

# **YUCCA VALLEY DUTCH BROS PROJECT**

**Conditional Use Permit (CUP) 02-25,  
Environmental Assessment (EA) 03-25**

## **Final Initial Study and Mitigated Negative Declaration**

**Prepared for:**

Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, California 92284

**Prepared by:**

Impact Sciences, Inc.  
445 S. Figueroa Street, Suite 2550  
Los Angeles, California 90071

**April 2026**

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# 1.0 INTRODUCTION

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## 1.1. PROJECT SUMMARY

The proposed Yucca Valley Dutch Bros Project (Project) involves the construction and operation of an approximately 1,025-square-foot Dutch Bros Coffee shop on a 1.01-acre vacant site located at 58121 Twentynine Palms Highway (State Route 62/SR-62) in the Town of Yucca Valley (Town), San Bernardino County, California on Assessor's Parcel Number 0601-416-05 (Project Site). The Project Site is designated Mixed Use (MU) and zoned Mixed-Use Commercial (C-MU) by the Town's General Plan.

The proposed coffee shop is designed as a dual-lane drive-through facility with a queuing capacity of up to 23 vehicles, limited walk-up service, and no indoor seating. The Project includes 18 surface parking spaces (including accessible and future electric vehicle charging spaces), drought-tolerant landscaping, shielded exterior lighting, and an on-site stormwater retention pond designed to capture, detain, and treat runoff in compliance with the Town's stormwater requirements and the National Pollutant Discharge Elimination System (NPDES) program.

Site access would be provided via two existing shared driveways that currently serve the adjacent Big 5 Sporting Goods and Walgreens properties, one driveway located on SR-62 (left-out restricted) and one full-access driveway on Balsa Avenue. No new curb cuts or modifications to SR-62 are proposed. In addition to on-site improvements, the Project would contribute in-lieu fees toward future off-site roadway improvements, specifically the widening of Twentynine Palms Highway to an ultimate half-width of 67 feet, to be undertaken at a later date by the Town and the San Bernardino County Transportation Authority (SBCTA).

Development of the Project Site requires removal of existing Western Joshua Trees (*Yucca brevifolia*), which are protected under the California Endangered Species Act (CESA). Construction is anticipated to commence in 2026 and extend over a period of approximately five (5) months following issuance of an Incidental Take Permit from the California Department of Fish and Wildlife (CDFW).

The following agencies are involved in discretionary approvals and permits required for the Project:

- Town of Yucca Valley (Conditional Use Permit No. CUP 02-25; Environmental Assessment No. EA 03-25; grading and building permits)
- California Department of Fish and Wildlife, Region 6 (Incidental Take Permit [ITP] for Western Joshua Tree removal)

- State Water Resources Control Board (NPDES Construction General Permit/Stormwater Pollution Prevention Plan)
- California Department of Transportation, District 8 (Encroachment Permit, if applicable)

## 1.2. PURPOSE OF THE FINAL IS/MND

The Town, as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Final Initial Study/Mitigated Negative Declaration (Final IS/MND) for the proposed Project. This document, in conjunction with the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) dated March 2026, comprises the complete Final IS/MND for the Project.

As described in Sections 15073 and 15074 of the *State CEQA Guidelines*, the Lead Agency must consider all comments received on the Draft IS/MND before approving the Project. This Final IS/MND has been prepared to satisfy that requirement and to present the Town's responses to all comments received during the 30-day public review period.

The Final IS/MND for the Project is comprised of two parts as follows:

- Part 1: Final IS/MND (this document)
- Part 2: Draft IS/MND and Technical Appendices (March 2026)

## 1.3. OVERVIEW OF THE CEQA PUBLIC REVIEW PROCESS FOR THE FINAL IS/MND

In compliance with the *State CEQA Guidelines*, the Town provided opportunities for the public to participate in the environmental review process. Throughout the environmental review process, an effort was made to inform, contact, and solicit input from the public and various state, regional, and local government agencies and other interested parties regarding the proposed Project.

### **Notice of Intent to Adopt a Mitigated Negative Declaration**

In compliance with Public Resources Code Section 21092 and *State CEQA Guidelines* Section 15073, a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was prepared by the Town. The Town filed the NOI with the San Bernardino County Clerk of the Board of Supervisors and the State Clearinghouse (SCH No. 2026030324). The 30-day public comment period began on March 6, 2026, and ended on April 6, 2026. An electronic copy of the Draft IS/MND and all documents referenced therein were made available for public review via the State Clearinghouse ([ceqanet.lci.ca.gov](http://ceqanet.lci.ca.gov)) and at the Town website at:

<https://www.yucca-valley.org/our-town/departments/community-development/planning/land-development/cup-02-25-ea-03-25-dutch-bros>

The hardcopy was available for review at the Town's Community Development Department during normal business hours at 58928 Business Center Drive, Yucca Valley, CA 92284.

The purpose of the NOI was to formally convey that the Town had prepared a Draft IS/MND for the Project and to solicit input regarding the content of the environmental analysis. The Town received three (3) comment letters during the 30-day public review period, consisting of one (1) letter from a state agency and two (2) letters from Native American tribes. Refer to **Table 2.0-1, List of Commenters on the Draft IS/MND**, in **Chapter 2.0, Comment Letters and Responses**, of this Final IS/MND for a comprehensive listing of all comments received.

### **Final Initial Study/Mitigated Negative Declaration and Notice of Determination**

Before approving the Project, CEQA requires the Lead Agency to consider the Final IS/MND together with all comments received during the public review process and to adopt the IS/MND. The Final IS/MND will be submitted to the Town of Yucca Valley Planning Commission, and Town Council, if necessary, for consideration and adoption in connection with action on the Project.

Following Project approval, the Town is required to file a Notice of Determination (NOD) with the San Bernardino County Clerk of the Board of Supervisors and the State Clearinghouse within five (5) working days of Project approval, pursuant to *State CEQA Guidelines* Section 15075.

### **Organization of the Final IS/MND**

The Final IS/MND consists of the following four chapters:

**Chapter 1.0, Introduction:** This chapter describes the purpose of the Final IS/MND, provides a summary of the Project, summarizes the public review process for the Draft and Final IS/MND, and presents the organization of the Final IS/MND.

**Chapter 2.0, Comment Letters and Responses:** This chapter presents all comment letters received by the Town during the 30-day public review period for the Draft IS/MND, as well as the Town's responses to all comments. All letters received during the public comment period are reproduced in full in this chapter.

**Chapter 3.0, Corrections and Additions:** This chapter provides text changes and revisions to the Draft IS/MND made in response to public comments received during the 30-day public review period and tribal

consultation conducted pursuant to Assembly Bill 52. Added text is shown in underline format and deleted text is shown in ~~striethrough~~ format.

**Chapter 4.0, Mitigation Monitoring and Reporting Program:** This chapter presents the Mitigation Monitoring and Reporting Program (MMRP), which will be used by the Town and other responsible enforcement and monitoring agencies to ensure implementation of all Project mitigation measures. Mitigation measures are organized by environmental topic area.

## 2.0 COMMENT LETTERS AND RESPONSES

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As discussed in **Chapter 1.0, Introduction**, the Town received three (3) comment letters during the Draft IS/MND public review period. A list of commenters on the Draft IS/MND is shown in **Table 2.0-1**. The original bracketed comment letters are provided below, followed by a numbered response to each bracketed comment. Where a letter contains multiple individual comments, each comment is separately bracketed and assigned a number, and the response is given a matching designation.

Although *State CEQA Guidelines* Section 15088 mandates written responses only for environmental impact reports (EIRs), *State CEQA Guidelines* Section 15074(b) requires the Lead Agency to consider all comments received during the public review period prior to adopting the IS/MND. The Town has prepared written responses to ensure full compliance with this requirement, to provide a complete administrative record, and to assist the decision-making body in its review. Revisions to the Draft IS/MND resulting from these comments are detailed in **Chapter 3.0, Corrections and Additions**.

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**Table 2.0-1**  
**List of Commenters on the Draft IS/MND**

<b>Letter Number</b>	<b>Organization</b>	<b>Commenter Name</b>	<b>Letter Date</b>
1	Ft. Yuma Quechan Indian Tribe	H. Jill McCormick, M.A., Historic Preservation Office	March 6, 2026
2	Yuhaaviatam of San Manuel Nation	Raylene Borrego, Cultural Resources Technician	March 6, 2026
3	California Department of Transportation District 8, Division of Transportation Planning	Janki Patel, Branch Chief, Local Development Review	April 6, 2026

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**FW: [EXTERNAL]:Notice of Intent to Adopt an IS/MND – Yucca Valley Dutch Bros Project**

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**From:** Jill McCormick <historicpreservation@quechantribe.com>  
**Sent:** Friday, March 6, 2026 8:34 AM  
**To:** Jared Jerome <jjerome@YUCCA-VALLEY.ORG>  
**Subject:** Re: [EXTERNAL]:Notice of Intent to Adopt an IS/MND – Yucca Valley Dutch Bros Project

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

1

Jill

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



**Letter 1**      **Ft. Yuma Quechan Indian Tribe**  
**H. Jill McCormick, M.A.**  
**P.O. Box 1899**  
**Yuma, AZ 85366**  
**March 6, 2026**

**Response 1-1**

The Tribe stated that it does not wish to provide comments on the proposed Project and defers to the determinations of local tribes. A formal AB 52 consultation was conducted with tribes traditionally and culturally affiliated with the Project area, and that tribal input received during that process is reflected in the Tribal Cultural Resources analysis and mitigation measures set forth in Section 3.3.18 of the IS/MND. Because this correspondence is informational in nature and does not raise any substantive issues regarding the adequacy of the environmental analysis in the Draft IS/MND, no revisions to the document are warranted in response to this comment.

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**FW: Feedback for IS/MND: Yucca Valley Dutch Bros Project, Town of Yucca Valley, San Bernardino county; [CIT-YV-2025-2]**

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**From:** Raylene Borrego <Raylene.Borrego@sanmanuel-nsn.gov>  
**Sent:** Friday, March 6, 2026 1:24 PM  
**To:** Jared Jerome <jjerome@YUCCA-VALLEY.ORG>  
**Cc:** Kristen Tuosto <Kristen.Tuosto@sanmanuel-nsn.gov>  
**Subject:** Feedback for IS/MND: Yucca Valley Dutch Bros Project, Town of Yucca Valley, San Bernardino county; [CIT-YV-2025-2]

Hello Jared,

Thank you for sending the NOI to adopt MND, YSMN appreciates the opportunity to review IS/MND.

I just reviewed the IS/MND and noticed that Agua Caliente requested tribal monitoring but I didn't see any mitigation measures mentioning there will be monitoring. Will they still be monitoring the project?

Best,  
Raylene

**Raylene Borrego**  
Cultural Resources Technician  
[Raylene.Borrego@sanmanuel-nsn.gov](mailto:Raylene.Borrego@sanmanuel-nsn.gov)  
O:(909) 864-8933 x 50-2035  
M:(909) 737-3349  
26569 Community Center Dr Highland, California 92346



**Letter 2**            **Yuhaaviatam of San Manuel Nation**  
**Raylene Borrego**  
**26569 Community Center Drive**  
**Highland, CA 92346**  
**March 6, 2026**

**Response 2-1**

The commenter is correct that the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office (THPO) requested tribal monitoring during ground-disturbing activities. Specifically, in its December 3, 2025, consultation letter, the ACBCI THPO stated that it requires “the presence of an approved Cultural Resource Monitor from a Consulting Tribe during any ground disturbing activities,” with a directive to halt and notify a qualified archaeologist if buried cultural deposits are encountered. The ACBCI further noted that the mitigation measures in the Draft IS/MND were otherwise sufficient. The original Draft IS/MND’s **Mitigation Measure MM TCR-1** addressed notification and data-sharing requirements but did not explicitly require the presence of a tribal cultural resource monitor during ground-disturbing activities. This omission has been identified and corrected.

In response to the ACBCI’s consultation requests dated October 10 and December 3, 2025, and the Yuhaaviatam of San Manuel Nation’s (YSMN) public comment received during the 30-day public review period, **MM TCR-1** has been revised in the Final IS/MND to require retention of an approved ACBCI THPO cultural resource monitor during all ground-disturbing activities, with the YSMN serving as the monitoring tribe if ACBCI is unable to confirm availability or declines to provide a monitor within the required notice period. Both tribes shall be notified in writing within 24 hours of any discovery of pre-contact cultural resources or tribal cultural resources.

Accordingly, the second threshold checklist question analysis for tribal cultural resources and **MM TCR-1** are revised on pages 101-102 to read as follows:

**Less than Significant with Mitigation Incorporated.** As previously discussed, an NAHC SLF search was negative for the Project Site. However, through the Assembly Bill 52 consultation process, the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office (THPO) and YSMN identified the potential for undiscovered subsurface tribal cultural resources to be present in the Project area. ~~Agua Caliente Band of Cahuilla Indians requested that a tribal monitor be present during ground-disturbing activities. YSMN indicated that while they do not currently require a monitor, they requested specific mitigation measures be implemented to address the treatment of any inadvertent discoveries. To address the potential for the Project to impact unknown subsurface TCRs that may be significant under PRC Section 5024.1(e), the Town has agreed to incorporate the tribes’ requested protocols.~~ In its consultation letters dated October 10 and December 3, 2025, the ACBCI THPO

requested that an approved cultural resource monitor from a consulting tribe be present during all ground-disturbing activities, and that a halt-and-notify protocol be implemented in the event of an inadvertent discovery. The ACBCI further reviewed the Project and found the standard mitigation measures to be otherwise sufficient. During the 30-day public review period, the YSMN submitted a comment noting that the Draft IS/MND's **Mitigation Measure MM TCR-1** did not explicitly require the presence of a tribal monitor during ground-disturbing activities, notwithstanding ACBCI's consultation request. In response to this comment and the ACBCI's consultation requests, **MM TCR-1** has been revised in this Final IS/MND to require retention of an approved ACBCI THPO cultural resource monitor during all ground-disturbing activities, with YSMN serving as the designated monitoring tribe if ACBCI is unable to confirm availability or declines to provide a monitor within the required notice period. The revised **MM TCR-1** is set forth in **Chapter 3.0, Corrections and Additions**, of this Final IS/MND and supersedes the version presented in the Draft IS/MND.

Implementation of revised **Mitigation Measures MM TCR-1** and **Mitigation Measure MM TCR-2** ensures that: (1) a tribal cultural resource monitor from a consulting tribe will be present during all Project-related ground-disturbing activities; (2) ground-disturbing activities will be halted immediately in the vicinity of any inadvertent discovery of potential pre-contact cultural resources or tribal cultural resources; (3) both the ACBCI THPO and the YSMN Cultural Resources Management Department will be notified in writing within 24 hours of any such discovery; and (4) the significance of any find will be determined jointly by the tribal monitor, a qualified archaeologist, and the Lead Agency, with a Cultural Resources Monitoring and Treatment Plan prepared if the find is determined to be significant. ~~if any TCRs are encountered during construction, they will be identified, evaluated, and treated in coordination with the consulting tribes.~~ Therefore, impacts to potential TCRs would be reduced to a less than significant level.

**Mitigation Measures:**

~~MM TCR-1: The Yuhaaviatam of San Manuel Nation (YSMN) Cultural Resources Management Department and the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office shall be contacted regarding any pre-contact cultural resources discovered during Project implementation. Information regarding the nature of the find shall be provided to the tribes to allow Tribal input with regard to significance and treatment. If the find is deemed significant, a Cultural Resources Monitoring and Treatment Plan shall be prepared in coordination with the consulting tribes, and all subsequent finds shall be subject to this Plan. If significant Tribal Cultural Resources are found, the consulting tribes may elect to place a tribal monitor on site for the duration of the ground-disturbing activities in the vicinity of the find.~~

Prior to the commencement of ground-disturbing activities, the Applicant shall provide written notice to the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office (THPO) at least 15 business days prior to the start of ground-disturbing activities to retain a qualified ACBCI cultural resource monitor. If ACBCI does not confirm availability in writing or declines to provide a monitor within 10 business days of receiving such written notice, the Applicant shall provide written notice to the Yuhaaviatam of San Manuel Nation (YSMN) Cultural Resources Management Department offering the monitoring opportunity. If YSMN similarly does not confirm availability in writing within 10 business days of receiving such notice, the Applicant shall document its good-faith outreach efforts to both tribes in writing and provide such documentation to the Town of Yucca Valley prior to the commencement of ground-disturbing activities. The retained tribal monitor shall be present on-site during all project-related ground-disturbing activities.

In the event that potential pre-contact cultural resources or Tribal Cultural Resources are encountered during ground-disturbing activities, the tribal monitor shall have the authority to direct an immediate halt to all ground-disturbing activities within a 60-foot buffer of the find, consistent with MM CUL-1. The Applicant and project contractor shall comply with any stop-work directive issued by the tribal monitor.

Upon discovery of any potential pre-contact cultural resources or Tribal Cultural Resources, the Applicant shall notify both the ACBCI THPO and the YSMN Cultural Resources Management Department in writing within 24 hours of the discovery. Information regarding the nature of the find shall be provided to both tribes to allow tribal input with regard to significance and treatment. The significance of the find shall be determined jointly by the tribal monitor, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards, and the Lead Agency. If the find is determined to be significant, a Cultural Resources Monitoring and Treatment Plan shall be prepared in coordination with the consulting tribe(s) prior to the resumption of any ground-disturbing activities in the vicinity of the find, and all subsequent finds shall be subject to this Plan. If significant Tribal Cultural Resources are found, the consulting tribe that did not serve as the primary monitor at the start of ground-disturbing activities (whether ACBCI or YSMN, depending on which tribe is actively monitoring) may elect to place a tribal monitor on-site for the duration of the ground-disturbing activities in the vicinity of the find.

The revision to **MM TCR-1** directly addresses the YSMN's concern by ensuring that tribal monitoring is explicitly required as a Project condition, not merely as a response to an unanticipated discovery. The revised measure also formally recognizes the YSMN's role in the Project's cultural resource protection program, both as the designated fallback monitoring tribe and as a party with independent notification rights and co-determination authority upon any discovery of pre-contact cultural resources or tribal cultural resources.

## California Department of Transportation

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



April 06, 2026

Route & Postmile: SR-62/13.481  
Cross Street: SR-62 & Balsa Ave.  
GTS ID: 39405

Town of Yucca Valley  
Planning Division  
Attn: Jared Jerome  
58928 Business Center Drive  
Yucca Valley, CA 92284

**Subject: Comments on the Initial Study Mitigated Negative Declaration (IS/MND) for Yucca Valley Dutch Bros Project.**

Dear Jared Jerome,

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

The 1.01-acre vacant site located at 58121 Twentynine Palms Highway (APN: 0601-416-05) is in a commercial corridor, bordered by retail stores and nearby residential areas. The project site is designated Mixed Use (MU) and zoned Mixed-Use Commercial (C-MU) by the Town's General Plan, with surrounding zoning consisting of Commercial (C-N) to the north and Residential (R-S-2) to the south and east.

The proposed project involves the construction and operation of an approximately 1,025 square-foot Dutch Bros Coffee shop featuring dual-lane drive-through designed to accommodate up to 23 vehicles, along with 18 surface parking spaces. Development of the site would require removal of the existing Western Joshua Street alignment. Site access would be provided via an existing shared driveway serving the adjacent Big 5 Sporting Goods and Walgreen properties, with internal circulation connecting to these neighboring uses. In addition to the site improvements, the project would contribute in-lieu fees toward future off-site roadway improvements, specifically the widening of Twentynine Palms Highway to an ultimate half-width of 67 feet, to be undertaken at a later date by the Town and The San Bernardino County of Transportation Authority.

The following comments are based on our review of the Initial Study Mitigated Negative Declaration (IS/MND) and related environmental Documents for the Yucca Valley Dutch Bros

Project.

**Traffic Operations:**

Local Transportation Assessment:

1. Please include a Horizon Year study scenario for all analysis (refer to San Bernardino County Transportation Impact Study Guidelines).
2. Please include site access driveway on State Route 62 (Twentynine Palms Highway) in all Traffic Analysis documents.
3. Opening Year Cumulative 2007 Conditions Traffic Volume formula appears to be missing on Page 28 of Appendix E - LTA PDF.
4. Please correct formatting on pages 43 and 44 of Appendix E – LTA PDF displaying the project Regional Location and Preliminary Site/Utility Plan as they do not have clear imagery.

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Safety Review:

5. The proposed project will generate additional trips on the Highway System, we recommend preparing a traffic safety review as a stand-alone report for the proposed land use project. Refer to the [Local Development Review \(LDR\) Safety Review Practitioners Guidance in February 2024](#).  
Please follow the steps below:
  - a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal following the link (Support Home Page ([mycusthelp.com](http://mycusthelp.com))).
  - b. Please analyze the existing crash data and discuss the project's impact on safety as needed.
  - c. Please provide appropriate countermeasures to mitigate/ reduce project's safety impact if applicable.

5

**Equitable Access:**

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

6

**Caltrans Encroachment Permit:**

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

7

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

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

[D8.E-permits@dot.ca.gov](mailto:D8.E-permits@dot.ca.gov)

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Janki Patel".

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

**Letter 3**            **California Department of Transportation, District 8**  
**Janki Patel**  
**464 West 4<sup>th</sup> Street**  
**San Bernardino, CA 92401**  
**April 6, 2026**

**Response 3-1**

The commenter summarizes the Project's location, existing land use designation, zoning, proposed site characteristics, and planned off-site roadway improvement contributions, which is consistent with the Project description in Section II of the Draft IS/MND. The comment references the removal of the "Western Joshua Street alignment." However, this is understood to refer to the removal of existing Western Joshua Trees located on the Project Site, which is addressed in the IS/MND under Biological Resources (Section 3.3.4) and is subject to an Incidental Take Permit from the California Department of Fish and Wildlife (CDFW). No public street alignment is proposed for removal as part of the Project.

Regarding the request to include a Horizon Year study scenario for all analysis pursuant to the San Bernardino County Transportation Impact Study (TIS) Guidelines, the Project's LTA (Appendix E of the IS/MND) was prepared in accordance with the Traffic Scoping Agreement approved by the Town, which did not require a Horizon Year analysis. As documented in Section 1.0 and Appendix A of the LTA, the analysis scope, including study intersections and required scenarios, was established through a Traffic Scoping Memorandum reviewed and approved by Town staff prior to preparation of the LTA. The approved scope defined the required scenarios as: (1) Existing Conditions; (2) Opening Year 2027 Cumulative Conditions; and (3) Opening Year 2027 Cumulative with Project Conditions.

A Horizon Year analysis is further not warranted given the *de minimis* traffic impact of the proposed Project. As documented in Table 3.1 of the LTA, after application of ITE pass-by reduction factors, the Project would contribute only 35 net new daily trips to the adjacent roadway network, with 8 net new AM peak hour trips and 2 net new PM peak hour trips. Even under the conservative approach of not applying pass-by reductions to the intersection LOS analysis, the addition of Project traffic does not cause any study intersection to degrade in LOS or exceed applicable significance thresholds. All three study intersections operate at LOS B or C under Existing, Opening Year Cumulative, and Opening Year Cumulative with Project conditions (LTA, Table ES.1). Considering the Project's negligible trip generation and the absence of any significant traffic impacts under the Opening Year Cumulative scenario, the Project would not cause or contribute to deficiencies at any study intersection under a Horizon Year scenario.

Moreover, and most critically, pursuant to Senate Bill 743 and *State CEQA Guidelines* Section 15064.3, vehicle delay and Level of Service (LOS) are no longer considered significant environmental impacts under CEQA. The required metric for evaluating transportation impacts under CEQA is Vehicle Miles Traveled

(VMT). As documented in Section 3.3.17 (Transportation) of the Draft IS/MND, the Project generates a net increase of only 35 daily trips and screened out of a detailed VMT analysis entirely. Because LOS is not a CEQA significance criterion and the Project screens out for VMT, a Horizon Year LOS scenario is not required for CEQA compliance. No revisions to the IS/MND or LTA are warranted in response to this comment.

**Response 3-2**

The commenter requests to include the existing site access driveway on State Route 62 (SR-62/Twenty-nine Palms Highway) in all traffic analysis documents. The driveway is already addressed in the LTA, and its exclusion from the quantitative intersection LOS analysis was intentional, conservative, and consistent with the Town-approved Traffic Scoping Agreement.

As documented in Sections 1.0, 1.1, and 6.1 of the LTA, the Project Site is served by two existing driveways: (1) a full-access, stop-controlled driveway on Balsa Avenue, shared with the adjacent Walgreens property; and (2) a left-out restricted driveway on SR-62 (Twenty-nine Palms Highway), shared with the adjacent Big 5 Sporting Goods property. Both driveways are identified and described in the LTA. The SR-62 driveway is depicted in the Project Site plan (Figure 1.2 of the LTA) and is referenced in the Site Access and Circulation chapter (Section 6.1) in the context of the existing shared shopping center access configuration.

As detailed in Section 1.0 of the LTA, the study area and specific intersections evaluated were established through a Traffic Scoping Memorandum reviewed and approved by the Town prior to preparation of the LTA. The approved scope focused the analysis on the full-access, stop-controlled driveway along Balsa Avenue to provide a conservative, worst-case assessment of localized intersection operations. By routing all Project trips through the Balsa Avenue driveway the LTA captured the maximum potential delay and queuing at the site's most heavily utilized access point, since the Balsa Avenue driveway is the access point accommodating a greater number of turning movement conflicts, including left turns out, compared to the right-out-only driveway to SR-62. Including the SR-62 driveway in the quantitative LOS analysis would result in a redistribution of the Project's 35 net new daily trips between the two access points, reducing (not increasing) traffic volumes and delay at the Balsa Avenue/SR-62 intersection (Intersection 1), which already operates at an acceptable LOS B (AM) and LOS C (PM) under all analyzed scenarios (LTA, Table ES.1). No new significant impact findings would result.

Furthermore, as discussed in Response to Comment 3-1, intersection LOS and operational delay, which includes localized driveway operations, are no longer considered significant environmental impacts under CEQA pursuant to Senate Bill 743 and *State CEQA Guidelines* Section 15064.3. The Project's transportation impacts were properly evaluated using the required VMT metric, for which the Project screened out of detailed analysis due to its negligible trip generation. The intersection operational analysis provided in the

LTA is for local planning and informational purposes only. Because driveway operational analysis is not a CEQA requirement and the LTA was prepared in strict accordance with the Town-approved Traffic Scoping Agreement, no revisions to the IS/MND or LTA are warranted in response to this comment.

**Response 3-3**

The commenter states there is a missing formula for “Opening Year Cumulative 2007 Conditions” traffic volumes on page 28 of the LTA. The Town understands that the commenter is referring to Opening Year 2027 Cumulative Conditions, as 2007 is a historical year and is not analyzed in the LTA.

The traffic volume formula is not missing from the LTA. The methodology and equations used to develop the Opening Year 2027 Cumulative Background Conditions traffic volumes are fully provided in Section 5.1 (Opening Year 2027 Cumulative Roadway Network and Traffic Volumes) on page 20 of the LTA (Appendix E of the IS/MND). That section presents the ambient growth formula and supporting assumptions. An ambient annual growth rate of three (3) percent per year was applied over two (2) years, yielding a total growth factor of six (6) percent, which was applied to existing traffic volumes to derive the Opening Year 2027 Cumulative volumes displayed in Figure 5.1 of the LTA.

The commenter may have been looking at a different section or an appendix attachment as page 28 of the LTA corresponds to Section 5.5.1 (Intersection Analysis) and Section 5.6 (Determination of the Need for Off-Site Improvements), which present Table 5.3, which is the intersection LOS results for the Opening Year 2027 Cumulative with Project scenario, rather than the formula presentation in Section 5.1. No revisions to the IS/MND or LTA methodology are warranted in response to this comment.

**Response 3-4**

The Town acknowledges the commenter’s observation regarding the image clarity of the Project Regional Location map (Figure 2) and Project Site Plan (Figure 2) as they appear on pages 43 and 44 of the publicly circulated LTA PDF.

The Town clarifies that the original graphics produced for the LTA by CR Associates (January 2026) were clear and legible at full resolution. The degraded image quality observed by Caltrans was an inadvertent artifact of the Optical Character Recognition (OCR) and PDF optimization process applied to the document prior to electronic submittal. This processing is required to ensure document accessibility and compliance with the State Clearinghouse formatting protocols for electronic document submittal via CEQAnet and this same file version was used for the Town’s webpage.

To resolve this administrative formatting issue, a clean, high-resolution version of the LTA with corrected imagery will replace the draft appendix in the Final IS/MND. Moreover, these two figures are provided at

the end of this chapter for visual reference. Because this is solely a document reproduction issue and does not alter the data, methodology, or conclusions of the LTA or IS/MND, no revisions are warranted in response to this comment.

**Response 3-5**

The commenter includes Safety Review recommendations and acknowledges their agency's commitment to ensuring safe operations on the State Highway System. The Town has carefully considered the recommendation to prepare a standalone traffic safety review pursuant to Caltrans' Local Development Review (LDR) Safety Review Practitioners Guidance (February 2024).

Under CEQA, specifically Appendix G of the *State CEQA Guidelines*, a project may have a significant transportation safety impact if it would "substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)." As evaluated in Section 3.3.17 (Transportation) of the Draft IS/MND, the proposed Project does not include any alterations to the geometric design of the surrounding public roadway network, nor does it introduce incompatible uses to the established commercial corridor. The Project would utilize existing driveways that currently serve the adjacent commercial uses, and no new access points or geometric modifications to SR-62 are proposed. As documented in Sections 1.1 and 6.1 of the LTA, the existing left-out restricted driveway on SR-62 serving the shopping center predates the Project and would remain unchanged.

Furthermore, as established in the LTA and discussed in Responses to Comments 3-1 and 3-2, the Project would generate a *de minimis* amount of traffic, that is, only 35 net new daily trips, with 8 net new trips in the AM peak hour and 2 net new trips in the PM peak hour. The Project's conservative traffic analysis routes all net new trips through the Balsa Avenue driveway, assigning zero net new project trips to the SR-62 driveway or SR-62 mainline. This nominal increase in vehicle trips does not constitute substantial evidence that the Project would substantially exacerbate any existing safety hazard or create a new safety hazard on the State Highway System, and a causal nexus between the proposed Project and changes in SR-62 crash frequency or severity cannot be established.

Regarding Step (a) — Crash Data Request: The Town acknowledges Caltrans' direction to request crash data via the California Public Records Act (CPRA) portal. As noted above, the Project proposes no new access points, curb cuts, or geometric modifications to SR-62. Given the absence of any SR-62 design changes and the assignment of zero net new Project trips to the state highway, a crash data request is not warranted for this Project.

Regarding Step (b) — Crash Data Analysis: Since the Project does not alter SR-62 access, geometry, or operations, and does not add meaningful traffic volumes to the state highway, no causal relationship

between the proposed Project and changes in SR-62 safety conditions can be established. A crash data analysis would not yield findings that alter the IS/MND's less than significant determination for transportation hazards.

Regarding Step (c) — Safety Countermeasures: Since no Project-related safety impacts on the State Highway System have been identified, no Project-specific safety countermeasures are warranted. The Project does, however, incorporate internal pedestrian and bicycle safety features, including ADA-compliant pedestrian pathways, as discussed in Section 4.2 of the LTA.

The LDR Safety Review Practitioners Guidance represents Caltrans' internal advisory guidance and does not establish mandatory CEQA significance thresholds or procedural requirements for the Town as Lead Agency. Considering the Project's negligible trip generation, its reliance on existing access points, and the absence of any proposed geometric alterations to the SR-62 right-of-way, a standalone traffic safety report is not warranted for CEQA compliance. No revisions to the IS/MND or LTA are warranted in response to this comment.

### **Response 3-6**

The commenter addresses equitable access, compliance with ADA, and the maintenance of bicycle and pedestrian access during the construction phase. The Town confirms that the proposed Project is consistent with ADA standards and applicable accessibility requirements, and that bicycle and pedestrian access would be maintained throughout construction to the extent feasible, as further detailed below.

Regarding ADA compliance, compliance with ADA standards and the accessibility requirements of the California Building Code is a mandatory regulatory requirement for all new commercial development. The proposed Project does not impact any existing Caltrans facilities. The Project Site is located south of SR-62 (Twentynine Palms Highway) and does not propose any new curb cuts, driveway modifications, or permanent improvements within the Caltrans right-of-way. The Town will verify ADA compliance through the standard building plan check and permitting process prior to the issuance of a certificate of occupancy. To the extent any incidental construction activity occurs within or immediately adjacent to the Caltrans right-of-way, the Project would be required to comply with ADA standards as a condition of any required Caltrans Encroachment Permit. Because ADA compliance is a statutory building code requirement and does not constitute a physical environmental impact under CEQA, no further environmental analysis is required.

Regarding pedestrian and bicycle access during construction, the Project applicant would be required by the Town to ensure the safe routing of vehicular, pedestrian, and bicycle traffic around the active construction zone to maintain continuous and safe access throughout the construction phase. As

documented in Section 2.3.9 of the IS/MND, all construction equipment and staging would occur within the boundaries of the Project Site. No construction staging or activity is proposed within the SR-62 right-of-way that would disrupt existing pedestrian or bicycle facilities along SR-62, which include sidewalks on both sides of the highway west of Balsa Avenue and an existing Class III bicycle facility running east-west along the corridor, as documented in Section 4.2 of the LTA. To the extent that construction activities or temporary traffic control measures encroach into the SR-62 right-of-way, the Project would be subject to Caltrans Encroachment Permit requirements, which would provide Caltrans with direct oversight of construction phase access within its jurisdiction.

The proposed Project also incorporates internal pedestrian and bicycle access features, including ADA-compliant pathways connecting the building's walk-up window and parking areas to existing off-site sidewalk facilities, continental crosswalks throughout the Project Site to enhance driver awareness, and a bicycle rack to support non-motorized access, as documented in Section 4.2.1 of the LTA.

Because these comments address standard regulatory compliance and construction management protocols rather than the adequacy of the CEQA environmental analysis, no revisions to the IS/MND are warranted in response to this comment.

**Response 3-7**

The commenter advises that any permanent work or temporary traffic control encroaching onto the Caltrans right-of-way requires a Caltrans-issued Encroachment Permit. This requirement is noted.

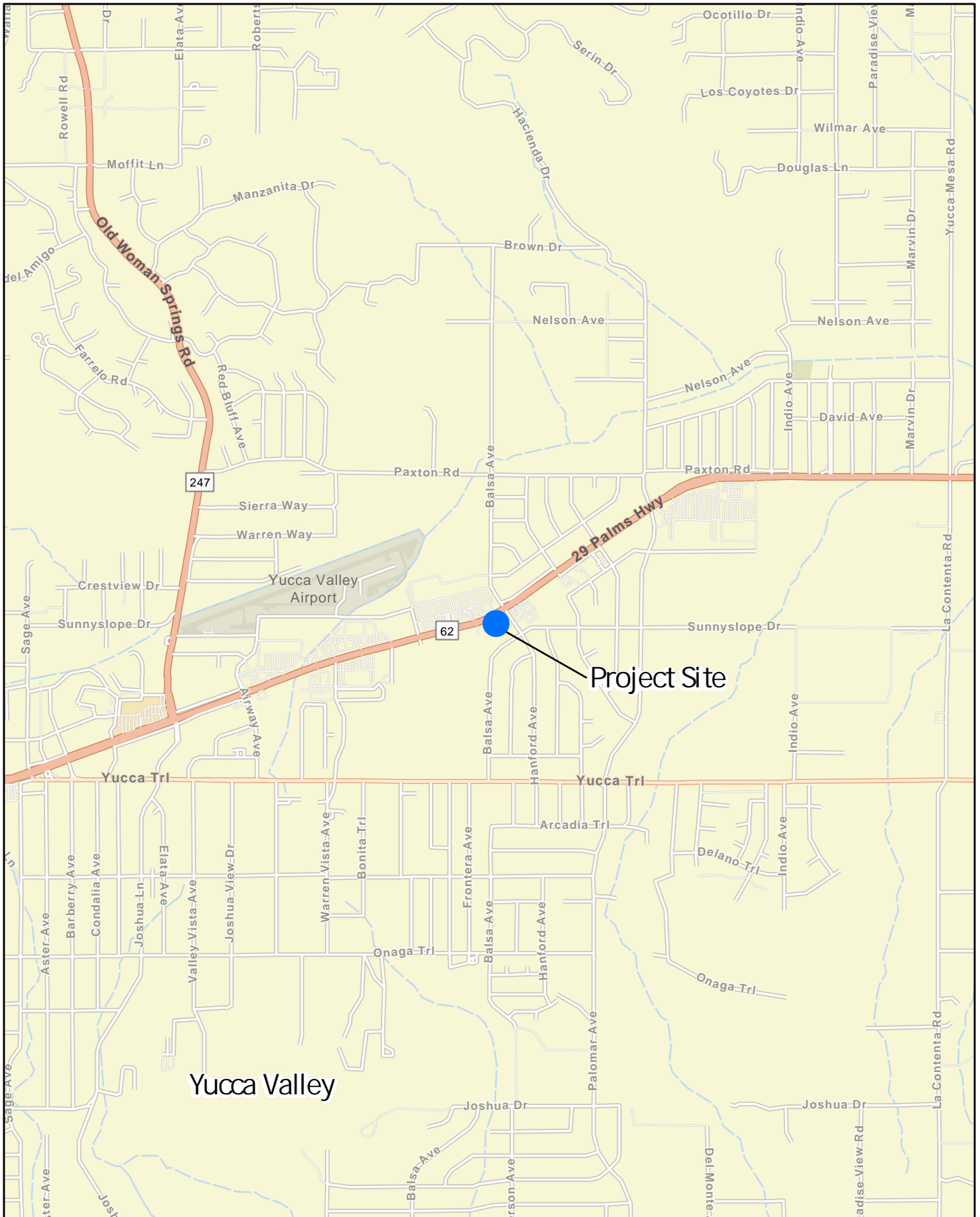
As discussed above, the proposed Project does not include any permanent improvements, new access points, or physical modifications within the SR-62 (Twentynine Palms Highway) right-of-way. The Project would utilize the existing driveway configuration, and the existing restricted driveway on SR-62 shared with the adjacent Big 5 Sporting Goods property would remain unchanged. However, the Town acknowledges that if construction activities or temporary traffic control measures, such as the placement of advanced warning signs, necessitate temporary encroachment into the Caltrans right-of-way, the Project applicant would be required to obtain a Caltrans-issued Encroachment Permit prior to the commencement of those specific activities.

The Project Applicant would be advised to coordinate directly with the Caltrans District 8 Office of Encroachment Permits via the CEPS Online Portal, as directed in the comment. Because this comment outlines a standard regulatory permitting procedure and does not raise a substantive issue regarding the adequacy of the CEQA environmental analysis, no revisions to the IS/MND are warranted in response to this comment.

**Response 3-8**

The Town acknowledges the contact information provided for the Caltrans District 8 Office of Encroachment Permits and notes the requirement that all permit applications must be submitted through the CEPS Online Portal. As discussed in Response to Comment 3-7, the Project Applicant would be advised of these procedures and directed to coordinate with the Encroachment Permit Office for any temporary or permanent encroachments into the Caltrans right-of-way. The Town acknowledges the LDR branch's role as primary point of contact would conclude upon completion of the entitlement process, at which time the Encroachment Permit Office would assume that role.

These concluding remarks are informational and administrative in nature and does not raise environmental issues or challenge the adequacy of the IS/MND; accordingly, no revisions to the document are warranted in response to this comment.



**Know what's below.**  
Call before you dig.  
Dial 811

## DUTCH BROS. COFFEE - CA3714 - YUCCA VALLEY, CA PRELIMINARY SITE AND UTILITY PLAN

### PROJECT DATA

NAME: DUTCH BROS COFFEE - CA3714 - YUCCA VALLEY, CA

PARCEL AREA: 44,190 SF (1.014 ACRES)

GROSS PROJECT AREA: 48,127 SF (1.1 ACRES)

PARCEL # 0601-416-05

ZONE: MIXED USE COMMERCIAL (C-MU)

GENERAL PLAN DESIGNATION: COMMERCIAL

QUEING: 23 VEHICLES

PARKING:  
REQUIRED: 4 SPACES  
PROVIDER: 18 SPACES  
(3 FUTURE EVCS)  
(1 ACCESSIBLE EVCS)  
(1 ACCESSIBLE)  
(13 TYPICAL)

TRASH ENCLOSURE: 12' x 24'

PROPOSED GROUND COVER SUMMARY:

BUILDINGS:	1,025 SF	(2.1%)
TRASH ENCLOSURE:	288 SF	(0.6%)
PAVING CONCRETE, ASPHALT, CURBS:	26,377 SF	(64.8%)
WALKWAYS:	3,389 SF	(7.1%)
LANDSCAPE:	10,350 SF	(21.5%)
EXISTING PAVEMENT TO REMAIN:	3,890 SF	(9.1%)
EXISTING LANDSCAPE TO REMAIN:	2,808 SF	(6.8%)
	48,127 SF	(100.0%)

### EASEMENT NOTES

- 5' EASEMENT(S) FOR ELECTRIC AND TELEPHONE FACILITIES AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO CALIFORNIA WATER & TELEPHONE COMPANY RECORDED MARCH 30, 1962, IN BOOK 14752, PAGE 78.
- MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED "RECIPROCAL EASEMENT AGREEMENT DATED OCTOBER 3, 2000, EXECUTED BY JOSEPH A. SIOGA AND THOMAS A. KELLER, III ET AL. RECORDED OCTOBER 20, 2000, RECORDING NO. 20000381189, OFFICIAL RECORDS.
- EASEMENT(S) FOR UNDERGROUND FACILITIES AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO HI DESERT WATER DISTRICT, A PUBLIC AGENCY OF THE STATE OF CALIFORNIA RECORDED FEBRUARY 1, 2002, RECORDING NO. 20020054622, OFFICIAL RECORDS.
- 20' EASEMENT(S) FOR SEWER EASEMENT AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO HI DESERT WATER DISTRICT, A PUBLIC AGENCY OF THE STATE OF CALIFORNIA RECORDED AUGUST 21, 2015, RECORDING NO. 2015-0360667, OFFICIAL RECORDING.

### LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL 4 OF PARCEL MAP NO. 15502, IN THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 193, PAGES 98 AND 99 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR REASONABLE PEDESTRIAN AND VEHICULAR ACCESS, INGRESS AND EGRESS AS SET FORTH AND DEFINED AS EASEMENT QUINERY IN RECIPROCAL EASEMENT AGREEMENT RECORDED OCTOBER 20, 2000, INSTRUMENT NO. 2000-381189, OF OFFICIAL RECORDS.

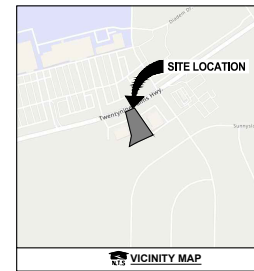
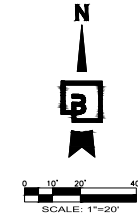
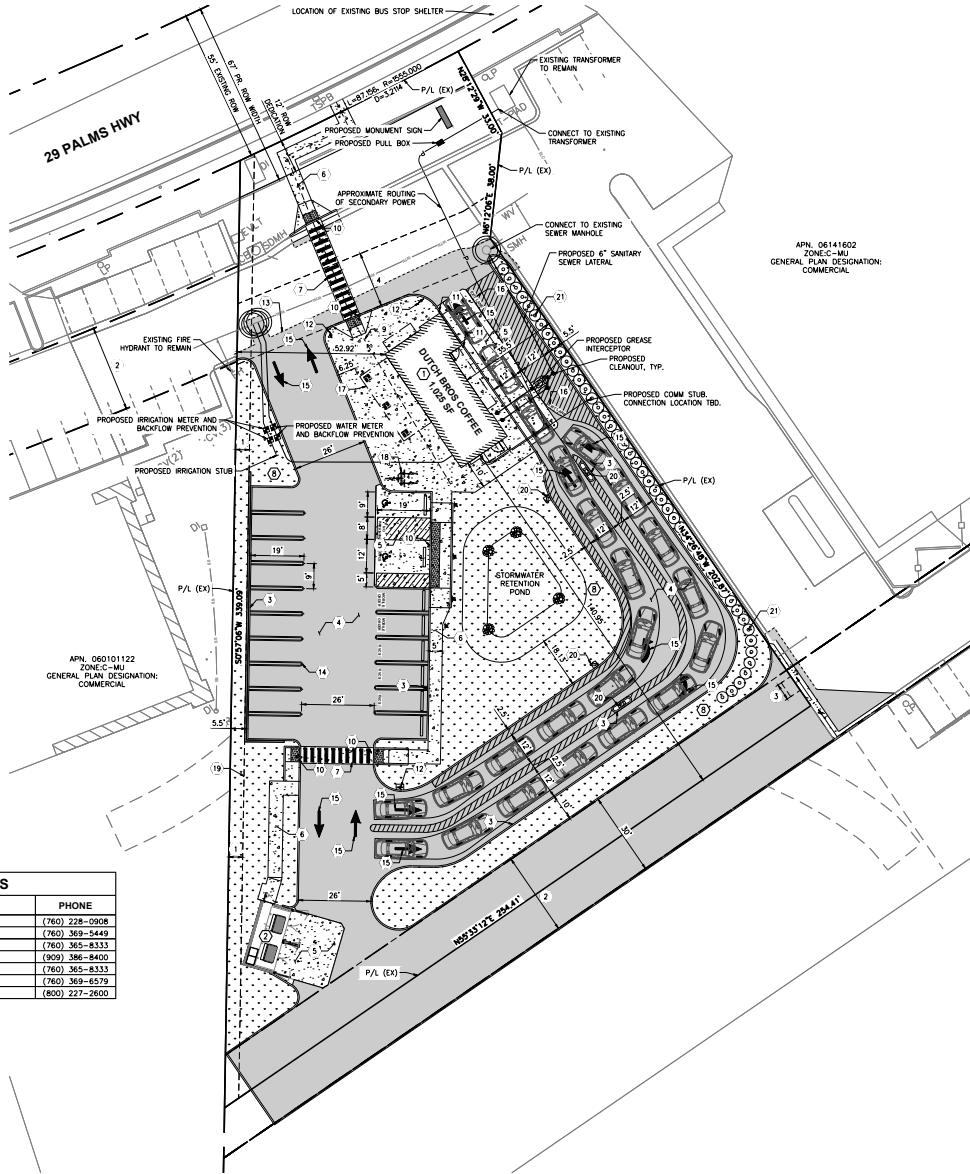
APN: 0601-416-05

THE LAND SHOWN IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN FIDELITY NATIONAL TITLE COMPANY, COMMITMENT NO. F042400711 WITH AN EFFECTIVE DATE OF AUGUST 22, 2004 AT 7:30 AM.

UTILITY REPRESENTATIVES	REPRESENTATIVES	PHONE
GAS	THE GAS COMPANY	(760) 228-0908
ELECTRICITY	SOUTHERN CALIFORNIA Edison	(760) 369-5449
WATER	HI-DESERT WATER DISTRICT	(760) 365-8333
FIRE	SAN BERNARDINO COUNTY FIRE	(909) 386-8400
SEWER	HI-DESERT WATER DISTRICT	(760) 365-8333
DRAINAGE	TOWN OF YUCCA VALLEY	(760) 369-6579
U.S.A.	N/A	(800) 227-2600

### SEWAGE DISPOSAL NOTE

ONSITE PRIVATE GRAVITY SEWER SYSTEMS  
CONNECTION TO PUBLIC SEWERS



APN: 0614602  
ZONE: C-MU  
GENERAL PLAN DESIGNATION:  
COMMERCIAL

### OWNER

CONTACT: CHRIS PEIO  
5TH STREET DEVELOPMENT, LLC  
1011 CAMINO DEL MAR #258  
DEL MAR, CA 92014  
TEL: (310) 346-0379  
EMAIL: CP@5THSTREET.COM

### ENGINEER

BARGHAUSEN CONSULTING ENGINEERS, LLC  
1815 S 72ND AVE, SOUTH  
KENT, WA 98032  
TEL: (425) 291-8222  
CONTACT: HAL P. CRUBER, P.E.  
EMAIL: HPC@BARGHAUSEN.COM  
WEBSITE: [HTTPS://WWW.BARGHAUSEN.COM](https://www.barghausen.com)

### GEOTECHNICAL

INLAND ENGINEERING TECHNOLOGIES INC.  
41005 REDAWN WAY, STE E  
MURRIETA, CA 92562  
TEL: (951) 894-8464  
CONTACT: JOHN COCLA  
TEL: (714) 883-9092  
EMAIL: JOHN.COCLA@INLANDTECHNOLOGIES.COM  
WEBSITE: [HTTPS://WWW.INLANDTECHNOLOGIES.NET](https://www.inlandtechnologies.net)

### DEVELOPER

DUTCH BROS COFFEE  
P.O. BOX 1929  
GRANTS PASS, OR 97528  
CONTACT: JOHN COCLA  
TEL: (714) 883-9092  
EMAIL: JOHN.COCLA@DUTCHBROS.COM  
WEBSITE: [HTTPS://WWW.DUTCHBROS.COM](https://www.dutchbros.com)

### SURVEYOR

RICHTIG CORP.  
13611 NIMMIA CT.  
APPLE VALLEY, CA 92307  
TEL: (833) 907-5082  
EMAIL: CHRIS@RICHTIGCORP.COM

### CONSTRUCTION NOTES:

- PROPOSED TRASH ENCLOSURE.
- PROPOSED CONCRETE BARRIER CURB, TYPICAL.
- PROPOSED ASPHALT PAVEMENT.
- PROPOSED CONCRETE PAVEMENT.
- PROPOSED ON-SITE CONCRETE SIDEWALK (WITH VARES), TYPICAL.
- PROPOSED PAVEMENT MARKING.
- PROPOSED LANDSCAPE AREA, TYPICAL.
- ACCESSIBLE PATH, TYPICAL.
- PROPOSED ADA ACCESSIBLE RAMP.
- PROPOSED BOLLARD.
- PROPOSED DIRECTIONAL SIGNAGE.
- PROPOSED SAWCUT LIMITS, TYPICAL.
- PROPOSED DOUBLE STRIPING "HAWK" STALL STRIPES, TYP.
- PROPOSED DIRECTIONAL PAVEMENT MARKINGS, TYPICAL.
- PROPOSED "EXIT LANE" PAVEMENT MARKING.
- PROPOSED CUSTOMER WALK-UP CANOPY AREA.
- PROPOSED BIKE RACK.
- PROPOSED RETAINING WALL.
- PROPOSED MENU BOARD SIGNAGE.
- PROPOSED LANDSCAPE HEDGE FOR HEADLIGHT SCREENING, TYP.

### UTILITY POTHOLES NOTE:

THE CIRCLED LOCATIONS ARE REQUIRED TO BE POTHOLED TO VERIFY VERTICAL AND HORIZONTAL LOCATION OF EXISTING UTILITY AND/OR POTENTIAL CONFLICTS WITH EXISTING UTILITIES. POTHOLES SHALL BE PERFORMED PRIOR TO INSTALLING ANY PROPOSED UTILITIES. CONTRACTOR SHALL NOTIFY BARGHAUSEN CONSULTING ENGINEERS, INC. OF ANY CONFLICTS.

### PRELIMINARY SHEET INDEX

Sheet Number	Sheet Title
1 OF 2	PRELIMINARY SITE AND UTILITY PLAN
2 OF 2	GRADING AND DRAINAGE PLAN
NP-1	NATIVE PLANT PROTECTION PLAN
NP-2	NATIVE PLANT PROTECTION SPECS & DETAILS
LP-1	LANDSCAPE PLANTING PLAN
LP-2	LANDSCAPE PLANTING SPECIFICATIONS & DETAILS

LEGEND	
BUILDING LINE	//////
EXISTING CURB TO REMAIN	=====
PROPOSED CURB	=====
PROPOSED LANDSCAPING	.....
PROPOSED ASPHALT	=====
PROPOSED CONCRETE	.....

PRELIMINARY NOT FOR CONSTRUCTION

TITLE: PRELIMINARY SITE AND UTILITY PLAN  
SWQ 29 PALMS HWY & BALSAVA AVE  
YUCCA VALLEY, CA



Scale:  
Horizontal: 1" = 20'  
Vertical: N/A

Designer: JLL  
Drawn: JLL  
Checked: JLL  
Approved: JLL  
Date: 4/23/25



Barghausen Consulting Engineers, LLC  
1835 72nd Avenue South  
Kent, WA 98032  
425.571.6222  
barghausen.com

JOB Number: 23690  
Sheet: 1 OF 2

## 3.0 CORRECTIONS AND ADDITIONS

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The following corrections and additions to the Draft IS/MND are made as a result of comments received during the 30-day public review period and tribal consultation conducted pursuant to Assembly Bill (AB) 52. Added text is shown in underline format and deleted text is shown in ~~strikethrough~~ format.

Pursuant to *State CEQA Guidelines* Section 15073.5, a Lead Agency is required to recirculate a Negative Declaration only when the document must be “substantially revised.” A substantial revision occurs when: (1) a new, avoidable significant effect is identified and mitigation measures or project revisions must be added to reduce the effect to less than significance; or (2) the Lead Agency determines that mitigation measures originally included in the proposed Negative Declaration are infeasible and the Lead Agency instead proposes new alternatives or mitigation measures.

The revisions presented in this chapter do not trigger recirculation. Pursuant to *State CEQA Guidelines* Sections 15073.5(c)(2) and 15073.5(c)(4), these revisions serve to clarify, amplify, and make insignificant modifications to the Draft IS/MND, and to add project revisions in response to public comments that do not involve new significant effects. Specifically:

- The revision to Mitigation Measure **MM TCR-1** clarifies and strengthens the tribal cultural resource monitoring requirements applicable to ground-disturbing activities. This revision is consistent with consultation requests received from the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office and public comment received from the Yuhaaviatam of San Manuel Nation (YSMN).
- Administrative corrections have been made to the Local Transportation Assessment (LTA) (Appendix E of the IS/MND) to replace inadvertently degraded imagery with high-resolution figures and to clarify text references (see pages 2.0-19 and 2.0-20 of **Chapter 2.0**). These corrections do not affect any analytical findings, methodologies, or significance determinations in the IS/MND.

These revisions do not identify any new significant environmental impacts, nor do they demonstrate that any previously proposed mitigation measures are inadequate. Accordingly, recirculation of the IS/MND is not required pursuant to *State CEQA Guidelines* Section 15073.5.

### **Tribal Cultural Resources**

Pages 101-102 – The analysis for the second threshold and mitigation measure are revised to read:

**Less than Significant with Mitigation Incorporated.** As previously discussed, an NAHC SLF search was negative for the Project Site. However, through the Assembly Bill 52 consultation process, the Agua

Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office (THPO) and YSMN identified the potential for undiscovered subsurface tribal cultural resources to be present in the Project area. ~~Agua Caliente Band of Cahuilla Indians requested that a tribal monitor be present during ground-disturbing activities. YSMN indicated that while they do not currently require a monitor, they requested specific mitigation measures be implemented to address the treatment of any inadvertent discoveries. To address the potential for the Project to impact unknown subsurface TCRs that may be significant under PRC Section 5024.1(c), the Town has agreed to incorporate the tribes' requested protocols.~~ In its consultation letters dated October 10 and December 3, 2025, the ACBCI THPO requested that an approved cultural resource monitor from a consulting tribe be present during all ground-disturbing activities, and that a halt-and-notify protocol be implemented in the event of an inadvertent discovery. The ACBCI further reviewed the Project and found the standard mitigation measures to be otherwise sufficient. During the 30-day public review period, the YSMN submitted a comment noting that the Draft IS/MND's **Mitigation Measure MM TCR-1** did not explicitly require the presence of a tribal monitor during ground-disturbing activities, notwithstanding ACBCI's consultation request. In response to this comment and the ACBCI's consultation requests, **MM TCR-1** has been revised in this Final IS/MND to require retention of an approved ACBCI THPO cultural resource monitor during all ground-disturbing activities, with YSMN serving as the designated monitoring tribe if ACBCI is unable to confirm availability or declines to provide a monitor within the required notice period. The revised **MM TCR-1** is set forth in **Chapter 3.0, Corrections and Additions**, of this Final IS/MND and supersedes the version presented in the Draft IS/MND.

Implementation of revised Mitigation Measures MM TCR-1 and Mitigation Measure MM TCR-2 ensures that: (1) a tribal cultural resource monitor from a consulting tribe will be present during all Project-related ground-disturbing activities; (2) ground-disturbing activities will be halted immediately in the vicinity of any inadvertent discovery of potential pre-contact cultural resources or tribal cultural resources; (3) both the ACBCI THPO and the YSMN Cultural Resources Management Department will be notified in writing within 24 hours of any such discovery; and (4) the significance of any find will be determined jointly by the tribal monitor, a qualified archaeologist, and the Lead Agency, with a Cultural Resources Monitoring and Treatment Plan prepared if the find is determined to be significant. ~~if any TCRs are encountered during construction, they will be identified, evaluated, and treated in coordination with the consulting tribes.~~ Therefore, impacts to potential TCRs would be reduced to a less than significant level.

#### **Mitigation Measures:**

**MM TCR-1:** ~~The Yuhaaviatam of San Manuel Nation (YSMN) Cultural Resources Management Department and the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic~~

~~Preservation Office shall be contacted regarding any pre-contact cultural resources discovered during Project implementation. Information regarding the nature of the find shall be provided to the tribes to allow Tribal input with regard to significance and treatment. If the find is deemed significant, a Cultural Resources Monitoring and Treatment Plan shall be prepared in coordination with the consulting tribes, and all subsequent finds shall be subject to this Plan. If significant Tribal Cultural Resources are found, the consulting tribes may elect to place a tribal monitor on site for the duration of the ground-disturbing activities in the vicinity of the find.~~

Prior to the commencement of ground-disturbing activities, the Applicant shall provide written notice to the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office (THPO) at least 15 business days prior to the start of ground-disturbing activities to retain a qualified ACBCI cultural resource monitor. If ACBCI does not confirm availability in writing or declines to provide a monitor within 10 business days of receiving such written notice, the Applicant shall provide written notice to the Yuhaaviatam of San Manuel Nation (YSMN) Cultural Resources Management Department offering the monitoring opportunity. If YSMN similarly does not confirm availability in writing within 10 business days of receiving such notice, the Applicant shall document its good-faith outreach efforts to both tribes in writing and provide such documentation to the Town of Yucca Valley prior to the commencement of ground-disturbing activities. The retained tribal monitor shall be present on-site during all project-related ground-disturbing activities.

In the event that potential pre-contact cultural resources or Tribal Cultural Resources are encountered during ground-disturbing activities, the tribal monitor shall have the authority to direct an immediate halt to all ground-disturbing activities within a 60-foot buffer of the find, consistent with MM CUL-1. The Applicant and project contractor shall comply with any stop-work directive issued by the tribal monitor.

Upon discovery of any potential pre-contact cultural resources or Tribal Cultural Resources, the Applicant shall notify both the ACBCI THPO and the YSMN Cultural Resources Management Department in writing within 24 hours of the discovery. Information regarding the nature of the find shall be provided to both tribes to allow tribal input with regard to significance and treatment. The significance of the find shall be determined jointly by the tribal monitor, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards, and the Lead Agency. If the find is determined to be significant, a Cultural Resources Monitoring and Treatment

Plan shall be prepared in coordination with the consulting tribe(s) prior to the resumption of any ground-disturbing activities in the vicinity of the find, and all subsequent finds shall be subject to this Plan. If significant Tribal Cultural Resources are found, the consulting tribe that did not serve as the primary monitor at the start of ground-disturbing activities (whether ACBCI or YSMN, depending on which tribe is actively monitoring) may elect to place a tribal monitor on-site for the duration of the ground-disturbing activities in the vicinity of the find.

## **4.0 MITIGATION MONITORING AND REPORTING PROGRAM**

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### **4.1. INTRODUCTION**

CEQA requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. Public Resources Code Section 21081.6(a)(1) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time the Lead Agency determines to carry out a project for which an IS/MND has been prepared, to ensure that the mitigation measures identified in the IS/MND are fully implemented.

### **4.2. DESCRIPTION OF THE MMRP**

#### **Compliance**

The Town of Yucca Valley (Town), as the Lead Agency, is responsible for coordinating monitoring activities and documenting the implementation of mitigation measures for the Project. Per *State CEQA Guidelines* Section 15097(d), Lead and Responsible Agencies may coordinate their mitigation monitoring or reporting programs where possible.

For purposes of this MMRP, the “Applicant” refers to the Project applicant, including their designated representatives, construction contractors, successors, and assigns, who are responsible for financing, constructing, and operating the proposed Project. The Applicant shall ensure that all mitigation measures assigned to it are implemented in accordance with the timing and requirements set forth in this MMRP. In instances where implementing responsibility is shared between the Applicant and construction contractors, the Applicant is responsible for ensuring that all applicable mitigation requirements are incorporated into construction contracts and are fully implemented. Implementation of certain mitigation measures may require the Applicant to retain qualified specialist consultants, including but not limited to a qualified archaeologist, biological monitor, and tribal cultural resource monitor(s), as specified in the individual mitigation measures.

#### **Field Monitoring of Mitigation Measures**

Prior to the issuance of grading and building permits, the Town will review Project plans and specifications to verify that applicable pre-construction mitigation requirements have been satisfied and that mitigation measures have been incorporated into Project design and permit conditions as appropriate.

During construction, the Town will monitor implementation of mitigation measures through its standard building inspection and grading inspection processes. The Applicant is responsible for ensuring that construction contractors are fully informed of all applicable mitigation measures and that on-site implementation is consistent with the requirements of this MMRP. The Town retains the authority to suspend construction activities that are found to be out of compliance with adopted mitigation measures.

Following project completion, the Town will verify that all post-construction mitigation requirements have been satisfied prior to the issuance of a certificate of occupancy or final inspection approval, as applicable.

### **Changes to Mitigation Measures**

The Town, as Lead Agency, may permit minor, administrative changes to this MMRP post-adoption (such as updates to responsible party contact information, permit numbers, or implementation scheduling that do not alter the substance or scope of any mitigation measure), subject to one of the following findings, supported by evidence in the record:

- a. The mitigation measure is no longer required because the significant environmental impact identified in the IS/MND has been found not to exist, or to occur at a level that makes the impact less than significant, as a result of changes in the project, changes in conditions of the environment, or other factors; or
- b. The modified or substitute mitigation measure: (i) provides a level of environmental protection equal to or greater than that afforded by the original mitigation measure; (ii) does not result in significant adverse environmental effects beyond those considered in the IS/MND and the MMRP; and (iii) is feasible and enforceable through the Town's standard permitting and inspection procedures or other mechanisms included in this MMRP.

Any modifications must not trigger the requirements for a subsequent environmental document pursuant to *State CEQA Guidelines* Section 15162. Findings and supporting documentation related to any modifications to mitigation measures shall be maintained in the Project file with the MMRP and shall be made available to the public upon request.

### **Mitigation Monitoring and Reporting Program Structure**

**Table 4.0-1, Yucca Valley Dutch Bros Project Mitigation Monitoring and Reporting Program**, presented on the following pages, provides the MMRP for the Project. The MMRP identifies the following for each mitigation measure:

1. The mitigation measure number and environmental topic area;

#### *4.0 Mitigation Monitoring and Reporting Program*

2. The full text of the mitigation measure;
3. The timing of implementation (Project Phase);
4. The party responsible for implementation (Mitigation Responsibility);
5. The agency responsible for monitoring and enforcement (Monitoring/Enforcement Agency); and
6. A designated space for compliance verification (Date/Initials).

The Town, in conjunction with any appropriate responsible or trustee agencies, will determine the adequacy of any proposed change or modification to this MMRP. The flexibility to modify the MMRP is necessary to protect the environment through a workable and enforceable program while accommodating changes in project conditions, scheduling, or regulatory requirements that may arise during Project implementation.

**Table 4.0-1  
Yucca Valley Dutch Bros Project  
Mitigation Monitoring and Reporting Program**

Mitigation Measure	Project Phase / Timing	Mitigation Responsibility	Monitoring / Enforcement	Compliance Verification (Date/Initials)
<p><b>MM BIO-1 Preconstruction Nesting Bird and Raptor Survey.</b></p> <ul style="list-style-type: none"> <li>To the extent feasible, ground disturbing activities and vegetation removal shall be timed to occur between September 1 and January 31, which is outside the bird and raptor nesting season.</li> <li>If ground disturbing activities or vegetation removal (including tree trimming) are scheduled between February 1 and August 31, which is the bird nesting season, a preconstruction survey for nesting birds shall be conducted within 72 hours prior to construction activities. The survey shall be conducted by a qualified biologist with prior experience conducting nesting bird surveys for construction projects. The study area shall include the affected area and suitable habitat within a 500-foot buffer, or a buffer size determined by the qualified biologist based on the level of proposed disturbance and access. If no active nests are found, no additional measures are required.</li> <li>If active nests are found, the biologist will map the location and document the species and nesting stage. A no-work buffer will be established around the active nest as determined by the qualified biologist and based on the species' sensitivity to disturbance and the type and duration of the disturbance. Typical buffers shall be 300 feet for songbirds, 500 feet for raptors and special-status species, but it shall be determined based on the conditions on the site and recommendations of the qualified biologist. No construction activities shall occur within the no-work buffer until the biologist has determined the nest is no longer active.</li> </ul>	<p><b>Pre-construction:</b> Within 72 hours prior to ground-disturbing activities scheduled during the nesting season (February 1–August 31).</p> <p><b>Construction:</b> Ongoing if active nests are identified; no-work buffer maintained until nest is determined inactive by qualified biologist.</p>	<p>Applicant; Construction Contractor; Qualified Avian Biologist</p>	<p>Town of Yucca Valley</p>	
<p><b>MM BIO-2 Western Joshua Tree Permitting and Protection</b></p> <p>Due to the proposed removal of eight (8) Joshua trees for the Project, the Applicant shall obtain a permit from the CDFW prior to removing the trees. To obtain the permit, the applicant must complete a permit application and submit the application and Joshua tree inventory to</p>	<p><b>Pre-construction:</b> ITP application submitted and fees paid prior to issuance of grading permit; protective fencing installed prior to</p>	<p>Applicant; Construction Contractor; California Department of Fish and Wildlife, Region 6 (ITP issuance)</p>	<p>Town of Yucca Valley; California Department of Fish and Wildlife, Region 6</p>	

Mitigation Measure	Project Phase / Timing	Mitigation Responsibility	Monitoring / Enforcement	Compliance Verification (Date/Initials)
<p>the CDFW Region 6 Office via the online permitting system. This permit will require coordination with both the County of San Bernardino and CDFW to determine the number of Joshua trees that the agencies shall require for transplanting to areas outside of the development. However, there is an in-lieu fee program that allows for a fee-based mitigation for the removal of Joshua trees, and these same mitigation fees could be applied to all of the Joshua trees that are encroaching within 15 meters, as determined by the agencies. Therefore, these estimated fees are subject to change per the requirements of the permitting agencies following an assessment of the project's impacts on Joshua trees. The Applicant shall pay the required fees prior to the issuance of a grading permit. The estimated 2025 Western Joshua Tree Conservation Act Incidental Take Permit annual mitigation fees for the proposed removal of eight Joshua trees within the standard fee area are a total of \$4,072.00, as follows:<sup>1</sup></p> <ul style="list-style-type: none"> <li>• 0 Class A trees x \$346.00 = \$0.00</li> <li>• 8 Class B trees x \$509.00 = \$4,072.00</li> <li>• 0 Class C trees x \$2,544.75 = \$0.00</li> </ul> <p>Joshua Tree Avoidance During Construction</p> <ul style="list-style-type: none"> <li>• The Applicant shall install temporary protective fencing between the project workspace and each Joshua tree during construction of the project. The fencing shall be high-visibility fencing placed at a minimum 15-meter buffer zone prior to the start of construction (or at the distance that is permitted for trees closer to the site). No work or project activities shall occur within the fenced area, and all work shall occur outside of the proposed Joshua tree buffers. Fencing is required to prevent compaction and/or contamination of the soil and root zone.</li> <li>• During construction, heavy equipment and vehicles shall be operated in accordance with standard Best Management Practices (BMPs). For example, all equipment used in the workspace shall be properly maintained such that no leaks of oil, fuel, or residues will take place. Provisions shall be in place to remediate any accidental spills. Implementation of the BMPs will help minimize the potential for impact to Joshua trees both within and outside the Joshua tree buffer zones.</li> </ul>	<p>commencement of ground-disturbing activities.</p> <p><b>Construction:</b> Ongoing; BMP compliance and no-work buffer maintained throughout construction.</p>			

Mitigation Measure	Project Phase / Timing	Mitigation Responsibility	Monitoring / Enforcement	Compliance Verification (Date/Initials)
<ul style="list-style-type: none"> <li>Night work shall be avoided to ensure no disturbance of pollinators or photoperiods for the remaining Joshua trees.</li> </ul>				
<b>MM CUL-1</b> In the event that archaeological resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be retained to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period.	<b>Construction:</b> Ongoing during ground-disturbing activities; immediate halt and retention of qualified archaeologist upon discovery.	Applicant; Construction Contractor; Qualified Archaeologist	Town of Yucca Valley	
<b>MM CUL-2</b> If significant archaeological resources, as defined by CEQA (Public Resources Code Section 21083.2), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan. The Plan shall outline procedures for data recovery, curation, and reporting consistent with CEQA requirements. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	<b>Construction:</b> If triggered by discovery of significant archaeological resources per MM CUL-1; Monitoring and Treatment Plan prepared prior to resumption of ground-disturbing activities in vicinity of find; ongoing monitoring through project completion.	Applicant; Construction Contractor; Qualified Archaeologist	Town of Yucca Valley; California State Historic Preservation Office (SHPO), if applicable	
<b>MM CUL-3</b> If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the San Bernardino County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5 and that code shall be enforced for the duration of the Project. If the human remains are determined to be of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification, pursuant to Public Resources Code Section 5097.98.	<b>Construction:</b> Ongoing during ground-disturbing activities; immediate halt and notification of San Bernardino County Coroner upon discovery.	Applicant; Construction Contractor; San Bernardino County Coroner (upon discovery)	Town of Yucca Valley; San Bernardino County Coroner; Native American Heritage Commission (NAHC), if applicable	
<b>MM GEO-1</b> In the event that paleontological resources are discovered during ground-disturbing activities associated with the Project, all work shall be halted within 50 feet of the discovery, and a qualified paleontologist shall be retained to evaluate the significance of the find. If the resource is determined to be significant, the paleontologist shall develop a	<b>Construction:</b> Ongoing during ground-disturbing activities; immediate halt and retention of qualified paleontologist upon discovery; Paleontological Resource Mitigation Plan prepared prior to resumption of activities in vicinity of	Applicant; Construction Contractor; Qualified Paleontologist	Town of Yucca Valley	

Mitigation Measure	Project Phase / Timing	Mitigation Responsibility	Monitoring / Enforcement	Compliance Verification (Date/Initials)
<p>Paleontological Resource Mitigation Plan to address the assessment and recovery of the resource and to monitor further ground-disturbing activities associated with the Project. A final report documenting any found resources, their recovery, and disposition shall be prepared by the qualified paleontologist, and a copy of the report shall be provided to the Town of Yucca Valley Planning Division and an accredited repository/curation facility, such as the San Bernardino County Museum.</p>	<p>find if resource is significant; final report submitted upon project completion.</p>			
<p><b>MM TCR-1</b> Prior to the commencement of ground-disturbing activities, the Applicant shall provide written notice to the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office (THPO) at least 15 business days prior to the start of ground-disturbing activities to retain a qualified ACBCI cultural resource monitor. If ACBCI does not confirm availability in writing or declines to provide a monitor within 10 business days of receiving such written notice, the Applicant shall provide written notice to the Yuhaaviatam of San Manuel Nation (YSMN) Cultural Resources Management Department offering the monitoring opportunity. If YSMN similarly does not confirm availability in writing within 10 business days of receiving such notice, the Applicant shall document its good-faith outreach efforts to both tribes in writing and provide such documentation to the Town of Yucca Valley prior to the commencement of ground-disturbing activities. The retained tribal monitor shall be present on-site during all project-related ground-disturbing activities.</p> <p>In the event that potential pre-contact cultural resources or Tribal Cultural Resources are encountered during ground-disturbing activities, the tribal monitor shall have the authority to direct an immediate halt to all ground-disturbing activities within a 60-foot buffer of the find, consistent with MM CUL-1. The Applicant and</p>	<p><b>Pre-construction:</b> Written notice to ACBCI THPO at least 15 business days prior to commencement of ground-disturbing activities; good-faith outreach documentation provided to Town if neither tribe confirms availability.</p> <p><b>Construction:</b> Tribal cultural resource monitor present on-site during all ground-disturbing activities; immediate halt and written notification to ACBCI THPO and YSMN within 24 hours of any discovery; Cultural Resources Monitoring and Treatment Plan prepared prior to resumption of activities if find is significant.</p>	<p>Applicant; Construction Contractor; Qualified Archaeologist (upon discovery)</p>	<p>Town of Yucca Valley; ACBCI THPO (primary tribal monitor); YSMN Cultural Resources Management Department (designated alternate tribal monitor)</p>	

Mitigation Measure	Project Phase / Timing	Mitigation Responsibility	Monitoring / Enforcement	Compliance Verification (Date/Initials)
<p>project contractor shall comply with any stop-work directive issued by the tribal monitor.</p> <p>Upon discovery of any potential pre-contact cultural resources or Tribal Cultural Resources, the Applicant shall notify both the ACBCI THPO and the YSMN Cultural Resources Management Department in writing within 24 hours of the discovery. Information regarding the nature of the find shall be provided to both tribes to allow tribal input with regard to significance and treatment. The significance of the find shall be determined jointly by the tribal monitor, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards, and the Lead Agency. If the find is determined to be significant, a Cultural Resources Monitoring and Treatment Plan shall be prepared in coordination with the consulting tribe(s) prior to the resumption of any ground-disturbing activities in the vicinity of the find, and all subsequent finds shall be subject to this Plan. If significant Tribal Cultural Resources are found, the consulting tribe that did not serve as the primary monitor at the start of ground-disturbing activities (whether ACBCI or YSMN, depending on which tribe is actively monitoring) may elect to place a tribal monitor on-site for the duration of the ground-disturbing activities in the vicinity of the find.</p>				
<p><b>MM TCR-2</b> Any archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Applicant and Town of Yucca Valley for dissemination to YSMN and ACBCI. The Town of Yucca Valley and/or Applicant shall consult in good faith with the consulting tribes throughout the Project's ground-disturbing activities and until all cultural resource documentation is finalized.</p>	<p><b>Construction and Post-construction:</b> Ongoing throughout all ground-disturbing activities and continuing through finalization of all cultural resource documentation generated in connection with the Project.</p>	<p>Applicant; Town of Yucca Valley</p>	<p>Town of Yucca Valley; ACBCI THPO; YSMN Cultural Resources Management Department</p>	

<sup>1</sup> Fee amounts are based on the 2025 CDFW Western Joshua Tree Conservation Act fee schedule and are subject to change at the time of ITP application and permit issuance. The Applicant shall pay the fee amounts established by CDFW at the time of permit issuance.