy? (Plenty of places for my headache)

Garden Center? (I beg you to remember: we are in a desert!)

Vision Center? (Yes, really; we all need sharp eyes to see facts clearly).

DDD-7

Summarizing:

Mister Best, I wish you and your staff a clear vision of facts and reality, prudence when verifying statistics and a never abating sense of humor.

I strongly recommend a thorough study of the many tantalizing aspects of this project; my above observations scratch only the surface.

Thank you for your time and attention,

Sincerely

J.B.Homburg, PE (retired).

7501 Palm Ave., # 107

Yucca Valley, CA 92284

c: Mr. Mark Wheeler  
Hi-Desert Star.

## RESPONSE TO THE DRAFT EIR, COMMENT LETTER DDD

### J.B. Homburg

**Response to Comment DDD-1:** Potential adverse air quality impacts resulting from development of the proposed project are discussed in detail in Section 4.3 of the DEIR. Please refer to Responses to Comments S-1 and Y-1.

**Response to Comment DDD-2:** Please refer to Response to Comment UU-2.

**Response to Comment DDD-3:** Traffic impacts associated with the proposed project were addressed and analyzed in Section 4.15 of the DEIR. As discussed in Responses to Comments Y-2 and GG-2, implementation of mitigation measures described in Section 4.15 will reduce any potential significant impacts to a less than significant level.

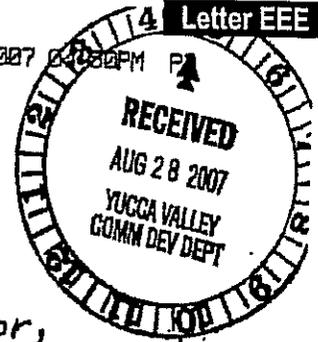
**Response to Comment DDD-4:** Based on market data collected for the proposed project, "... the area's existing inventory of retail facilities is not large enough to fully serve the shopping demands of these residents and tourists. Because of a lack of a full-scale shopping mall, residents and tourists travel to facilities in the Coachella Valley and elsewhere for portions of their shopping needs. Consequently, Yucca Valley and other nearby communities experience significant leakage of residential retail demand. Current leakage is approximately \$52.7 million per year, an amount that could support approximately 226,600 square feet of additional retail space in Yucca Valley" (DEIR p.4.17-1). As indicated on page 4.17 of the DEIR, "the proposed project could cause the [sales] volumes of Yucca Valley's existing supermarkets to initially decrease ..." However, the DEIR concludes that with population growth, additional demand will be generated leading to a recovery by area grocery stores.

**Response to Comment DDD-5:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment DDD-6:** The Town of Yucca Valley has a standard of no net increase in runoff from new development. The Town also requires new development projects to submit a hydrology report, which identifies how the proposed development would provide for on-site retention, capture and disposal, or conveyance of generated runoff. This report is reviewed and approved by the Town's Public Works Department at the entitlement phase and verified prior to the issuance of the grading permit and post construction phase. The proposed project would reduce generated stormwater flows to below or equal to pre-development conditions as indicated in DEIR Table 4.8.G (DEIR p.4.8-15). Furthermore, the proposed on-site detention basins "... would be able to accommodate post-development flows as the detention basin's design volume is 3.6 acre-feet, which exceeds the required minimum storage volume of 1.4 acre-feet. While the resultant increase in impervious surfaces would contribute to a greater volume and higher velocities of storm flow in the project area ... the proposed project's drainage system will accept and accommodate runoff that would result from the development and operation of the project at or better than current conditions" (DEIR p. 4.8-19).

**Response to Comment DDD-7:** The comment is noted and will be considered during the Town Council review of the EIR.

1/5



Dear Thomas A. Best, Community Development Director,  
 Town of Yucca Valley, Community Development Department

A Super Wal-Mart should not be built anywhere in the Morongo Basin for many reasons.

Keep in mind this area borders Joshua Tree National Park and it must be protected for future generations. The million plus yearly visitors don't come to see big box stores, endless shopping malls, and fast food restaurants marring the landscape which they can't escape everywhere else.

EEE-1

There are other options for the area that are not so environmentally damaging and are in keeping with being a gateway community to a national park, this one famous for its beauty, geological wonders, open space, and its namesake, the Joshua trees, which are being bulldozed by the hundreds now for yet more development. Creating an island out of JTNP by surrounding it with development like what is proposed will break more threads in the desert's fragile ecosystem and create irreversible damage.

EEE-2

Building big box stores results in loss of native animals, plants and their habitats, creates air pollution, light pollution, more traffic, noise, water use, sewage, and landfill issues, just to name a few negative impacts.

EEE-3

The Home Depot should never have been allowed for these same reasons. Please don't double the grossly negative effects by adding a Super Wal-Mart.

EEE-4

Why should people moving here for cheaper land and houses who don't care about the environment, desert, or rural lifestyle

EEE-5

2/5

the rest of us are here for and the general plan was supposed to protect, why should their shopping habits and the greed of a few take precedence over all else? No need to ask why the town council, planning commission, and county (except for a few who are opposed, thank you) are all for it since it is all about money. Even the jobs the bigger Wal-Mart will generate (most of which are part-time and don't even pay a living wage) doesn't justify building one. And a Super Wal-Mart will put smaller shops out of business. The existing one already has. Wal-Mart should make better use of the area they have. Taking out hundreds of pristine acres for yet more shopping and another gas station is wrong.

Four alternatives were presented in the EIR. The no build alternative was rejected as "... it would impose conditions that conflict with the City's existing visions for the site". Since it is apparent they will develop it no matter what, Alternative 4, that of reduced intensity in which emissions don't exceed the threshold, should be the plan of choice. Even that needs to be studied more closely though.

Environmental standards may be met by individual projects but the cumulative effects from all the projects both finished and planned, in addition to existing conditions, would most likely exceed that which is acceptable.

Based on the EIR of the air quality exceeding the acceptable limits of pollutants, that alone is reason enough to deny the Wal-Mart Supercenter Project. Remember, we all have to breathe.

EEE-5

EEE-6

EEE-7

EEE-8

3/5

This is the desert, an arid environment. The native plants do not have large leaves or necessarily large surface areas to convert large amounts of carbon dioxide to oxygen. And there are many other air pollutants plants can't filter out. The extra traffic will create even more air pollution, as Home Depot will already be doing.

EEE-8

Water use is a concern. According to the EIR, this project would require 20.1% of the total excess water that is available. The project needs per day is equivalent to needs per day of 500 housing units. As it is, more and more large complexes of housing units are being built. And what percentage of this "excess" water will Home Depot be using? Although the EIR claims there is enough water, what happens when fighting large fires lowers that "excess" water table they are counting on? We are having a drought.

EEE-9

What about the increased traffic?, especially up and down the grade and winding section west of Morongo Valley. Everyone will be experiencing these impacts from the Home Depot already. To double it (traffic), generated by a SuperWal-Mart, is unwise. The deliveries alone would take place 12 hrs./day, 6 days/week. The existing Wal Mart already does that, so do our supermarkets & other stores, but this would add even more, as Home Depot will

EEE-10

Many points that the EIR found acceptable aren't, 55-70 decibels isn't, neither are the backup beepers at 91 dBA's. There are nearby residences, they shouldn't be bombarded with racket from a new 24 hr. super store.

EEE-11

4/5

More light pollution from yet another 24 hr. source is not acceptable. Light travels. Yucca Valley's light pollution affects everyone, even far into JTNP it can be seen. The new car lot which, although proper lighting fixtures were installed (only after public outcry at the other ones) so many more than should have been were erected and it is still lit up like a stadium and lighted all night. There is reflected light from the illuminated surfaces as well. The combined light from all the businesses and homes in the area have already created the "Yucca Glow" as seen from Joshua Tree, even 10 miles away. Stars are no longer visible below 25° to the W. over Y.V. except for a few of the brighter ones. Our lighting ordinance is being disregarded.

The EIR claimed not much impact on the viewshed. I disagree. They must find big stucco boxes more attractive than our beautiful terrain. I am aghast at the Home Depot and the high wall. This is not the beautiful desert and rural lifestyle I moved here for. It is becoming more ugly and just like every other city.

Before people move to a community, they need to ask themselves what they would like and would suit their lifestyle then find such a place, but don't go some where and ruin its beauty and way of life. If they like shopping so much, there are thousands of cities and towns with miles of shopping centers, big box stores, strip malls, and the like. If they like big houses crammed side by side, there are plenty of housing

EEE-  
12EEE-  
13

5/6

tracts like that elsewhere. And if some members of town councils, building and planning commissions insist on generating revenue so they can build more projects the rest of us don't want, there are plenty of other growth oriented cities where their visions would be more welcome.

All of these and other points should be enough to say a Super Wal-Mart does not belong here. My personal opinions aside, even in the Draft EIR they state a way can't be found to mitigate the long term operational emissions and those of  $ROC$ ,  $NO_x$ , +  $PM_{10}$  would exceed the MDAQMD daily emissions thresholds. The air quality here in the hi-desert has already become unhealthy many days per year. The once blue skies are more frequently grey and smoggy. People with respiratory problems are having more difficulty. How about putting people's health over profit? How about caring about the biology, too, the plants + animals displaced or killed by this project.

Thank you for the opportunity to voice my opinion.

Sincerely  
Jean McLaughlin

Jean McLaughlin  
61977 Sunburst Circle  
Joshua Tree, CA. 92252

EEE-  
13

## **RESPONSE TO THE DRAFT EIR, COMMENT LETTER EEE**

**Jean McLaughlin**

**Response to Comment EEE-1:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment EEE-2:** Please refer to Response to Comment W-5.

**Response to Comment EEE-3:** The Commentor states that building big-box stores results in the loss of native animals, plants, and their habitats; creates air pollution and light pollution; and results in more traffic, noise, water use, sewage, and landfill issues. All of these topics have been addressed and analyzed in the DEIR as follows: loss of native animals, plants, and their habitats (Section 4.4 Biological Resources), air pollution (Section 4.3 Air Quality), light pollution (Section 4.1 Aesthetics), traffic (Section 4.15 Traffic), Noise (Section 4.11 Noise), water use, sewage, and landfill issues (Section 4.16 Utilities and Service Systems). Furthermore, the Town's responses to comments received on the DEIR have provided additional clarification to the issues identified by the Commentor.

**Response to Comment EEE-4:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment EEE-5:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment EEE-6:** The DEIR identifies the Reduced Intensity Commercial Alternative as the environmentally superior alternative (DEIR p. 6-28). The comment states that the alternative needs to be studied more closely; however, it does not provide how the alternative should be studied more closely. The Commentor does not provide specific comments upon which to formulate a response regarding the adequacy of the DEIR.

**Response to Comment EEE-7:** Each topic identified within the DEIR has analyzed cumulative impacts. The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment EEE-8:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment EEE-9:** The Commentor is incorrect in stating that the project water needs are equivalent to those of a 500-unit housing complex. As stated in the DEIR, "... a water supply assessment is required for any commercial center employing more than 1,000 persons or having more than 500,000 square feet, or any mixed use with a water demand equivalent to 500 residential units as required by the California Water Code (§§ 10910-10912). The water demand required for the proposed project is substantially less than these thresholds. The proposed project entails the development of an approximately 229,000-square foot Supercenter, a 6-pump gas station, and an approximately 4,000-square foot fast-food restaurant. It will employ approximately 589 persons. Furthermore, the water demand resulting from the operation of the proposed on-site uses is less than that utilized by 500 residential dwellings, which is approximately 0.456 acre-feet per day (148,790 gallons) or 163.52 acre-feet per year (53,308,350 gallons). With the proposed project, the potential water use would be approximately 56.94 acre-feet per year (504,000 gallons), which is less than the residential threshold" (DEIR p.4.16-18). The Commentor's concerns regarding water availability and the water surplus have been addressed in Responses to Comments A-73 and A-74.

**Response to Comment EEE-10:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment EEE-11:** As stated in the DEIR, "... the loading/unloading noise would be reduced to below 53 dBA  $L_{max}$  at the nearest residences to the southwest of the project site. This range of maximum noise levels is lower than the Town's exterior noise standards of 75 dBA  $L_{max}$  during the day (7:00 a.m. to 10:00 p.m.) and 70 dBA  $L_{max}$  during the night (10:00 p.m. to 7:00 a.m.)" (DEIR p.4.11-27). Since the noise levels at these residences would be below noise levels that have been established by the Town, the Commentor's claim is inaccurate. Additionally, the DEIR also analyzes other noise sources that would be associated with development of the proposed project including machinery noise, parking lot activity, and loading dock activity. This analysis can be found within Section 4.11 (Noise) (DEIR p. 4.11-20).

**Response to Comment EEE-12:** The DEIR states, "... in spite of reduction of lighting impacts provided in the *Yucca Valley Retail Specific Plan*, development of the project site would introduce into the area a new source of nighttime light and ... could create a potentially significant impact from spillover light toward the adjacent properties to the east and south" (DEIR p. 4.1-19). However, the DEIR also provides Mitigation Measures 4.1.1A through 4.1.1C in addition to requirements contained in the Town's applicable ordinances. Implementation of these identified mitigation measures would ensure that there would be no spillover light from on-site lighting.

**Response to Comment EEE-13:** The comment is noted and will be considered during the Town Council review of the EIR.

Here's my response!

To whom it may concern, 8-4-2007

I have been in Yucca Valley since I was three years old and my parents retired out here and I did my last two years of high school out here and graduated in 1982. It used to be beautiful here, Yucca Valley has gone down in its beauty, so what difference does it make if you have a Super Center up here. People say it's a retirement place. This is not the 70's 80's or 90's, "hey" were in 2007. There are more families with children. If the Marine Base is going to expand, that's going to cause problems for our air because of the practicing, and explosions on base, that's killing our air and makes people sick. Yucca Valley and its beauty has disappeared since the 80's, let's get real. And since our town is expanding and Yucca Valley is a so called City, why aren't our buses bigger and cities have side walks and curbs every where. Let's get real. We

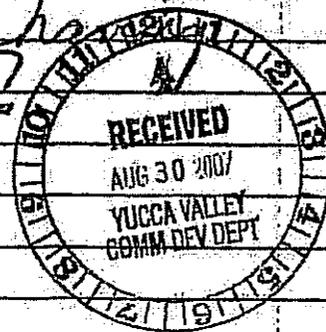
FFF-1

have a long way to go. And you can't really expect this in a retirement City for the best! That was back in the 70's {IT'S GONE NOW}. We need in this City more activities for children, not shuffle boarding, and bingo. So we should go ahead with the Super Centers, have more jobs for us folks. This town needs to listen on opinions from people in there. 30's & 40's. Most of the way so come from people who are 60, 70, 80. Yucca Valley is not a retirement place it is a city with many families & lots of children. So that's my opinion, Yucca Valley ain't already sucked so why worry about having another huge store?

Thanks,

Carrie Woodward

P.S. I've been in Yucca Valley since 1968 and 2007. I've seen the change.



FFF-1

**RESPONSE TO THE DRAFT EIR, COMMENT LETTER FFF**

**Carrie Woodward**

**Response to Comment FFF-1:** The comment is noted and will be considered during the Town Council review of the EIR.

Wal-Mart EIR Comment

To Whom It May Concern:

After reviewing the EIR, I remain staunchly opposed to the Super Wal-Mart. I find the EIR to be slanted in favor of the Wal-Mart machine and, as far as biological resources are concerned, inadequate at best and egregiously wrong at worst.

**WHEN WILL A NEW BIOLOGICAL SURVEY BE CONDUCTED AS THIS ONE IS OVER THREE YEARS OLD? THIS INFORMATION CANNOT BE RELIED ON AS ACCURATE.**

GGG-1

**WHO IS L.S.A. AND WHO PAID FOR THEIR SERVICES?**

GGG-2

1. Regarding native plants:

- No explanation is given as to how it was decided which Joshua trees were transplantable and why. I want to know the criteria for this decision and the botanical credentials of the person who made the decisions.
- Mojave yucca was not on the species list even though it was noted in the discussion that there were two Mojave yucca that would require transplant.
- Where will the Joshua trees and yuccas be transplanted?
- Who will transplant the trees? What credentials will they have?
- How much time will there be between removal of the trees from their native location and the time they are in the ground at the new location?
- Stockpiling of trees is a death sentence. They cannot survive out of the ground.
- How will the fact that there is over 50% die off in transplanted trees going to be mitigated for?
- If I want a JT for my property, will Wal-Mart pay for its transplantation?
- In general, who will pay for transplantation?
- What about the Mormon tea plants that can be hundreds of years old? How will they be taken care of?
- Creosotes are mentioned in the plant list and as a protected plant if over 10 feet in diameter. There is no further mention regarding the presence of any creosote meeting the criteria and how they will be protected in place. Creosotes cannot be transplanted.
- New research by Jim Cornett indicated Joshua tree's must be planted at essentially the same elevation as their original location. There is no mention of this new research, nor any other "best practices" for their relocation.
- Who will train the new owners so the trees have the best chance to survive?

GGG-3

GGG-4

GGG-5

GGG-6

GGG-7

GGG-8

GGG-9

GGG-10

GGG-11

GGG-12

GGG-13

GGG-14

GGG-15

2. Wildlife

- The wildlife research portion of this EIR is wholly incomplete. Any observant person living in this desert knows there are multiple animals utilizing the project area for permanent or occasional habitat. Species not listed include, in part:

- Bobcat
- Red-tail hawk
- Barn owl
- Great-horned owl
- Woodpecker
- Turkey vulture
- Cactus wren
- Thrashers
- Possible mountain lion (they have regular habitat only 1 ½ miles south – home range is nearly forty square miles)
- Rattlesnakes of all kinds
- Common kingsnake
- Coachwhip (red racer)
- Night lizard
- Collared lizard
- Gopher snake
- Multitude of other snakes, lizards, birds, small rodents

GGG-16

- It is ludicrous to make life and death decisions for our native wildlife population on one cursory visit and the minimal research indicated in the EIR. It is wholly incorrect and, once again, causes one to wonder who paid for the biological survey. It appears to be radically skewed against reality.

GGG-17

- Further, to continuously refer to the study site as “vacant land” shows an ominous predilection against the very populous plants and wildlife that most certainly disqualify this area as “vacant.”

GGG-18

- As far as wildlife habitat, this area is minimally disturbed, as noted in the EIR. It is not, however, disturbed beyond use as prime area habitat.

GGG-19

- Discussion of removal and relocation of target animals was included in the EIR. Any biologist knows relocation of animals is a failed plan in almost all cases. As habitat shrinks, animals are crowded into smaller and smaller areas. Once areas reach a critical size, competition occurs between and among individuals – resulting in the death of one or more of the competitors. All habitat is already at its carrying capacity. This is the nature of the natural world, exactly enough offspring survive that the area can support. No more, no less. To relocate animals, especially those living in burrows as burrowing owls and tortoises do, is to ensure a death sentence for the resident animals or the relocated animals. This is a failed plan.

GGG-20

- Multiple times the EIR discounts the study site as a critical wildlife corridor. Maybe they should spend some time on this site so they can see the outrageous nature of this finding. All kinds of animals use this area to pass from east to west and north south. This area IS part of the corridor from the Mesa to the Covington Flats area of Joshua Tree National Park. While

GGG-21

there is considerable checker boarding around the site, the animals do in fact continue to use the area as critical passage from one area of low density housing, the Mesa, to the park and adjoining BLM lands, including the Mojave Land Trust's newly acquired Nolana Peak.

GGG-21

3. Water resources / pollution

- Yucca Valley has seen a significant increase in flooding issues over the last few years as blading native lands has increased. It is well known that the town's standards for flood control are grossly inferior to what is needed. The considerable blading of native plants and replacement by a huge swath of pavement will increase flooding to the highway and, possibly, to those living in the Paradise area. How will the town handle road safety when water is flooding in sheets of the Wal-mart parking lot onto Hwy. 62?
- When it does rain, all the oil and gas that has built up on the parking asphalt will runoff into the soil and percolate into the groundwater. So will any cleaners or other chemicals that have been dumped on the ground by any of the businesses in the complex. This will increase the level of hazardous chemicals in our drinking water. How is this going to be eliminated?
- Our basin is already using water from the Warren Valley Basin faster than it can be recharged. A development of such size would put considerable added pressure on the water table.

GGG-22

GGG-23

GGG-24

It is incredibly selfish for the town government and the short-sightedness of many residents to put their current monetary and personal "desires" before that which is good for the long term health and sustainability of our community. We do not need this development in any way. The Wal-Mart that is already here is more than enough, having already put K-Mart out of business. We should be thinking about our children, their future needs, and their health when we make such monumental decisions as this one. We must also remember we are a gateway community to a beautiful national park and have a responsibility to maintain the natural integrity of the scenic roads leading toward JTNP. We should not look like every other greedy, self-centered, short-sighted community that has allowed these mega-developments to destroy their individual and natural identities.

GGG-25

Sincerely,

Cindy Zacks

P.O. Box 2183

Joshua Tree, CA 92252

## RESPONSE TO THE DRAFT EIR, COMMENT LETTER GGG

### Cindy Zacks

**Response to Comment GGG-1:** The DEIR analysis on biological resources was based on five different surveys (Biological Resources Report, September 2004; Desert Tortoise Focused Survey Report, February 2005; Biological Reconnaissance Survey, October 2005; Desert Tortoise Presence/Absence Survey, May 2006; and a Native Plant Survey, May 2006). Given that the type and extent of plants and animals do not vary from reports spanning a two-year period, it is highly unlikely that site conditions have changed dramatically over the last year. However, as indicated in Response to Comment AAA-1, an additional desert tortoise survey would be required as results from the most recent survey are older than 1 year and are therefore expired.

**Response to Comment GGG-2:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment GGG-3:** The information regarding the transplanting of the Joshua trees on-site was based on the Native Plant Survey conducted by MBA in May 2006 and was included as Appendix G to the DEIR. As indicated in the Native Plant Survey and based on accepted protocol, the following guidelines were used to assess if a tree was suitable for translocation:

- The tree's fork was 6 feet high or less;
- The tree has fewer than 6 branches;
- The tree's canopy was less than 4 feet in width;
- The branches were not widely spreading; and
- The trees were not leaning (generally defined as less than a 45 degree angle to the ground).

These guidelines are general and the potential for tree to be translocated was determined based on an individual basis, taking into account the apparent health and shape of each tree.

The Native Plant Survey was conducted by a natural resources management firm with experience in documenting such natural resources. Furthermore, such information can be obtained from the contact information contained in the Native Plant Survey.

**Response to Comment GGG-4:** Table 4.4A in the DEIR shall be revised to include the Mojave yucca (*Yucca schidigera*).

**Response to Comment GGG-5:** As stated in the DEIR, "... a Joshua Tree Salvage Plan will be required as a condition of approval prior to the issuance of a grading permit. The salvage plan will ensure that all suitable candidate trees are incorporated into project landscaping or transplanted off-site, in accordance with the Native Plant Protection and Management Ordinance" (DEIR p.4.4-11). The Native Plant Protection and Management Ordinance contains specific requirements regarding the removal, the translocation, the planting and the maintenance of Joshua trees.

**Response to Comment GGG-6:** Please refer to Response to Comment GGG-5.

**Response to Comment GGG-7:** Please refer to Response to Comment GGG-5.

**Response to Comment GGG-8:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment GGG-9:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment GGG-10:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment GGG-11:** The comment is noted and will be considered during the Town Council review of the EIR.

**Response to Comment GGG-12:** None of the five surveys (two desert tortoise surveys, two biological resource assessments, and a native plant survey) has identified the Mormon tea plant (*Ephedra viridis*) as occurring on the project site. Additionally, the Mormon tea plant is not listed as a protected plant in the Native Plant Protection and Management Ordinance adopted by the Town of Yucca Valley. Since the Mormon tea plant does not occur on the project site and is not a protected desert plant, the project would not impact the Mormon tea plant.

**Response to Comment GGG-13:** The DEIR does identify creosotes on site; however, the Native Plant Survey does not identify creosotes that are over 10 feet in diameter occurring on site. Since there are no on-site creosotes that are over 10 feet in diameter, no creosotes would need to be transplanted.

**Response to Comment GGG-14:** The translocation of Joshua trees would be required to adhere to standards contained in the Native Plant Protection and Management Ordinance, which contain best practices during the translocation process.

**Response to Comment GGG-15:** Please refer to Response to Comment GGG-5.

**Response to Comment GGG-16:** The DEIR lists wildlife species observed during the biological resources surveys as well as sensitive/threatened/endangered species that have the potential to occur. The DEIR provides discussion on existing baseline conditions for biological resources identified on site. The species identified in the DEIR represent what is reasonably feasible based on the various biological resource reports conducted for the project site. Additionally, the inclusion of the Commentor's list of species does not raise any new significant environmental impacts, nor does it raise any issues about the DEIR's adequacy.

**Response to Comment GGG-17:** The DEIR provides analysis of the native biological resources on the site based on five different biological resources surveys (two Desert tortoise surveys, two general biological assessment reports, and one native plant survey). The Commentor is incorrect in stating that only one cursory visit was made to the project site. At least five visits to the site were made at different times of the year over a two-year period.

**Response to Comment GGG-18:** This comment does not raise any new significant environmental issues, nor does it address the adequacy of the DEIR. However, to provide clarification, the project site is described from a land use perspective. Since there are no structures or infrastructure on site, the site is referred to as "vacant." Nowhere in the DEIR does it claim that the project site is vacant of biological resources.

**Response to Comment GGG-19:** The Commentor's opposition to the project and concerns are noted and will be considered prior to action that may be taken on the project.

**Response to Comment GGG-20:** The Commentor's opposition to the project and concerns are noted and will be considered prior to any action taken on the proposed project.

**Response to Comment GGG-21:** The Commentor refers to Covington Flats and Nolina Peak as areas where wildlife passes through. There is no question that Covington Flats and Nolina Peak provide wildlife corridors as these areas are within or adjacent to the Joshua Tree National Park boundaries. However, the project site is not within or adjacent to the Joshua Tree National Park and as stated in the DEIR, "... the project site lies in the immediate vicinity of developed areas and roadways to the north, east, and west. These existing buildings and roads serve as barriers to regional wildlife movement" (DEIR4.4-12). Therefore, based on these reasonable assumptions predicated on fact, the conclusion that the project site does not serve as critical wildlife corridor is substantiated.

**Response to Comment GGG-22:** Please refer to Response to Comment A-65.

**Response to Comment GGG-23:** Please refer to Response to Comment A-70.

**Response to Comment GGG-24:** Please refer to Response to Comment A-73.

**Response to Comment GGG-25:** The Commentor's opposition to the project and concerns are noted and will be considered prior to any action taken on the proposed project.



# United States Department of the Interior

## NATIONAL PARK SERVICE

Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms, California 92277-3597



IN REPLY REFER TO:

L7621(JOTR-S)

August 30, 2007

Mr. Tom Best  
Nicole Saaviat Criste  
Town of Yucca Valley Community Development Department  
58928 Business Center Drive,  
Yucca Valley, California 92284

Dear Mr. Best:

Joshua Tree National Park has reviewed the Draft EIR for the Yucca Valley Retail Specific Plan, and we offer the following comments.

The park agrees with the Environmental Summary of the Yucca Valley Retail Specific Plan on the issue of Aesthetics and dark night skies (Impact 4.1.1). As development has occurred within the communities surrounding Joshua Tree National Park, the dark night skies that make Joshua Tree National Park (and the high desert) a destination for millions of visitors have been degraded. Views of Polaris, Ursa Major and the Milky Way are what the park must protect and efforts to control light spillage from new and existing developments are desperately needed on the north side of the park. Visitors to the park recognize the impact that lighting 'hot spots' such as Machris Park in Yucca Valley, Luckie Park in Twentynine Palms, and the Coachella Valley communities have on night sky viewing.

These impacts are not only aesthetic, but also have an impact on the ecological function of wildlife in the immediate area. While more research is needed on impacts from lighting on wildlife in the Mojave Desert, it is expected that the life cycles of certain insect species and even mammals are impacted by night time lighting.

The park supports the mitigation measures 4.1.1A through C described in the Specific Plan and encourages further mitigations to describe reduced lighting during periods when the businesses are closed.

Thank you for providing the park with the opportunity to comment on this plan. Should you have any questions related to this letter, please contact me at 760-367-5502.

Sincerely,

*for*   
Curt Sauer  
Superintendent

HHH-1

## RESPONSE TO THE DRAFT EIR, COMMENT LETTER HHH

### United States Department of the Interior, National Park Service – Joshua Tree National Park

**Response to Comment HHH-1:** The Commentor's opposition to the project and concerns regarding "light spillage" are noted and will be considered prior to any action taken on the proposed project. The DEIR states, "... in spite of reduction of lighting impacts provided in the *Yucca Valley Retail Specific Plan*, development of the project site would introduce into the area a new source of nighttime light and ... could create a potentially significant impact from spillover light toward the adjacent properties to the east and south (DEIR p. 4.1-19). However, the DEIR also provides Mitigation Measures 4.1.1A through 4.1.1C in addition to requirements contained in the Town's applicable ordinances. Implementation of these identified mitigation measures would ensure that there would be no spillover light from on-site lighting.