



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

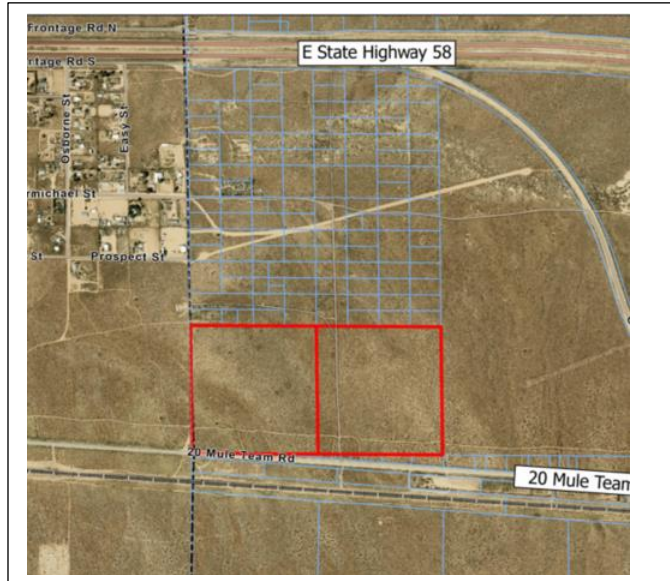
**HEARING DATE: January 23, 2025**

**AGENDA ITEM 5**

Project Description

Vicinity Map

**APNs:** 0498-111-04 & 0498-111-05  
**Applicant:** RPCA Solar 13, LLC (Ryan Nyberg)  
**Community:** Kramer Junction/District 1  
**Location:** Generally located north of 20 Mule Team Road, east of unincorporated Boron  
**Project No:** PROJ-2023-00169  
**Staff:** David Mack, AICP, Planner  
**App Rep:** Kimley-Horn (Jessie Fan)  
**Proposal:** A Conditional Use Permit to construct and operate a single-axis tracker, ground-mounted photovoltaic community solar and battery energy storage system with up to 14-megawatts.



Hearing Notices Sent On: January 10, 2025  
 Report Prepared By: David J. R. Mack, AICP, Contract Planner

**SITE INFORMATION**

**Project Size:** 80 acres across two 40-acre parcels (59 acres used for solar)  
**Terrain:** Vacant Land, Resource Conservation  
**Vegetation:** Desert related vegetation, including Joshua Tree and Mojave Desert Scrub.

SURROUNDING LAND USE DESCRIPTION			
AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
Site	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)
North	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)
South	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)
East	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)
West	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	N/A	N/A
Water Service:		N/A
Sewer Service:	N/A	N/A

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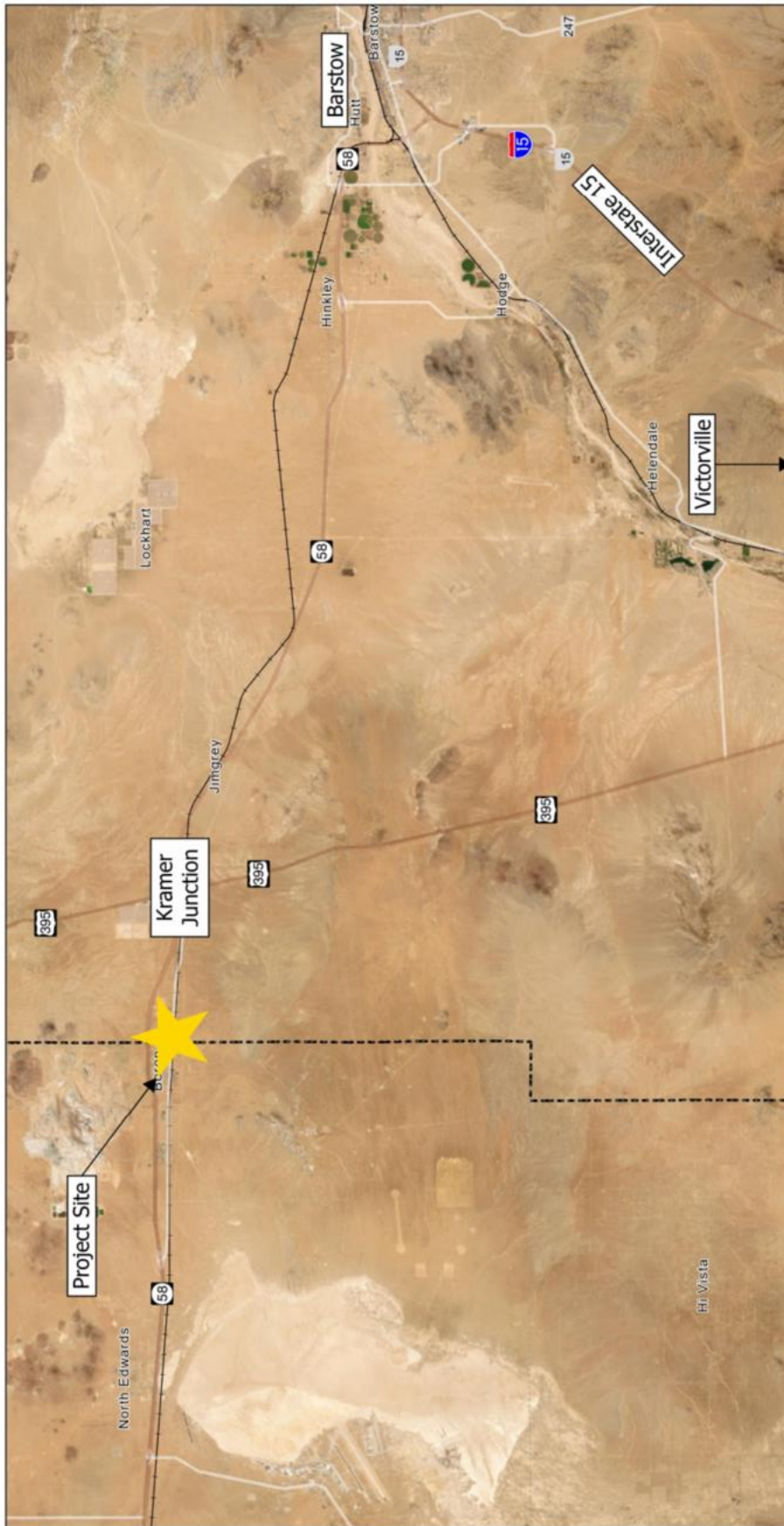
**STAFF RECOMMENDATION:** That the Planning Commission take the following actions: 1) **Adopt** the Mitigated Negative Declaration; 2) **Adopt** the findings in support of the Conditional Use Permit; 3) **Approve** the Conditional Use Permit to establish a single-axis tracker ground-mounted photovoltaic community solar and battery energy storage system with up to 14-megawatts, subject to the recommended conditions of approval; and 4) **Direct** the Land Use Services Department to file the Notice of Determination.

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<sup>2</sup> In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors.

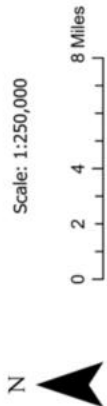
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**Figure 1**  
**REGIONAL LOCATION**



Regional Location Map  
PROJ-2023-00169 // Sunrise Solar

- ★ PROJ-2023-00169
- SBCo Boundary
- Railroad





**Figure 2**  
**VICINITY MAP**







**PROJECT DESCRIPTION:**

The Applicant is requesting a Conditional Use Permit (CUP) to construct and operate a single-axis tracker ground-mounted photovoltaic (PV) community solar and battery energy storage system (BESS) with up to 14 megawatts of alternating current (MWac) (Project) on approximately 59 acres of two 40-acre parcels (Project Site).

The Project would consist of the following components: solar modules, BESS, underground electrical conductors, inverters, AC combiner boxes, transformers, switchgear, access roads, and fencing. The Project would be interconnected to an existing electrical distribution system owned by Southern California Edison (SCE) located adjacent to the south-eastern Project Site boundary.

The Project is being considered as a community-oriented renewable energy (CORE) facility. The Resource Energy and Conservation Element (RECE) defines CORE as “[r]enewable energy generation planned and approved for consumption by one or more locally sponsored, specific, and proximal end-users.” Chapter 3 of the RECE – entitled “Community-Oriented Renewable Energy” (Page 24) – explains that CORE facilities are “primarily intended to serve the people near them. Utility-scale projects are not. For too long, this fundamental difference has been treated as a side issue while megawatt output per facility has been an unnecessarily confusing fixation nationwide”. In determining if a project is a CORE facility, the primary factor is not size or mega-watt output, but rather the location and intention of who is anticipated to be served by the solar facility. For example, RE Policy RE 3.3.2 provides that “CORE facilities shall be designed primarily to meet the needs of the local users[.]” (Emphasis added.)

Table 1 of the RECE – entitled “Renewable Energy Generation Categories” provides “typical” size and acreage guidance for “Neighborhood”, “Community”, and “Utility-Oriented” solar projects as shown below.

**Table 1: Renewable Energy Generation Categories**

	Community-Oriented				Utility-Oriented
	Accessory: Site-Oriented		Neighborhood	Community	
Key Traits	Rooftop	Ground-Mounted Accessory			
<b>Typical Use</b>	Accessory structure in support of on-site consumption	Accessory structure in support of on-site consumption	Provides electricity primarily for adjacent use	Provides electricity primarily for local off-site use	Supplies electricity to the transmission grid
<b>Preferred Technology Types</b>	Solar PV and water heater energy systems Geothermal Wind energy systems	Solar PV and water heater energy systems Geothermal Wind energy systems	Solar PV energy systems Geothermal	Solar PV energy systems Bioenergy Geothermal	Solar PV energy systems Bioenergy
<b>Permit Type</b>	Building Permit	Building Permit	Minor Use Permit	Conditional Use Permit	Conditional Use Permit
<b>Approval</b>	Staff	Staff	Zoning Administrator	Planning Commission	Planning Commission
<b>Typical Size</b>	Varies depending on size of facility/residential roof	Varies depending on on-site needs	Up to 5 acres in total area	Up to 60 acres in total area	More than 60 acres in total area - Limited Sites*
<b>Typical Power Generation</b>	Varies depending on facility/residence size	Up to approximately 70 kW (standard layout)	Up to approximately 710 kW (standard layout)	Up to approximately 10 MW (standard layout)	More than 10 MW
<b>Notes:</b>	* Limited sites for utility-oriented development are specified in the Development Code				

Based on Table 1 of the RECE, CORE facilities are intended “primarily” to provide electricity for local off-site uses and are “typically” sized to be up to 60 acres and approximately 10 MW of power. However, as detailed above, the 10-MW output is not considered to be a limiting factor as long as the electricity primarily serves local off-site uses.

The Project is designed to meet the typical size threshold (59 acres) of a CORE project, will primarily provide electricity for local off-site use (community of Boron approximately 1 mile to the west) and is reasonably sized at 14-MW. Therefore, Staff believes The Project as conditioned qualifies as a CORE facility.

#### Location and Site Description

The Project Site is bordered by North San Bernardino Boulevard to the west and undeveloped land to the north, east and south and is located along the western boundary of San Bernardino County approximately 0.25-mile east of the census-designated place of Boron in Kern County (**See Figure 1**). The Project will occupy 59 acres of two privately owned 40-acre parcels (Assessor Parcel Numbers [APN] 0498-111-04 and 0498-111-05) generally located at Twenty Mule Team Road. Of the 80 acres, approximately 59 acres would be developed with PV solar panels, transformers, and the BESS.

The Project Site is bordered by undeveloped land to the north, east and south, and the unpaved San Bernardino Boulevard to the west. Regional access to the site is provided via State Route 58 (SR 58) to the north and east. Local access to the site would be accessed via North San Bernardino Boulevard as well as Twenty Mule Team Road located to the south of the site. (**See Figure 2**).

The Project Site is currently undeveloped land and is void of any development/structures. An unnamed dirt road bisects the Project Site in a north-south orientation that extends south to Twenty Mule Team Road. The Project Site is relatively flat and is approximately 2,500 feet above mean sea level (amsl).

#### Surrounding Land Uses

A cluster of abandoned storage structures and stables are located approximately 140 feet north of the Project Site’s boundaries. Existing power poles and overhead electrical lines are located along the unnamed dirt road south of the Project Site. The nearest residence is approximately 220 feet south of the Project Site. Additional rural residences are located farther to the north and west. The Project Site is also approximately 800 feet north of the Burlington Northern Santa Fe (BNSF) Railway, which runs parallel to Twenty Mule Team Road (**See Figure 2**).

#### Land Use Designations and Zoning

The Project Site has a General Plan Land Use designation of Resource Land Management (RLM). The RLM land use designation is intended to allow natural resource conservation, mineral resource extraction and renewable energy facilities consistent with the RECE. The Project Site is zoned Resource Conservation (RC). The RC land use zoning district provides sites for open space and recreational activities, single-family homes on large parcels, and similar and compatible uses. Pursuant to San Bernardino County Development Code Table 82-4, renewable energy generation facilities are a permitted use within the RC zone with an approved CUP.

#### Solar System Details

As depicted in **Figure 3**, the Project would include solar modules and string inverters. The modules would be manufactured off-site and delivered to the site by truck. The solar modules would be fully enclosed in metal and glass frames and would rotate throughout the day to maximize sun exposure. The frames of solar modules would be mounted on steel posts, which would be driven or screwed into the ground to a depth between 10 and 15 feet. The posts would be made from galvanized or corrosion-resistant metal to minimize the potential for corrosion

over the lifespan of the Project. The foundations securing the solar modules would be designed to withstand high winds and snow loads. To protect equipment from potential ponding or overland stormwater flow, all equipment skids and pads would be elevated at a minimum of 12 inches above the 100-year flood elevation. The overall height of the solar array would be no more than 15 feet tall.

The BESS will store electrical energy produced during the day and flexibly dispatch it to the grid when needed, typically in the evening. The BESS would be comprised of four battery banks located in the southeast corner of the PV array. Each battery bank would be approximately the size of a standard shipping container. The BESS would include redundant safety measures, such as hydrogen detection, active ventilation, fire detection and remote shutdown, fireproof insulation, and internal fire suppression technology.

Underground electrical conductors will be installed in trenches and buried in a polyvinylchloride (PCV) conduit (or equivalent) at a depth in compliance with the National Electric Code.

#### Balance of System Equipment

Balance of System Equipment (BSE), including, but not limited to, inverters, AC combiner boxes, transformers, and/or medium voltage switchgear may be installed near the solar array within the Project's fence line. The BSE would be installed on H-Frames and concrete pads and in compliance with equipment manufacturer instructions. Low voltage conductors connecting the solar modules to the BSE would be run underground in conduit. The medium voltage conductors would mostly run underground in a similar fashion to low voltage wiring. A portion of the medium voltage conductor would ultimately come above ground and be strung along new distribution poles on the Project Site, ultimately terminating at the electrical distribution system along the unnamed dirt road, at the southern boundary of the Project Site maintained by SCE.

#### Site Access

Site access would be provided via a new driveway constructed from Twenty Mule Team Road and new on-site access roads. Where necessary, the access roads would be upgraded using gravel and geotextile fabric and extended into the Project's fence line. The new on-site access roads would consist of a perimeter access road that would encircle the whole solar array and one internal access road that would bisect the Project Site in a east-west orientation. The roads would be wide enough to accommodate emergency vehicles (20 feet wide and 15 feet wide for the perimeter and internal access roads, respectively) and designed in compliance with County building and fire department standards. Approximately 11 feet of space would be maintained between each row of solar modules for operations and maintenance access. The access roads would be placed such that the farthest panel is no further than 330 feet from the center of the road and would connect directly to the BESS.

#### Project Fencing and Security

The site will be enclosed in a six-foot-tall chain link fence with one foot of barbed wire on top (for a total fence height of 7-feet) in compliance with the National Electric Code. The fence will have at least one vehicle access gate at the boundary of the array. The vehicle access gate would remain locked, except during operations and maintenance activities. A Knox-box lock system will be installed at the entrance gate to provide 24-hour access for emergency responders.

The Project includes a 10-foot landscape buffer between the fence and the access road on the Western and southern boundaries of the site along North San Bernardino Avenue and Twenty Mule Team Road. The landscape buffer includes various shrubs such as big sagebrush (*Artemisia Tridentata*), brittlebush (*Encelia Farinosa*), California buckwheat (*Eriogonum Fasciculatum*), California matchweed (*Gutierrezia Californica*), Tecate cypress (*Hesperocyparis forbesii*), and California cudweed (*Pseudognaphalium Californicum*), all of which would have a very low water use classification of landscape species (WUCOLS) level. All proposed landscape areas would be watered by hand and truck or by a temporary irrigation



system (**See Exhibit H**).

To address the potential increase in runoff flows, resulting from site development, the Project will also construct six detention basins along the northern boundary of the site (total volume of approximately 3,030 cubic feet). Detention basins will be constructed in compliance with the San Bernardino County Mojave River Watershed Infiltration Basin Best Management Practice Guidelines.

## **ANALYSIS**

The RECE provides the following five siting policies to be considered in the allowance of renewable energy (RE) facilities within the Development Code Land Use Districts. As explained below, the Project complies with each of the siting policies.

1. Condition of the underlying ground: Fundamentally, RE should be developed on substantially disturbed or degraded lands. Minor disturbances likely to recover to a high-quality natural condition in a short time should not be considered substantially disturbed.

Response: The Project proposes de minimis surface grading and minor spot grading for the installation of the array stands/piers. Additionally minor road grading will occur, however the on-site roads will match the existing surface grades. A 10-foot landscape buffer will also require minor grading, which is expected to recover upon planting and regular maintenance (**See Exhibit H**). In total 100 cubic yards of grading is anticipated, and grading activities will be subject to BMPs for erosion and silt control and general County inspection schedules/requirements.

2. Impact on the natural environment: Siting that may negatively impact critical habitats and species that are threatened or endangered will be given very careful scrutiny. Generally, RE and all other types of development will be expected to minimize and mitigate negative environmental impacts.

Response: The initial study identified eighteen special status species animals or plants (7 wildlife species and 11 plant species) that have the potential to occur within the Project Site. However, during the documented field surveys, no special-status plant or wildlife species were observed in the Project area; nonetheless, mitigations measures for preconstruction surveys, employee training, and BMPs have been added to the Project. (See the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for additional information). With implementation of mitigation measures and conditions of approval, less than significant impacts are expected.

3. Relationship to surrounding land uses: RE development should not substantially conflict with surrounding land uses, especially existing communities or residential areas where residents object to the visual character of RE projects.

Response: Most of the surrounding land is vacant. The community of Boron is approximately one mile west of the Project Site. The closest residential developments are 0.15-mile (813-feet) to the north and 0.5-mile (2600-feet) to the west, all within the community of Boron. Twenty-Mule Team Road is to the south of the property. The topography in the area is relatively flat, thereby substantially minimizing views of the relatively low-lying solar panels in the area.

4. Proximity to transmission and/or distribution infrastructure: Generally, the intent is to discourage siting that requires substantial new infrastructure, especially transmission lines.

Response: The point of interconnection to the existing electrical lines would occur near the southeast corner of the site at an existing utility pole. Existing electrical power poles and lines run in close proximity to the southern border of the subject site. Four (4) new poles will be

installed to support a short span of overline lines near the interconnection site.

5. Contribution to the benefits of community-oriented RE: There is substantial growth nationally in CORE facilities development. The Element emphasizes CORE development, including the principles of energy reliability, consumer cost reduction, local production for local consumption, and locally appropriate services. Therefore, there are many conditions under which CORE facilities sited in or adjacent to communities may complement the collective needs of the community or neighborhood.

Response: The Project is adhering the Southern California Edison (SCE) Green Tariff Shared Renewables (GTSR) Program, which requires the Project to demonstrate that members of the local community are interested in and supportive of the Project by: 1) enrolling at least 30% of the Project's contract capacity; or 2) having customer completing expressions of interest for at least 51% of the contract capacity. More information on this can be found in the Sunrise Solar Community Oriented Renewable Energy Memo (**Exhibit G of the January 23, 2025 Planning Commission Staff Report**).

### Community-Oriented Solar Program

As discussed above, a CORE project is one that "provides electricity primarily for local off-site use" (Table 1, RECE). A CORE project must meet the criteria as outlined in the RECE Chapter III - Community Oriented Renewable Energy including, but not limited to, ensuring CORE facilities are designed primarily to meet the needs of the local users. The Project is conditioned to adhere to this requirement by requiring evidence of acceptance into the SCE Community Renewables Program, which ensures the electric generation is primarily utilized by a local off-site use as noted in the information provided below.

SCE Web Site provides the following synopsis of their community solar program:

#### **How the Program Works**

The Community Renewables program allows developers to work directly with customers to develop new renewable projects from 0.5 to 20.0 MW that are in SCE's service territory. The transaction structure of the Community Renewables program has three main components:

1. **Customer Developer Agreement**

Customers contract directly with a developer for a specific renewable project and subscribe to a portion of the Project's output corresponding to all or a portion of the customer's energy needs. This contract is referred to as the Customer Developer Agreement (CDA), SCE is not a party to this contract and each CDA is bilaterally negotiated between the customer and the developer.

2. **Power Purchase Agreement**

If selected, developers sign a Renewable Auction Mechanism Renewable (RAM) Power Purchase Agreement (PPA) and Enhanced Community Renewables Rider with SCE (the CR-RAM PPA). The customers are not a party to the CR-RAM PPA, which is submitted and approved by the California Public Utilities Commission by advice letter and is not negotiable.

3. **Customer Energy Statement Credit (a Bill Credit)**

Eligible once customers are enrolled, they will receive a bill credit on their SCE energy statement. For more information regarding rates in effect, please review SCE's GTSR Schedules in Advice Letter 4977-E Bill credits are subject to change at any time, including after a customer enrolls.

Site Planning: The Project Site is located approximately 1.0 miles east of the unincorporated

community of Boron, and just north of Twenty Mule Team Road. Residential development exists within Boron to the west and north of the subject site. The site plan (**Exhibit D**) shows the proposed layout of the solar arrays on the subject parcel. A 30-foot right-of-way dedication is located along the western boundary of APN 0498-111-05. Additionally, another 30-foot easement for future right of way is shown on the site plan, running along the northern boundary of the entire project site through both APN 0498-111-05 and APN 0498-111-04. These dedications and easements were required by the Land Development to ensure a dedicated path of travel/access is maintained for all properties north of the Project site.



Code Compliance Summary: The Project satisfies all applicable standards of the Development Code for development in the Resource Conservation (RC) Zoning District as illustrated in table below.

<b>Project Component</b>	<b>Development Code Resource Conservation Zoning</b>	<b>Project Plans (Proposed)</b>	<b>Consistency Determination</b>
Solar Facility	CUP	CUP	Consistent
Glare	Preclude daytime glare on any abutting residential land use zoning district, residential parcel, or public right-of-way	<ul style="list-style-type: none"> <li>• Project is within a Resource Conservation (RC) zone; existing residential development is located to the north and west of the Project site (Boron- Kern County); vacant undeveloped RC zoned lots exist north of the subject site.</li> <li>• proposed 10' landscape buffer ensures glare is contained within site.</li> <li>• Solar panels tend to absorb and not reflect light.</li> </ul>	Consistent.
Building Setbacks	Front – 25' Street Side – 25' Interior Side – 15' Rear – 15'	288' proposed 25' proposed 15' proposed 15 ' proposed	Consistent
Building Height	35' feet (Maximum)	15' proposed tracker height	Consistent
Perimeter Roads	20'	26' proposed road width	Consistent
Drive Aisles	12'	20' proposed interior road width	Consistent
Night Lighting	Projects shall comply with Desert Lighting requirements	Project proposes downlit, shielded lights, and positioned to not allow light to leave the site. Proposed fencing and landscaping would also diminish lighting effects.	Consistent

### **California Environmental Quality Act**

Pursuant to Public Resources Code Section 21083 and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), San Bernardino County as Lead Agency completed environmental review to determine if the Project may have a significant effect on the environment. The County prepared an initial study and mitigated negative declaration (IS/MND) for the Project (**Exhibit C**). County staff filed the IS/MND with the County Clerk on November 1, 2024, and circulated the IS/MND for public review and comment from November 1, 2024, through December 3, 2024 (SCH No. 2024110048) (32 days). The IS/MND identified potentially significant impacts to air quality, biological resources, cultural resources, geology/soils, and tribal cultural resources (Impacted Resource Areas). All other standard topics of environmental analysis were found less than significant or no impact. The following are feasible mitigation measures adopted by County and incorporated into the IS/MND to mitigate impacts to a less than significant level for Impacted Resource Areas.

One comment was submitted during the public comment period, submitted by California Department of Fish and Wildlife (CDFW). CDFW expressed concerns the discussion of special status species, impacts to Desert tortoise, Desert kit fox, Burrowing Owl, nesting birds (various), Western Joshua Tree, Mohave ground squirrel, and potential drainage areas in the Project vicinity. CDFW recommended revised mitigation measures for all topic concerns. The revised mitigation measures are shown in the Revised Mitigation Monitoring and Report Plan (MMRP) in strikethrough/underline format. Staff held a meeting with CDFW staff on December 13, 2024, to discuss their comments, concerns, and mitigations measure revisions recommendations. CDFW staff stated that the revised mitigation measures are sufficient to address their comments and concerns, and no further issues remain unresolved.

Pursuant to CEQA Guidelines Section 15073.5(c)(2) revised mitigation measures that related to impacts already identified and discussed in the Initial Study/Mitigated Negative Declaration does not trigger recirculation.

A summary of recommended mitigation measures to reduce the level of impact to less than significant are contained in the Initial Study/Draft Mitigated Negative Declaration and incorporated into the Project's Mitigation Monitoring and Reporting Program, included, but not limited to the following:

#### *Air Quality Mitigation Measures*

- MM AQ-1 requires the preparation of a Valley Fever Management Plan, including Valley Fever training.

#### *Biological Resources Mitigation Measures*

- MM BIO-1 requires the applicant to retain a lead biologist or qualified biologist to be onsite during initial grading, ground disturbance, and vegetation removal.
- MM BIO-2 requires all construction personnel and employees responsible for operation and maintenance to participate in a Worker Environmental Awareness Program.
- MM BIO-3 requires Best Management Practices (BMPs) related to special status species, including identification of construction limit areas, observed speed limits, cleaning of construction equipment prior to entering site, weed prevention, preventing inadvertent entrapment during construction, covering/capping open ends of pipes and culverts at the end of the workday, daily collection of trash, prohibition of pets, prohibition of firearms, etc.
- MM BIO-4 MM requires a pre-construction desert tortoise presence/absence survey no more than 15 days in advance of project activities and after any pause in activities lasting 30 days or more, in accordance with USFWS desert tortoise survey methodology. If desert tortoise are not documented during the survey, no additional measures related to desert tortoise would be required.

- MM BIO-5 (required if desert tortoise is present) requires development of a desert tortoise avoidance plan. If desert tortoise cannot be avoided, a plan developed with consultation with CDFW and USFWS shall be developed, which may include installation of exclusionary fencing and/or translocation.
- MM BIO-6 require a pre-construction survey be conducted for the presence of desert kit fox (per MM BIO-7), burrowing owl (per MM BIO-9), and American badger (per MM BIO-8) prior to ground disturbance activities.
- MM BIO-7 requires pre-construction surveys for desert kit fox to be complete no more than 45-days and no less than 30-days prior to beginning of surface disturbance. If dens are located, they shall be monitored and avoided. If avoidance is not possible, the applicant shall submit a monitoring and relocation plan to the County and CDFW for review and approval.
- MM BIO-8 requires pre-construction surveys for American badger and requires the Qualified Biologist to excavate dens by hand, if present and inactive. If the potential dens are active, an on-site passive relocation program would be implemented to exclude badgers from occupied burrows. If a potential den is observed, a non-disturbance buffer shall be established.
- MM BIO-9a-d requires pre-construction surveys for Burrowing Owl prior to the start of project construction. If Burrowing Owl is discovered, and avoidance is not feasible, the Applicant would be required to consult with CDFW regarding the potential for take and to comply with an Incidental Take Permit (ITP).
- MM BIO-10 requires pre-construction nesting bird surveys to determine if any native birds are nesting on or near the Project Site. If active nests are observed, a suitable avoidance buffer from the nests shall be determined by the Qualified Biologist based on species, location, and extent and type of planned construction activity.
- MM BIO-11 requires the Project to obtain an Incidental Take Permit (ITP) for impacts to Western Joshua Tree (WJT) through compliance with the Western Joshua Tree Conservation Act and adhere to relocation guidelines and protocols. Mitigation can range from avoidance to payment of take fees. taken and their defined classes. Proposed mitigation fees for WJT range from \$150 to \$1,000/tree depending on size. Based on the Project, the anticipated WJT mitigation free for this project is \$60,350. The MMRP (Table 6) includes a breakdown of sizes and fees.

*Cultural Resources Mitigation Measures.*

- MM CUL-1 requires all construction personnel to participate in on-site training (Worker Environmental Awareness Program) on proper procedures to follow in the event cultural resources are uncovered and/or discovered during project excavation, site preparation, or other earth moving activities.
- MM CUL-2 requires all work within 60-feet of an unexpected find to cease immediately and an archeologist meeting the Secretary of the Interior's Professional Qualification for archeology shall be contacted immediately to evaluate the resource. The appropriate Consulting Tribe shall also be contacted as detailed in MM TCR-1.

*Geology/Soils Mitigation Measures*

- MM GEO-1 requires the construction crew shall participate in on-site training on the proper procedures to follow if paleontological resources are uncovered during excavations.

*Tribal Cultural Resources Mitigation Measures*

- MM TCR-1 requires a tribal monitor from a Consulting Tribe, in addition to an archeological monitor to be contacted if any pre-contact and/or historic-era cultural resources are



discovered during project implementation. A Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the consulting tribe for the remainder of ground-disturbing activities.

- MM TCR-2 requires any and all archaeological/cultural documents created as part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Applicant and Lead Agency for dissemination to the Consulting Tribe. The Lead Agency and/or Applicant shall, in good faith, consult with the Consulting Tribe through the life of the Project.

**RECOMMENDATION:** That the Planning Commission:

- 1) **Adopt** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;
- 2) **Adopt** the Findings for approval of the Conditional Use Permit;
- 3) **Approve** the Conditional Use Permit to construct and operate a single-axis tracker ground-mounted photovoltaic community solar and battery energy storage system with up to 14 megawatts, subject to the conditions of approval; and,
- 4) **Direct** the Land Use Services Department to file the Notice of Determination in compliance with the California Environmental Quality Act.

**ATTACHMENTS:**

- Exhibit A: Resolution and Findings
- Exhibit B: Recommended Conditions of Approval
- Exhibit C: Revised Mitigation Monitoring and Reporting Plan (MMRP)
- Exhibit D: RPCA Solar 13 LLC (Sunrise Solar) Site Plan
- Exhibit E: RPCA Solar 13 LLC (Sunrise Solar) Elevations
- Exhibit F: Sunrise Solar Initial Study/Mitigated Negative Declaration  
<https://lus.sbcounty.gov/wp-content/uploads/sites/48/Sunrise-Road-Solar-Project-PROJ-2023-00169-Initial-Study.pdf?x95321>
- Exhibit G: Sunrise Solar – Community Oriented Renewable Energy Memo
- Exhibit H: Conceptual Landscape Plan – Sunrise Solar
- Exhibit I: Draft Decommissioning Plan – Sunrise Solar.
- Exhibit J: CDFW Comment Letter, dated December 2, 2024.
- Exhibit K: Public Notice Comment Email, dated May 20, 2024 (Kathleen Legum)

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**FINDINGS: CONDITIONAL USE PERMIT**

**A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT AND OPERATE A 14-MEGAWATT (MW) COMMUNITY SOLAR PHOTOVOLTAIC ARRAY AND BATTERY ENERGY STORAGE SYSTEM (BESS) ON APPROXIMATELY 59-ACRE PORTION OF TWO 40-ACRE VACANT PARCELS (80 TOTAL ACRES) ZONED RC (RESOURCE CONSERVATION) AND POLICY PLANNED FOR RLM (RESOURCE LAND MANAGEMENT); LOCATED NORTH OF TWENTY-MULE TEAM ROAD, 1<sup>ST</sup> SUPERVISORIAL DISTRICT; APNS: 0498-111-04 & 0498-111-05; PROJECT NUMBER PROJ-2023-00169.**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for approval of the Conditional Use Permit:

- 1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, OPEN SPACE, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.**

The Project Site is 59 acres in size and is of adequate size and shape to accommodate the proposed energy generating facility. Ingress and egress circulation, native landscaping, lot coverage, all setbacks, buffering fences meet the requirements of the Development Code for the proposed project's property land use and zoning designations.

- 2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.**

The site design ensures adequate legal and physical access to the site. The project site is bordered by undeveloped land to the north, east and south, and the unpaved San Bernardino Boulevard to the west. Regional access to the site is provided via State Route 58 (SR 58) to the north and east. Local access to the site would be accessed via North San Bernardino Boulevard as well as Twenty Mule Team Road located to the south of the site.

- 3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE.**

The Project, as designed and conditioned, is consistent with the land uses and development standards allowed within the Resource Conservation (RC) Zoning District and as such should not have adverse effects on abutting properties. The Project Site is bordered by North San Bernardino Boulevard to the west and undeveloped land to the north, east and south. A cluster of abandoned storage structures and stables is located approximately 140 feet north of the Project Site's boundaries. Existing power poles and overhead electrical lines are located along the unnamed dirt road south of the Project Site. The nearest residence is approximately 220 feet south of the Project Site. Additional rural residences are located farther to the north and west. The Project Site is also approximately 800 feet north of the Burlington Northern Santa Fe (BNSF) Railway, which runs parallel to Twenty Mule Team Road.

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The proposed project is a community-oriented renewable energy (CORE) project that will deliver clean, emission-free renewable energy from the sun to the rural and incorporated communities around Boron. The Project will consist of a 14-megawatt (MW) alternating current (AC) solar photovoltaic (PV) array on approximately 59-acres in proximity to the community fo Boron. The project is consistent with all required setbacks and incorporated a landscape buffer around the site to diminish views and reduce operational and maintenance noise levels.

**4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE COUNTY GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.**

The proposed Conditional Use Permit, together with the provisions for its design and improvement are consistent with the Countywide Policy Plan. The proposed Project as designed specifically is consistent with the goals, policies, standards and maps of the Policy Plan. The project specifically implements the following San Bernardino Policy Plan goals and policies:

- **Policy LU-2.1 Compatibility with existing uses.**

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

**Consistency:** *The Project is appropriate because the use is allowed subject to a land use entitlement of a Conditional Use Permit (CUP) and compatible with the size and scale of the surrounding residential/commercial characteristics. The height of the solar panels will be installed at a height no greater than 15 feet high, which is consistent with the height of residential structures and accessory structures allowed in the Resource Conservation designation. The Project Site is is required and conditioned to provide a buffer/fense to screen the energy generating facility from public view and designed to be sensitive to surrounding properties.*

- **Policy LU-2.3 Compatibility with natural environment**

We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

**Consistency:** *The Project was reviewed for environmental impacts and a technical biological report was submitted that identified potential species that needed protection, and mitigation measures were incorporated to minimize impacts and protect said species in place and ensure the contruction activities do not interfere with natural drainage of the property so that the project can be compatible with the surrounding natural environment and biodiversity. The Project Site is required and conditioned to provide a buffer/fense to screen the energy generating facility from public view and designed to be sensitive to surrounding properties.*

- **Policy LU-2.4 Land Use Map consistency.**

We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and



landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

**Consistency:** *The Project is consistent with the Land Use Map and does not propose a change in the Land Use Category. As designed, the proposed use is generally compatible and consistent with surrounding land uses and community's identity.*

- **Policy RE-2.1: Renewable Energy Systems**

We support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan. Additionally, Policy RE 2.1.1, states that projects shall “utilize renewable energy development standards in the Development Code to minimize impacts on surrounding properties.”

**Consistency:** *The Project is a community-oriented renewable energy (CORE) project that will deliver clean, emission-free renewable energy. The project will deliver renewably generated electricity to the local distribution system through a new connection to the existing distribution circuit.*

- **Policy RE-3.2: Community-Oriented Renewable Energy**

We encourage community-oriented renewable energy (CORE) generation that primarily serves local uses in the county, and Policy RE-3.2.3: CORE facilities shall be designed primarily to meet the needs of the local users, with an adequate overage margin to meet peak demands and defray the cost of the systems.

**Consistency:** *The Project is designed to meet the typical size threshold (59 acres) of a CORE project, will primarily provide electricity for local off-site use (community of Boron approximately 1 mile to the west) and is reasonably sized at 14-MW.*

- **Policy RE-4.5: Decommissioning Plans**

Require RE generation facility developers to provide and implement a decommissioning plan that provides for reclamation of the site to a condition at least as good as that which existed before the lands were disturbed or another appropriate end use that is stable i.e. with interim vegetative cover), prevents nuisance, and is readily adaptable for alternative land uses.

**Consistency:** *The project has submitted a draft decommissioning plan to the County, which includes all required aspects, including cost estimates, work required, and removal of structures and equipment.*

- **Policy RE 4.7: Site Selection and Design**

RE project site selection and site design shall be guided by the following priorities relative to habitat conservation and mitigation:

1. Avoid sensitive habitat, including wildlife corridors, during site selection and project design;
2. Where necessary and feasible, conduct mitigation on-site.

3. When on-site habitat mitigation is not possible or adequate, establish mitigation off-site in an area designed for habitat conservation.

**Consistency:** *A Biological Assessment has been prepared for the proposed Project. No wildlife species were observed, although general site conditions do permit the establishment of habitat areas. Measures have been recommended to ensure species are not adversely affected by the development of the site, including pre-construction surveys, worker training, and avoidance of species when possible.*

- **Policy RE 5.1.1: CORE Siting**

Community-oriented RE generation facility sites may be less disturbed or degraded, but should contribute direct benefits to the communities they are intended to serve.

- **Policy RE 5.1.2: Conformance to Development Code**

Siting of community-oriented and utility-oriented RE generation facilities will conform to applicable standards set forth in the Development Code.

**Consistency:** *The project site is located in an area that is devoid of development, but in close proximity to the residential community of Boron. There is one existing residence located approximately 220 feet north the site. The project is also located adjacent to and will connect with an existing Southern-California Edison (SCE) electrical line. SCE has established procedures to ensure their Community Renewables program, which SCE defines as solar projects generating 0.5 to 20 MW of power, are provided to local areas through the completion of both a Customer Developer Agreement and a Power Purchase Agreement.*

**5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED PROJECT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.**

Site access would be provided via a new driveway constructed from Twenty Mule Team Road and new on-site access roads. Where necessary, the access roads would be upgraded using gravel and geotextile fabric and extended into the Project's fence line. The new on-site access roads would consist of a perimeter access road that would encircle the whole solar array and two internal access roads that would cross the entire width of the project site. The roads would be wide enough to accommodate emergency vehicles (20 feet wide and 15 feet wide for the perimeter and internal access roads, respectively) and designed in compliance with County building and fire department standards. Approximately 15 feet of space would be maintained between each row of solar modules for operations and maintenance access. Due to the proposed use of the property as a solar facility, service levels are expected to be minimal and would not require on-site water or waste water disposal.

**6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.**

The conditions of approval include measures that require the applicant/developer to comply with the performance measures outlined in the County Development Code. Therefore, the

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conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

**7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.**

The proposed energy generating facility is a solar energy system and designed to maximize the amount of solar panels can be placed on site while meeting all of the San Bernardino's Development Code Standards, thereby meeting the intent and purpose of the required finding.

**FINDINGS: COMMERCIAL SOLAR ENERGY FACILITY**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 84.29.035, and supporting facts for approval of the Project:

**8. Finding (c)(1): The proposed commercial solar energy facility(ies) is either (A) sufficiently separated from existing communities and existing/developing rural residential areas so as to avoid adverse effects, or (B) of a sufficiently small size, provided with adequate setbacks, designed to be lower profile than otherwise permitted, and sufficiently screened from public view so as to not adversely affect the desirability and future development of communities, neighborhoods, and rural residential use.**

***Consistency:** The subject parcel is located north of Twenty Mule Team Road adjacent to Lear Avenue, approximately 0.25 mile east of the community of Boron. The project covers 59 acres of two separate 40-acre parcels (80 acres total) The project has been designed to be visually consistent with adjacent solar generating facilities. Project design includes perimeter fencing and an installed landscape buffer to diminish views from adjacent roadways and residential development.*

**9. Finding (c)(2): Proposed fencing, walls, landscaping, and other perimeter features of the proposed commercial solar energy generation facility(ies) will minimize the visual impact of the Project so as to blend with and be subordinate to the environment and character of the area where the facility is to be located.**

***Consistency:** Fencing will be provided around the proposed solar facility. Permanent motion sensitive directional security lights will be installed to provide illumination into the site. Any proposed lighting must be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties. The project includes the installation of a landscape buffer around the perimeter of the project site to diminish views from the unpaved roadways (North San Bernardino Boulevard). Generally, solar panels are designed to be highly absorptive of light that strikes the panel surfaces, generating electricity rather than reflecting light. PV panels have a lower index of refraction/reflectivity than common sources of glare in residential environments. The glare and reflectance levels of panels are further reduced with the application of anti-reflective coatings.*

**10. Finding (c)(3): The siting and design of the proposed commercial solar energy generation facility(ies) will be either: (A) unobtrusive and not detract from the natural**



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**features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways or (B) located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, etc., that it will not further detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways.**

***Consistency:** The Project site is located on a generally undisturbed parcel that is located within a broader area that primarily flat no a deminimus rise. No unique features exist on the property that the development would detract from. Distant views surrounding the site would be maintained due to the limited height of the solar panels, thereby not detracting from any natural features, open space or unique visual qualities of the area.*

- 11. Finding (c)(4): The siting and design of Project site access and maintenance roads have been incorporated in the visual analysis for the Project and shall minimize visibility from public view points while providing needed access to the development site.**

***Consistency:** The subject property and proposed solar facility will gain access from a new unpaved driveway and 26-foot wide access gate coming off Twenty-Mule Team Road in the south-western area of APN: 0498-111-05. A 20-foot-wide access road and 15-foot-wide interior drives would be constructed through the solar facility. Due to the relatively low trajectory of the panels, and the relatively flat topography of the parcel, visibility of the proposed facility will minimal.*

- 12. Finding (c)(5): The proposed commercial solar energy generation facility(ies) will not adversely affect the feasibility of financing infrastructure development in areas planned for infrastructure development or will be located within an area not planned for future infrastructure development (e.g., areas outside of water agency jurisdiction).**

***Consistency:** The project will not require additional infrastructure (private or public) to be installed or extended to the site. The facility will connect to existing overhead lines and the existing electrical grid. The project does not require the provision of water or sewer. The installation of a solar facility would provide power to be utilized for future development as a beneficial impact.*

- 13. Finding (c)(6): The proposed commercial solar energy generation facility(ies) will not adversely affect to a significant degree the availability of groundwater supplies for existing communities and existing and developing rural residential areas.**

***Consistency:** The applicant has indicated the Project will not use any water, other than the need to minimize any potential construction related water needs. Any need during construction can be met through the use of off-site trucking of water to the property.*

- 14. Finding (c)(7): The proposed commercial energy generation facility(ies) will minimize site grading, excavating, and filling activities by being located on land where the existing grade does not exceed an average of five (5) percent across the developed portion of the Project site, and by utilizing construction methods that minimize ground disturbance.**

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**Consistency:** *The project will require grading of approximately 100 cubic yards across the 59-acre development. The site does not exceed average slope of 5% across the entire site, and proposed solar arrays will be installed on the existing topographic land pattern.*

- 15. Finding (c)(8):** The proposed commercial solar energy generation facility(ies) will be located in proximity to existing electrical infrastructure, such as transmission lines, utility corridors, and roads, so that: (A) minimal ground disturbance and above ground infrastructure will be required to connect to the existing transmission grid, considering the location of the Project site and the location and capacity of the transmission grid, (B) new electrical generation tie lines will be co-located on existing power poles whenever possible, and (C) existing rights-of-way and designated utility corridors will be utilized to the extent practicable.

**Consistency:** *As a community-oriented solar facility, the Project is designed to include access an existing transmission line at the southeasterly corner of the property.*

- 16. Finding (c)(9):** The proposed commercial solar energy generation facility(ies) will be sited so as to avoid or minimize impacts to the habitat of special status species, including threatened, endangered, or rare species, Critical Habitat Areas as designated by the U.S. Fish and Wildlife Service, important habitat/wildlife linkages or areas of connectivity designated by County, state or federal agencies, and areas of Habitat Conservation Plans or Natural Community Conservation Plans that discourage or preclude development.

**Consistency:** *A Biological Resources Assessment (BRA) was prepared for the Project Site that involved literature research and field surveys to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the potential for special-status plant and wildlife species and vegetation communities to occur within the survey area. During field surveys, no special-status wildlife species or vegetation communities were observed within the Project site. However, the site does contain habitat suitable for Desert Tortoise, Desert Kit Fox, Burrowing Owl, American Badger, and various avian species; therefore mitigation measures requiring worker training and pre-construction surveys prior to land disturbance have been applied to the project. The project does involve the removal of Western Joshua Tree, which are spread throughout the site. Mitigation Measures have been incorporated to include avoidance (where feasible), relocation/replanting, and/or the payment of mitigation bank fees to offset the Joshua Tree removal. No wildlife linkages or wildlife corridors are known to traverse the subject property.*

- 17. Finding (c)(10):** Adequate provision has been made to maintain and promote native vegetation and avoid the proliferation of invasive weeds during and following construction.

**Consistency:** *The Project includes annual maintenance and operational measures to minimize the potential growth of invasive weeds during and following construction.*

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- 18. Finding (c)(11): The proposed commercial solar energy generation facility(ies) will be located so as to avoid or mitigate impacts to significant cultural and historic resources, as well as sacred landscapes.**

*Consistency:* A Cultural Resources Technical Report (CRTR) was prepared for the project. The CRTR did not identify any resources that would qualify as a historical resource under CEQA Section 15064.5, and therefore would not result in a significant impact to cultural or historic resources.

- 19. Finding (c)(12): The proposed commercial solar energy generation facility(ies) will be designed in a manner that does not impede flood flows, avoids substantial modification of natural water courses, and will not result in erosion or substantially affect area water quality.**

*Consistency:* The project site does not an area of natural drainage. Implementation of the project will not result in substantially increased run off or flow and is not anticipated to result in increased erosion. Required construction and erosion control plans are required to be submitted to the County for review and approval prior to construction activities.

- 20. Finding (c)(13): The proposed commercial solar energy generation facility(ies) will not be located within a floodway designated by the Federal Emergency Management Agency (FEMA), has been evaluated for flood hazard impacts pursuant to Chapter 82.14 of the Development Code, and will not result in increased flood hazards to upstream or downstream properties.**

*Consistency:* Both parcels are located within Flood Zone D according to FEMA Panel Number 06071C3175H (APN 0498-111-04) dated 8/28/2008 and Panel Number 06071C3200H (APN: 0498-111-05) dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit. A Final Study must be prepared and approved prior to issuance of a Grading Permit and the requirements contained in that document may modify the final recommendations accepted by the Land Development Division.

- 21. Finding (c)(14): All on-site solar panels, switches, inverters, transformers, and substations shall be located at least one foot above the base flood elevation as shown on the Flood Insurance Rate Maps.**

*Consistency:* Based on the National Flood Hazard Map, the entire Project site is within Zone D (see above), which indicates flood hazards are undetermined in this area, but they are still possible. Mitigation measures to be implemented by the Developer will minimize impacts.

- 22. Finding (c)(15): For development sites proposed on or adjacent to undeveloped alluvial fans, the commercial solar energy generation facility has been designed to avoid potential channel migration zones as demonstrated by a geomorphic assessment of**

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**the risk of existing channels migrating into the proposed development footprint, resulting in erosion impacts.**

***Consistency:** The project site does not an area of natural drainage. Implementation of the project will not result in substantially increased run off or flow and is not anticipated to result in increased erosion.*

- 23. Finding (c)(16): For proposed facilities located on prime agricultural soils or land designated by the California Farmland Mapping and Monitoring Program as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, where use of the land for agricultural purposes is feasible, the proposed commercial solar energy generation facility will not substantially affect the agricultural viability of surrounding lands.**

***Consistency:** The proposed Project site does not contain agricultural land or land designated by the State for farmland and, therefore, would not have an adverse effect on the agricultural viability of surrounding lands.*

- 24. Finding (c)(17): If the proposed site is subject to a Williamson Act contract, the proposed commercial solar energy generation facility(ies) is consistent with the principals of compatibility set forth in California Government Code Section 51238.1.**

***Consistency:** The Project site is not subject to any Williamson Act contracts.*

- 25. Finding (c)(18): The proposed commercial solar energy generation facility(ies) will not preclude access to significant mineral resources.**

***Consistency:** The Project site is not located in an area of known, significant mineral resources,, based upon a review of Policy Map NR-4 of the San Bernardino Countywide Plan. Additionally, solar energy generation is considered an interim land use (with a limited-term contract with a utility) and is expected to be removed after its contractual lifetime.*

- 26. Finding (c)(19): The proposed commercial solar energy generation facility(ies) will avoid modification of scenic natural formations.**

***Consistency:** The Project would avoid any modification of scenic natural formations, as no designated scenic natural formations, as identified by the County, are located at the Project site.*

- 27. Finding (c)(20): The proposed commercial solar energy generation facility(ies) will be designed, constructed, and operated so as to minimize dust generation, including provision of sufficient watering of excavated or graded soil during construction to prevent excessive dust. Watering will occur at a minimum of three (3) times daily on disturbed soil areas with active operations, unless dust is otherwise controlled by rainfall or use of a dust palliative, or other approved dust control measure.**

***Consistency:** The Project will apply dust control measures in compliance with*



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*permit conditions and Mojave Desert Air Quality Management District (MDAQMD) guidance. A Dust Control Plan is required to establish the specific measures to be implemented to control dust.*

- 28. Finding (c)(21): All clearing, grading, earth moving, and excavation activities will cease during period of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property, and in conformance with Air Quality Management District (AQMD) regulations.**

***Consistency:** The Project will apply dust control measures in compliance with permit conditions and MDAQMD regulations.*

- 29. Finding (c)(22): For sites where the boundary of a new commercial solar energy generation facility will be located within one-quarter mile of a primary residential structure, an adequate wind barrier will be provided to reduce potentially blowing dust in the direction of the residence during construction and ongoing operation of the commercial solar energy generation facility.**

***Consistency:** The project is located approximately 0.25-miles from the community of Boron. The closest residential structure is located to the north approximately 220-feet away. The project also includes the installation of fencing and landscaping buffer, to serve as a wind and visual barrier.*

- 30. Finding (c)(23): Any unpaved roads and access ways will be treated and maintained with a dust palliative or graveled or treated by another approved dust control method to prevent excessive dust, and paving requirements will be applied pursuant to Chapter 83.09 of the Development Code.**

***Consistency:** The applicant will prepare a Dust Control Plan for review and approval by the County and MDAQMD. Included in the plan will be treatments and measures designed to the specific conditions of the Project site so as to provide effective dust control.*

- 31. Finding (c)(24): On-site vehicle speed will be limited to 15 miles per hour.**

***Consistency:** The applicant will post and enforce speed limit of 15 miles per hour for on-site vehicles.*

- 32. Finding (c)(25): For proposed commercial solar energy generation facilities within two (2) miles of the Joshua Tree National Park boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature along the main access roads to the park (Park Boulevard and Utah Trail), nor will it substantially impair views from hiking/nature trails, campgrounds, and backcountry camping areas within the National Park.**

***Consistency:** The Project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 107 miles to the*

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southeast.

- 33. Finding (c)(26):** For proposed facilities within two (2) miles of the Mojave National Preserve boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, hiking and backcountry camping areas within the National Preserve.

*Consistency:* The Project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is estimated to be approximately 119 miles to the east.

- 34. Finding (c)(27):** For proposed facilities within two (2) miles of Death Valley National Park boundaries, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, hiking and backcountry camping areas within the National Park.

*Consistency:* The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is estimated to be 110 miles to the north.

- 35. Finding (c)(28):** For proposed facilities within two (2) miles of the boundaries of a County, state or federal agency designated wilderness area, the location, design, and operation of the proposed commercial solar energy facility will not be a predominant visual feature of, nor substantially impair views from, the designated wilderness area.

*Consistency:* The Project is not located near the boundaries of a designated County, State, or Federal agency designated wilderness area.

- 36. Finding (c)(29):** For proposed facilities within two (2) miles of the boundaries of any active military base, the location, design, and operation of the proposed commercial solar energy facility will not substantially impair the mission of the facility.

*Consistency:* The nearest active military base is the Edwards Airforce Base in North Edwards, located approximately 15 miles to the west. Construction and/or operation of the Project would not preclude military operations from occurring within the Project area.

- 37. Finding (c)(30):** When located within a city's sphere of influence, in addition to other County requirements, the proposed commercial solar energy facility(ies) will also be consistent with relevant city zoning requirements that would be applied to similar facilities within the city.

*Consistency:* The Project site is not located within the Sphere of Influence of a city. The unincorporated community of Boron is located approximately 0.25 miles west of the Project site.

- 38. Finding (c)(31):** On terms and in an amount acceptable to the Director, adequate surety is provided for reclamation of commercial solar energy generation facility(ies) sites should energy production cease for a continuous period of 180 days and/or if the site is abandoned.

**Consistency:** *Decommissioning of the site will occur in compliance with County Development Code Section 84.29.070, which requires removal of site facilities when operations cease.*

**FINDINGS: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**39. THE PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT, SUBJECT TO IMPLEMENTATION OF THE PROPOSED CONDITIONS OF APPROVAL AND MITIGATION MEASURES.**

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required Conditions of Approval and mitigation measures. A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination (NOD) will be filed with the San Bernardino County Clerk's office. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.



# Conditions of Approval

<b>Record:</b>	PROJ-2023-00169	<b>System Date:</b>	01/15/2025
<b>Record Type:</b>	Project Application	<b>Primary APN:</b>	0498111050000
<b>Record Status:</b>	In Review	<b>Application Name:</b>	CONDITIONAL USE PERMIT
<b>Effective Date:</b>		<b>Expiration Date:</b>	

**Description:** CONDITIONAL USE PERMIT for RPCA Solar 13, LLC to construct, own, and operate an up to 14-megawatt (MW) Commercial Solar Energy Facility on approximately 59-acres across two 40-acre parcels (APN: 0498-111-04 and 0498-111-05). The Project will interconnect to Southern California Edison’s (SCE) pre-existing electrical distribution system located adjacent to the site. The power generated from this facility will be sold to SCE through a long-term Power Purchase Agreement (PPA).

**This document does not signify project approval.**

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

## ON-GOING

### Land Use Services - Planning

- 1 **Project Approval Description (CUP/MUP)** - Status: Outstanding  
 This Conditional Use Permit (CUP) is conditionally approved to RPCA Solar 13, LLC (Sunrise Solar), in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.
  
- 2 **Project Location** - Status: Outstanding  
 The Project site is located 0.25 miles east of Boron in Kern County and is adjacent to the San Bernadino County boarder. The site is located north of Twenty Mule Team Road.

3 **Revisions** - Status: Outstanding

Any proposed substantial change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

4 **Indemnification** - Status: Outstanding

In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5 **Additional Permits** - Status: Outstanding

The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:

6 **Continous Effect/Revocation** - Status: Outstanding

All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the operator or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation. This condition applies to the project area only; area outside of the project area (fenced area) are not under the control of the project developer and/or operator.

7 **Extension of Time** - Status: Outstanding

Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

8 **Project Account** - Status: Outstanding

The Project account number is PROJ-2023-00169. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

9 **Development Impact Fees** - Status: Outstanding

Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

10 **Development Impact Fees** - Status: Outstanding

Per Development Code Section 84.29.040, the Owner/Application/Operator shall pay a Public Safety Services Impact Fee on an annual basis. The fee per acre per year is \$157 for projects over 15+ acres. Therefore the project is estimated to pay \$9,263/yr to the County of San Bernardino (59 acres x \$157/acre); in the event that the developed area is less than 59 acres, the fee shall be recalculated to reflect the appropriate acreage of development.

11 **Continous Maintenance** - Status: Outstanding

The project developer and/or operator owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The project developer and/or operator shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.



12 **Lighting** - Status: Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

13 **Construction Hours** - Status: Outstanding

Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

14 **Construction Noise** - Status: Outstanding

The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

15 **Cultural Resources** - Status: Outstanding

During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

## Public Health– Environmental Health Services

16 **Noise Levels** - Status: Outstanding

Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

17 **Refuse Storage and Disposal** - Status: Outstanding

All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.

## INFORMATIONAL

### County Fire - Community Safety

18 **F01 Jurisdiction** - Status: Outstanding

The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

- 19 **F03 Fire Condition Letter Expiration** - Status: Outstanding  
Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.
- 20 **F60 Solar Plans** - Status: Outstanding  
Solar/PV Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
- 21 **F61 Solar Surface** - Status: Outstanding  
Fire apparatus access roads for photovoltaic facilities without buildings can be designed with native soil compacted to 85% and hold the weight of Fire Apparatus at a minimum of 80K pounds.
- 22 **F62 Solar Access** - Status: Outstanding  
The development shall have a minimum of one point of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Photovoltaic solar facilities without buildings on the site shall have access provided by approved roads, alleys and private drives. Perimeter access roads shall have a minimum twenty (20) foot unobstructed width and vertically clearance of fourteen (14) feet six (6) inches. Interior access roads shall have a minimum fifteen (15) foot unobstructed width and vertical clearance of fourteen (14) feet six (6) inches. Access shall be provided within 300 feet of all solar panels.
- 23 **F70 Additional Requirements** - Status: Outstanding  
Plans shall be submitted to fire department for battery storage systems.
- 24 **F71 Proposal Changes** - Status: Outstanding  
Any changes to this proposal shall require new Fire Department condition letter.

### Land Use Services - Land Development

- 25 **Additional Drainage Requirements** - Status: Outstanding  
In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
- 26 **Erosion Control Installation** - Status: Outstanding  
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
- 27 **Joshua Trees** - Status: Outstanding  
The project shall comply adopted Mitigation Measures specific to the the Western Joshua Tree. The Mitigation Monitoring and Reporting Plan includes MM BIO-11 to address impacts to Western Joshua Trees. The measure allow the developer of the project to either: 1) transplant and relocated WJT in coordination with California Department of Fish and Wildlife through an accepted relocation/replanting plan; or 2) pay the applicable mitigation fee as outlined in the Mitigation Measure of the size(s) of tree(s) removed.
- 28 **Natural Drainage** - Status: Outstanding  
The natural drainage courses traversing the site shall not be occupied or obstructed.

29 **Project Specific Conditions** - Status: Outstanding

Endangered Desert Plants. Compliance with Desert Native Plants Act. Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code §§ 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application. Provide a plant protection plan or removal plan prepared by a licensed biologist to be approved by the County LUS. Per the County General Plan Environmental Impact Report, provide a biological report and associated plan (uploaded as a separate attachment in the EZOP record) that shows any protected species including plant species with stems two inches or greater in diameter or six feet or greater in height including but not limited to those listed in: § 88.01.060 Desert Native Plant Protection. See related links: <https://countywideplan.com/resources/document-download/> [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/CWP\\_PolicyPlan\\_HardCopy\\_MainText\\_Tables\\_2022\\_Sept\\_Adopted.pdf?x23421](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/CWP_PolicyPlan_HardCopy_MainText_Tables_2022_Sept_Adopted.pdf?x23421) [https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty\\_ca/0-0-0-175924](https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty_ca/0-0-0-175924)

30 **Tributary Drainage** - Status: Outstanding

Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.

## PRIOR TO LAND DISTURBANCE

### Land Use Services - Planning

31 **Grading/Land Disturbance Condition** - Status: Outstanding

Prior to ground disturbance and issuance of a grading permit, the Applicant/Owner/Lease Holder/Property Owner shall submit proof of a complete and executed Customer Development Agreement and a Power Purchase Agreement from between the developer and Southern California Edison. Executed Agreement shall be provided to the Director of Planning for review, approval and inclusion in the project file prior.

32 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

### Land Use Services - Building and Safety

33 **Geotechnical Report** - Status: Outstanding

A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

### Land Use Services - Land Development

34 **FEMA Flood Zone** - Status: Outstanding

The project is located within Flood Zone D according to FEMA Panel Number 06071C3175H dated 8/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

35 **NPDES Permit** - Status: Outstanding

An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)

- 36 **Regional Board Permit** - Status: Outstanding  
Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
- 37 **Drainage Improvements** - Status: Outstanding  
A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
- 38 **Grading Plans** - Status: Outstanding  
Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
- 39 **On-site Drainage Easement** - Status: Outstanding  
On-site flows shall be directed within a drainage easement.

## Public Health– Environmental Health Services

- 40 **Vector Control Requirement** - Status: Outstanding  
The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

## PRIOR TO BUILDING PERMIT ISSUANCE

### Land Use Services - Planning

- 41 **Lighting Plans** - Status: Outstanding  
The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
- 42 **Issuance/Building Permit Condition** - Status: Outstanding  
Prior to issuance of grading and/or building permit, the Applicant/Owner/Property Owner/Lease Holder, shall post a surety bond for the future decommissioning of the property and removal of solar equipment in the amount established by the Director of Planning or effective County ordinance in effect at the time, in compliance with County Code Section 84.29.070 - Decommissioning Requirements.

- 43 **Mitigation Measures** - Status: Outstanding  
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to building permit issuance

### **County Fire - Community Safety**

- 44 **F02 Fire Fee** - Status: Outstanding  
The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
- 45 **F69 Haz-Mat Approval** - Status: Outstanding  
The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

### **Land Use Services - Building and Safety**

- 46 **Construction Plans** - Status: Outstanding  
Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
- 47 **Temporary Use Permit** - Status: Outstanding  
A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

### **Land Use Services - Land Development**

- 48 **Encroachment Permits** - Status: Outstanding  
Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.
- 49 **Road Dedication** - Status: Outstanding  
The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications: • Parcel # 0498-111-05 Westerly Property Line (Section Line – 88 feet) Per the SIW-2024-00008 • Modified Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet. Northerly Property Line (Sixteenth Section Line – 60 feet) • Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet. • Parcel # 0498-111-04 Northerly Property Line (Sixteenth Section Line – 60 feet) • Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet. • Driveway Approach. Design driveway approach per County Standard 129a and located per County Standard 130. • Grading Plan Interface. Any driveway approaches shall be shown on the approved grading plan.
- 50 **Utilities.** - Status: Outstanding  
Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

## Public Health– Environmental Health Services

### 51 **Existing Wells** - Status: Outstanding

If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.

## PRIOR TO OCCUPANCY

### Land Use Services - Planning

#### 52 **Fees Paid** - Status: Outstanding

Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2023-00169.

#### 53 **Installation of Improvements** - Status: Outstanding

All required on-site improvements shall be installed per approved plans.

#### 54 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance.

### County Fire - Community Safety

#### 55 **F06 Inspection by Fire Department** - Status: Outstanding

Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

### County Fire - Hazardous Materials

#### 56 **Permit Required** - Status: Outstanding

Prior to occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy, the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit, or other applicable permits) by submitting a complete hazardous materials business plan using the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> or apply for exemption from permitting requirements. Contact the Office of the Fire Marshal, Hazardous Materials Section at (909) 386-8401 or visit <https://sbcfire.org/hazmatcupa/> for more information.

### Land Use Services - Building and Safety

#### 57 **Condition Compliance Release Form Sign-off** - Status: Outstanding

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.



## Land Use Services - Land Development

58 **Drainage Improvements** - Status: Outstanding

All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

59 **LDD Requirements** - Status: Outstanding

All LDD requirements shall be completed by the applicant prior to occupancy.

60 **Road Improvements** - Status: Outstanding

All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

## PRIOR TO FINAL INSPECTION

### County Fire - Community Safety

61 **F45 Fire Extinguishers** - Status: Outstanding

Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	<a href="https://lus.sbcounty.gov/">https://lus.sbcounty.gov/</a>	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	<a href="https://www.sbcfire.org/">https://www.sbcfire.org/</a>	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	<a href="https://dpw.sbcounty.gov/">https://dpw.sbcounty.gov/</a>	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	<a href="https://dph.sbcounty.gov/programs/ehs/">https://dph.sbcounty.gov/programs/ehs/</a>	

APN: 0498111050000

Effective Date:

PROJ-2023-00169

Expiration Date:

Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	<a href="http://www.sbclafco.org/">http://www.sbclafco.org/</a>	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>

**Mitigation Monitoring and Reporting Program  
Initial Study/Mitigated Negative Declaration  
Sunrise Road Solar Project**

*Prepared by:*



**San Bernardino County, Land Use Services Department**

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182

*Contact: David J.R. Mack, AICP*

~~NOVEMBER~~ DECEMBER 2024

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**SECTION**

1.0 Introduction ..... 3  
2.0 Mitigation Monitoring and Reporting Program Table ..... 5

**TABLES**

Table 1: Mitigation Monitoring and Reporting Program ..... 5

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## **1.0 INTRODUCTION**

The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by San Bernardino County (County) to ensure compliance with adopted mitigated measures identified in the MND for the proposed Sunrise Road Solar Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, the party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

San Bernardino County  
385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415

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## 2.0 MITIGATION MONITORING AND REPORTING PROGRAM TABLE

**Table 1: Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<b>Air Quality</b>				
<p><b>MM AQ-1:</b> Prior to ground disturbance activities, the Applicant must prepare a Valley Fever Management Plan (VFMP), including a Valley Fever training program, to be implemented during construction to address potential risks from <i>Coccidioides immitis</i> by minimizing the potential for unsafe dust exposure during construction. The VFMP will identify best management practices including:</p> <ul style="list-style-type: none"> <li>• Development of an educational Valley Fever Training Handout for distribution to onsite workers, which should include general information about the causes, symptoms, and treatment instructions regarding Valley Fever, including contact information of local health departments and clinics knowledgeable about Valley Fever.</li> <li>• Conducting Valley Fever training sessions to educate all Project construction workers regarding appropriate dust management and safety procedures, symptoms of Valley Fever, testing and treatment options. This training must be completed by all workers and visitors</li> </ul>	<p>Prior to ground disturbance activities</p>	<p>Project Applicant</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>(expected to be on-site for more than 2 days) prior to participating in or working in proximity to any ground disturbing activities. Signed documentation of successful completion of the training is to be kept on-site for the duration of construction.</p> <ul style="list-style-type: none"> <li>Developing a job-specific Job Hazard Analyses (JHA), in accordance with Cal/OSHA regulations, to analyze the risk of worker exposure to dust, and maintain and manage safety supplies identified by the JHA.</li> <li>Provide and/or require, if determined to be needed based on the applicable JHA, National Institute for Occupational Safety and Health-approved half-face respirators equipped with a minimum N-95 protection factor for use during worker collocation with surface disturbance activities, following completion of medical evaluations, fit-testing, and proper training on use of respirators.</li> </ul>				
<b>Biological Resources</b>				
<p><b>MM BIO-1:</b> Prior to the issuance of grading or building permits, and prior to decommissioning, the Project Proponent shall retain a <u>Lead Biologist(s) (or Qualified Biologist) who meets the qualifications of an Authorized Biologist as defined by the U.S. Fish and Wildlife Service,</u> <del>who has experience and expertise in desert species to</del></p>	<p>Prior to the issuance of grading or building permits, prior to decommission-</p>	<p>Project Applicant, <u>Lead Biologist or Qualified Biologist</u></p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>oversee compliance with protection measures for all listed and other special-status species that may be affected by the construction, operation, and decommissioning of the Project <u>including but not limited to desert tortoise, desert kit fox, burrowing owl, and Mohave ground squirrel</u>. The contact information for the Qualified Biologist shall be provided in writing to <u>CDFW and</u> the San Bernardino County Land Use Services Department. <del>If State or Federally listed species or other special-status biological resources are identified in the Project Site during protocol and/or preconstruction surveys, then the Qualified Biologist may need to be approved by USFWS and/or CDFW as an authorized biologist for handling listed species.</del> The Qualified Biologist or other Qualified Biological Monitors shall be on the Project Site during initial grading, ground disturbance and vegetation removal activities to monitor construction activity that could directly or indirectly impact special-status biological resources. The Qualified Biologist shall have the authority to halt all activities that are in violation of the special-status species protection measures. Work shall proceed only after potential hazards to special-status species are removed and the species is no longer at risk. The Qualified Biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted on the Project Site. A report of biological monitoring activities and Project compliance</p>	<p>ing activities</p>			

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
shall be prepared at the end of the construction period and submitted to the County <u>and CDFW</u> for documentation.				
<p><b>MM BIO-2:</b> Prior to any activity on-site and for the duration of construction activities, all personnel at the Project Site (including laydown areas and/or transmission routes) shall attend a Worker Education Awareness Program (WEAP) developed and presented by the Qualified Biologist. New personnel shall receive WEAP training on the first day of work and prior to commencing work on the site. Any employee responsible for the operation and maintenance (O&amp;M) of the Project facilities shall also attend WEAP training. A discussion of the biology and general behavior of any sensitive species which may be in the area, how they may be encountered within the work area, <u>including but not limited to desert tortoise, desert kit fox, burrowing owl, and Mohave ground squirrel</u>, and procedures to follow when they are encountered shall be included in the training. Special-status species, including legal protection, penalties for violations, and Project-specific protective measures shall also be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Copies of the training shall be maintained at the worksite with the construction supervisor, and a handout containing this information</p>	Prior to any activity on-site, during construction activities	Project Applicant	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>shall be distributed for workers to carry on-site. Upon completion of the program, employees shall sign an attendance log stating they attended the program and understand all protective measures. A sticker shall be placed on hard hats indicating that the worker has completed the WEAP training. Construction workers shall not be permitted to operate equipment within the construction areas unless they have attended the WEAP training and are wearing hard hats with the required sticker. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the WEAP training and <del>their copies of the</del> signed acknowledgement forms, shall be submitted to the San Bernardino County Planning and Community Development Department <u>and CDFW</u> upon the County's request.</p>				
<p><b>MM BIO-3:</b> The following best management practices shall be implemented during Project grading, construction, and decommissioning activities to further address potential impacts on biological resources:</p> <ul style="list-style-type: none"> <li>• The contractor shall clearly delineate the construction limits and prohibit any construction related traffic outside these boundaries.</li> <li>• Project-related vehicles shall observe a 15-mile-per-hour speed limit within unpaved roads.</li> </ul>	<p>During grading, construction, and decommissioning activities</p>	<p>Construction Contractor</p>	<p>San Bernardino County</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<ul style="list-style-type: none"> <li>• Project-related vehicles and construction equipment shall restrict off-road travel outside of the designated construction area. Cross-country travel is prohibited.</li> <li>• Project-related vehicles and construction equipment shall be cleaned before exiting the Project site and track out controls shall be implemented at the entrance(s) and exit(s) of the Project site to minimize the amount of sediment, dirt, mud, etc. from being tracked out of the Project Site.</li> <li>• Project-related vehicles and construction equipment shall be cleaned before entering the Project Site to prevent the potential spread of invasive species.</li> <li>• All open trenches shall be fenced or sloped, and open pipes shall be capped or covered to prevent entrapment of wildlife species. Openings should be inspected for the presence of wildlife species prior to fencing, sloping, capping, or covering.</li> <li>• All food-related trash items such as wrappers, cans, bottles, and food scraps generated during Project construction shall be cleaned up daily and disposed of in closed containers only.</li> </ul>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<ul style="list-style-type: none"> <li>No deliberate feeding of wildlife shall be allowed.</li> <li>No pets shall be allowed on the Project Site.</li> <li>Except for authorized personnel, no firearms shall be allowed on the Project Site.</li> <li>If construction must occur at night (between dusk and dawn), all lighting shall be shielded and directed downward to minimize the potential for glare or spillover onto adjacent properties and to reduce impacts on local wildlife.</li> <li>All equipment used on site 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.</li> <li>Any observation of a dead, injured, or entrapped special-status species shall immediately be reported to the construction foreman and Qualified Biologist. The observation shall be reported to all appropriate communications with the regulatory agencies.</li> </ul>				
<p><b>MM BIO-4:</b> A pre-construction desert tortoise presence/absence survey shall be conducted by the <u>Authorized Biologist</u> <del>a Qualified Biologist</del> <u>within the Project area and 500-foot buffer of suitable habitat, no</u></p>	<p>No more than 30 days before Project development</p>	<p>Project Applicant, <u>Authorized Qualified</u> Biologist</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>more than 30 days in advance of Project development 15 days prior to Project activities and after any pause in Project activities lasting 30 days or more</del> in accordance with <del>USFWS survey protocols 2009 desert tortoise clearance survey methodology</del>. <del>The survey shall have 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms absence, the Project shall move forward following MM BIO-1 with an Authorized Biologist monitoring for tortoises during grading and ground disturbance. If the survey or monitoring confirms presence, the Project Proponent shall avoid impacts to desert tortoise. If complete avoidance cannot be achieved, the Project Proponent shall consult with the County, USFWS, and CDFW to determine if an ITP is necessary.</del> A discussion of survey results, including negative findings, shall be provided to the County <u>and CDFW</u> upon completion of the survey. If desert tortoise are not documented during the survey, no additional measures related to desert tortoise avoidance and minimization are <u>required</u> <del>recommended</del>. If desert tortoise are documented inhabiting the Project Site during presence/absence surveys <u>or construction monitoring</u>, MM BIO-5 shall be implemented.</p>				
<p><del>MM BIO-5: Implementation of any measures that would result in the “take” of desert tortoise cannot be undertaken without formal authorization from CDFW</del></p>	<p>Prior to ground disturbance activities</p>	<p>Project Proponent, Qualified Biologist</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>and USFWS.</del> If pre-construction desert tortoise surveys (MM BIO-4) document that the species is inhabiting the Project Site, the Project Proponent shall develop a <u>desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of desert tortoises. Implementation of any Project activities or measures that would result in the “take” of desert tortoise cannot be undertaken without formal authorization from CDFW and USFWS. If complete avoidance cannot be achieved, the Project proponent shall not consult with the appropriate agencies to determine if FESA and CESA incidental take permits are warranted).</u></p> <p><u>If desert tortoise “take” is unavoidable, a mitigation plan shall be developed in consultation with CDFW and USFWS that provides the framework for implementing, but not limited to, the following measures, or similar measures deemed sufficient and approved during agency consultation:</u></p> <p>1) <u>If practicable and in consultation with USFW and CDFW, the project proponent shall install exclusionary fencing following the specifications found in USFWS Chapter 8 Desert Tortoise Exclusion Fence of the Desert Tortoise (Mojave Population) Field Manual for desert tortoise translocation and monitoring prior to Project</u></p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><u>construction in accordance with USFWS guidelines.</u></p> <p>2) <u>Develop a plan for desert tortoise translocation and monitoring prior to Project construction in accordance with USFWS guidelines (USFWS 1994, 2020, 2024). The plan shall provide details on desert tortoise translocation, disease testing protocols, disposition decision process, protocols for managing desert tortoises found during active versus inactive seasons, post-translocation monitoring requirements, if any, and shall be consistent with current USFWS guidelines (Note: any desert tortoise translocation plan must be reviewed and approved by CDFW and USFWS).</u></p> <p><del>for desert tortoise translocation and monitoring prior to Project construction in accordance with USFWS guidelines. The plan shall provide the framework for implementing, but not limited to, the following measures, or similar measures deemed sufficient and approved during agency consultation (Note: any desert tortoise translocation plan must be reviewed and approved by CDFW and USFWS):</del></p> <ul style="list-style-type: none"> <li><del>• If a tortoise proof exclusion fence is practicable, a fence shall be installed around all non-linear construction areas prior to the initiation of ground disturbing activities, in coordination with a Qualified Biologist. The fence shall be</del></li> </ul>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>constructed of 0.5-inch mesh hardware cloth and extend 18 inches above ground and 12 inches below ground. Where burial of the fence is not possible, the lower 12 inches shall be folded outward against the ground and fastened to the ground to prevent desert tortoise entry. The fence shall be supported sufficiently to maintain its integrity, be checked at least monthly during construction and operations, and maintained when necessary by the Project Proponent to ensure its integrity. Provisions shall be made for closing off the fence at the point of vehicle entry. Common raven (Corvus corax) perching deterrents shall be installed as part of the fence construction.</del></p> <ul style="list-style-type: none"> <li><del>After fence installation, a Qualified Biologist shall conduct a clearance survey in accordance with USFWS protocols for desert tortoise within the fenced construction site. A Qualified Biologist shall have the appropriate education and experience to accomplish biological monitoring and mitigation tasks and be approved by the CDFW and the USFWS. Two surveys, with transects spaced at 5 meters, without finding any tortoises or new tortoise sign shall occur prior to declaring the site clear of tortoises.</del></li> </ul>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<ul style="list-style-type: none"> <li>• <del>All burrows that could provide shelter for a desert tortoise shall be hand-excavated prior to ground-disturbing activities.</del></li> <li>• <del>A Qualified Biologist shall remain on site until all vegetation is cleared and, at a minimum, conduct site and fence inspections on a regular basis throughout construction in order to facilitate Project compliance with mitigation measures.</del></li> <li>• <del>A Qualified Biologist shall remain on call throughout fencing and grading activities in the event a desert tortoise enters the Project Site.</del></li> <li>• <del>Compensatory habitat mitigation shall be secured in the form of a conservation easement or purchase of mitigation bank credits to compensate for the loss of occupied desert tortoise habitat at a minimum ratio of 1:1, with habitat of equal or greater value.</del></li> </ul>				
<p><b>MM BIO-6:</b> Pre-construction surveys shall be conducted by a Qualified Biologist for the presence of desert kit fox <u>as per MM BIO-7</u>, American badger <u>as per MM BIO-8</u>, and burrowing owl <u>as per MM BIO-9</u> prior to commencement of construction activities. <del>This survey shall be conducted no more than 30 days prior to ground-disturbing activities. Surveys shall conform to CDFW guidelines for burrowing owl and to industry</del></p>	<p>Prior to ground disturbance activities</p>	<p>Project Applicant, Qualified Biologist</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>standards for desert kit fox and American badger. A report of all pre-construction survey efforts shall be submitted to the County within 30 days of completion of the survey effort to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the survey(s) and monitoring. The report shall also include, if applicable, observations of the species or potential dens/burrows, the UTM coordinates and habitat descriptions, and a description of any passive relocation, if applicable. Biological monitoring and WEAP training as described in <b>MM BIO-2</b>, respectively, shall include these species. If desert kit fox, American badger, and/or burrowing owl observations are not documented during the survey(s) or biological monitoring activities, no additional measures related the avoidance and minimization of the absent species are recommended.</del></p>				
<p><b><u>MM BIO-7: No more than forty-five (45) days and no less than thirty (30) days prior to the beginning of surface disturbance, the Qualified Biologist shall conduct a pre-Project survey to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox individuals, dens, and sign. Permittee shall provide the results of the survey to CDFW and the County prior to start of Project activities.</u></b></p> <p><b><u>If potential dens are located, they shall be monitored</u></b></p>	<p>Prior to construction activities, <u>no more than 45 days and no less than 30 days prior to the beginning of surface disturbance</u></p>	<p>Project Applicant, Qualified Biologist</p>	<p>San Bernardino County</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><u>by the Qualified Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. The Project Proponent shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results.</u></p> <p><u>Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Project Proponent shall submit a monitoring and relocation plan to the County and CDFW. No disturbance or relocation of active dens may take place when juveniles may be present and dependent on parental care.</u></p> <p><u>Burrows that have been confirmed inactive within the Project site, that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during Project activities and removed when construction is complete. The Qualified Biologist shall periodically check that the inactive burrows remain blocked and are not reoccupied.</u></p> <p><del>Two potential mitigation scenarios are applicable to mitigate potential impacts to the desert kit fox:</del></p> <p><del>1) If potential desert kit fox dens are observed and avoidance is feasible, a non-disturbance buffer shall be established, demarcated using brightly colored flagging, and fenced off prior to construction activity start and to be confirmed</del></p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>by the Qualified Biologist. The buffer may only be reduced at the discretion of a Qualified Biologist and the removal of the buffer shall only occur if a Qualified Biologist determines the potential den is inactive. Typical buffer distances for desert kit fox are:</del></p> <ul style="list-style-type: none"> <li><del>• Desert kit fox potential den: 50 ft</del></li> <li><del>• Desert kit fox active den: 100 ft</del></li> <li><del>• Desert kit fox natal den: 500 ft</del></li> </ul> <p><del>2) If avoidance of the potential desert kit fox dens is not feasible, the following measures are recommended to minimize potential adverse effects to the desert kit fox:</del></p> <ul style="list-style-type: none"> <li><del>• If a Qualified Biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent desert kit foxes from re-using them during construction.</del></li> <li><del>• If a Qualified Biologist determines that potential dens may be active, an on site passive relocation program shall be implemented. This program shall only be implemented during the non-breeding</del></li> </ul>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>season (September 1 through February 1) and consist of passive eviction of desert kit foxes from occupied burrows by installation of one way doors at burrow entrances, monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After a Qualified Biologist determines that desert kit foxes have stopped using active dens within the Project Site, the dens shall be hand excavated with a shovel and collapsed to prevent re-use during construction. Only non natal dens shall be passively excluded, disturbance to natal dens shall be avoided until they are no longer active. If a natal den cannot be avoided by the Project, consultation with the CDFW shall be necessary.</del></p>				
<p><b>MM BIO-8:</b> If the Lead Biologist or Qualified Biological Monitors determines that a potential American badger dens are present on-site but inactive, the Qualified Biologist shall excavate the dens by hand to prevent badgers from re-using them during construction.</p> <p>If the Lead Biologist or Qualified Biological Monitors determines that potential dens may be active, an on-site passive relocation program shall be implemented.</p>	<p>During construction activities</p>	<p>Project Applicant, Qualified Biologist</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>This program shall consist of excluding badgers from occupied burrows by installation of one-way doors at burrow entrances, remote camera monitoring of the burrow for one week to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the Lead Biologist or Qualified Biological Monitors determines that badgers have stopped using active dens within the Project site, the dens shall be hand-excavated to prevent re-use during construction.</p> <p>If a potential den is observed, a non-disturbance buffer no less than 30 ft. from the den shall be established, restricting all ground-disturbing activities, such as vegetation clearance or grading, from occurring within the buffer. The buffer shall be demarcated using brightly colored flagging and the buffer may only be reduced at the discretion of the Lead Biologist or Qualified Biological Monitors. Removal of the buffer shall only occur if the Lead Biologist or Qualified Biological Monitors determines the potential den is inactive.</p>				
<p><b><u>MM BIO-9: Pre-activity surveys for burrowing owl will be conducted as described below prior to the start of Project construction. If occupied burrowing owl burrows are documented and complete avoidance cannot be achieved, the Project Proponent shall consult with the County and CDFW to determine if an ITP is</u></b></p>	<p>Prior to construction activities</p>	<p>Project Applicant, Qualified Biologist</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><u>necessary. The Project Proponent shall adhere to measures and conditions set forth within the ITP. Compensatory mitigation for direct impacts to occupied habitat shall be fulfilled through conservation of suitable burrowing owl habitat commensurate with the primary foraging area around the occupied burrow site overlapping with the Project impact site.</u></p> <p><del>Two potential mitigation scenarios are applicable to mitigate potential impacts to the burrowing owl:</del></p> <p><del>1) If burrowing owl are detected on-site, a non-disturbance buffer shall be established, restricting all ground disturbing activities, such as vegetation clearance or grading, from occurring within the buffer. The buffer should be demarcated using brightly colored flagging and the buffer may only be reduced at the discretion of a Qualified Biologist. Removal of the buffer shall only occur if a Qualified Biologist determines burrowing owl are not present in the Project Site and any potential burrows are inactive. Typical avoidance buffer distances for burrowing owl range from 100 meters (330 ft) to 250 meters (825 ft) depending on Project activity, line of sight, and local topography during the breeding season (February 1 to August 31). During the non-breeding (winter) season (September 1 to January 31), typical</del></p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>avoidance buffers range from 50 meters (165 ft) to 100 meters (330 ft) from the burrow. Depending on the level of disturbance, a smaller buffer may be established as determined by the Qualified Biologist based on the factors listed above and potential use of sound and visual barriers such as hay bales.</del></p> <p><del>2) If burrowing owl burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31), where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a Qualified Biologist shall implement a passive relocation program consistent with Appendix E1 (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012).</del></p> <p><del>A habitat mitigation plan shall be developed in coordination with the County and CDFW for loss of active burrowing owl burrow sites if implementation of a passive relocation plan is necessary and/or burrowing owl are documented to nest on site or within 500 feet of the Project Site. This would be based upon the portion of the Project that overlaps with the owl(s)</del></p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>primary foraging area around the burrow site (approximately 500 foot buffer) to be replaced a minimum 1:1 ratio.</del></p>				
<p><u>MM BIO-9a: At least 45 days prior to construction the Project Proponent shall conduct a survey of the Project Site to determine if burrowing owls are present. If present, the Project Proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW and the County for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall include 1) impact assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat; 2) if avoidance of impacts is proposed, details on avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any exclusion of burrowing owls from their burrows sufficient to ensure take is avoided, daily monitoring with cameras and direct observation for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season, and process to document any excluded burrowing owls use of artificial or natural burrows on an adjoining mitigation site (if able to confirm by band resight), 4) details of mitigation for impacts to occupied burrows and habitat. The proposed implementation of burrow exclusion and closure should only be considered as a</u></p>	<p><u>At least 45 days prior to construction</u></p>	<p><u>Project Applicant, Qualified Biologist</u></p>	<p><u>San Bernardino County</u></p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><u>last resort. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project Proponent shall implement the Burrowing Owl Plan following CDFW review and approval.</u></p>				
<p><u><b>MM BIO-9b:</b> Burrowing Owl Avoidance. If burrowing owls are detected on-site, a Qualified Biologist, knowledgeable of burrowing owl habitat and behavior, shall establish a no-disturbance buffer following the 2012 Staff Report around all burrowing owl burrows such as roosting and satellite burrows within the Project area and an appropriate buffer determined by the Qualified Biologist, with posted signs demarking the area to avoid, using stakes, flags, and/or rope or cord to minimize the disturbance of burrowing owl habitat. The Qualified Biologist shall delineate burrows with different materials than those used to delineate the Project area. Project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.</u></p>	<p><u>Prior to construction activities</u></p>	<p><u>Project Applicant, Qualified Biologist</u></p>	<p><u>San Bernardino County</u></p>	
<p><u><b>MM BIO-9c:</b> To ensure that the Project avoids impacts to burrowing owl, a qualified biologist shall complete a take avoidance survey no less than 14 days</u></p>	<p><u>Prior to construction activities, no less</u></p>	<p><u>Project Applicant, Qualified Biologist</u></p>	<p><u>San Bernardino County</u></p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><u>prior to initiating ground disturbing activities using the recommended methods described in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. Time lapses or a break in construction activities of 3 days will trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to initial ground disturbance.</u></p>	<p><u>than 14 days prior to initiating ground disturbing activities</u></p>			
<p><u><b>MM BIO-9d:</b> During take avoidance surveys the Project Proponent shall have a Qualified Biologist(s), inspect all burrows that exhibit typical characteristics of owl activity prior to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other “ornamentation,” feathers, prey remains, etc. If it is evident that the burrows are actively being used, the Project proponent shall follow the guidelines in the CDFW approved Burrowing Owl Plan if already prepared per MM BIO-9a. If no Plan has been approved the Project proponent shall not commence activities until owls have been confirmed absent and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved.</u></p>	<p><u>Prior to construction activities</u></p>	<p><u>Project Applicant, Qualified Biologist</u></p>	<p><u>San Bernardino County</u></p>	
<p><del>MM BIO-10 If construction is scheduled to commence during the non-breeding season (September 1 to January 31), no pre construction surveys or additional measures with regard to nesting</del></p>	<p><del>During construction activities</del></p>	<p><del>Project Applicant, Qualified Biologist</del></p>	<p><del>San Bernardino County</del></p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p><del>birds and other raptors are required.</del> To <u>minimize</u> avoid impacts to nesting birds in the Project Site, a Qualified Biologist shall conduct pre-construction surveys of all potential nesting habitat within the Project Site for Project activities <del>that are initiated during the breeding season (February 1 to August 31).</del> The raptor survey shall focus on potential nest sites (i.e., utility poles and trees) within a 250-foot buffer around the Project Site. These surveys shall be conducted no more than 14 days prior to ground-disturbing activities without prior agency approval. The Qualified Biologist must be able to determine the status and stage of nesting migratory birds and all locally breeding raptor species without causing intrusive disturbance.</p> <p>If active nests are found <u>within the Project area or within 500 feet of the Project area, the nest shall be flagged and mapped on the construction plans and a suitable buffer as determined by the Qualified Biologist (e.g., 200-300 feet for common raptors; 30-50 feet for passerines, 0.5 mile for golden eagle)</u> shall be established around active nests, and no construction within the buffer shall be allowed until a Qualified Biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). Buffers may be reduced at the discretion of a Qualified Biologist based on Project activity, line of sight, tolerance of individuals, and stage</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>of the nest. <u>The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximity to an active nest buffer. The buffer shall remain in place until determined by the qualified biologist that the nestlings have fledged, and the nest is no longer active. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.</u></p>				
<p><b>MM BIO-11:</b> <u>The Project shall obtain an Incidental Take Permit (ITP) for impacts to western Joshua tree (<i>Yucca brevifolia</i>) (WJT) through compliance with the Western Joshua Tree Conservation Act (Fish and Game Code §§ 1927-1927.12) and adhere to the Western Joshua Tree Relocation Guidelines and Protocols if determined necessary by CDFW, or through the California Endangered Species Act (Fish and Game Code, §§ 2080-2085). Mitigation for the removal of WJT from the Project Site will consist of one of the following options (or some combination thereof) to be determined in consultation with CDFW:</u></p> <p>1) CDFW requires mitigation fees based on the number of individual WJT taken and their defined classes. CDFW details mitigation as</p>	<p>Prior to Project development</p>	<p>Project Applicant</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes															
<p>described in their interactive Mitigation Map Fee Area (CDFW 2024), which designates areas that fall within a reduce fee area or standard fee area. Because the Project is located within the reduced mitigation fee map area, it is subject to the following mitigation fees per tree:</p> <ul style="list-style-type: none"> <li>• Size Class A (Trees less than 1 meter in height) - \$150.00 per tree</li> <li>• Size Class B (Trees one 1 meter or greater but less than 5 meters in height) - \$200.00 per tree</li> <li>• Size Class C (Trees 5 meters or greater in height) - \$1,000.00 per tree</li> </ul> <p>Based on the WJTs surveyed and the mitigation fees per tree above, the Project Proponent shall pay a mitigation fee of \$60,350 for the removal of 150 WJT. A breakdown of costs per tree is provided in Table 6: Western Joshua Tree Removal Mitigation Fees.</p> <p style="text-align: center;"><b>Table 6: Western Joshua Tree Removal Mitigation Fees</b></p> <table border="1" data-bbox="142 1187 861 1396"> <thead> <tr> <th>Size Class</th> <th>Number of WJT</th> <th>Mitigation Fee</th> <th>Removals</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>33</td> <td>\$150</td> <td>33</td> <td>\$4,950</td> </tr> <tr> <td>B</td> <td>77</td> <td>\$200</td> <td>77</td> <td>\$15,400</td> </tr> </tbody> </table>	Size Class	Number of WJT	Mitigation Fee	Removals	Cost	A	33	\$150	33	\$4,950	B	77	\$200	77	\$15,400				
Size Class	Number of WJT	Mitigation Fee	Removals	Cost															
A	33	\$150	33	\$4,950															
B	77	\$200	77	\$15,400															

Mitigation Measure					Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
C	40	\$1,000	40	\$40,000				
<b>Total</b>	<b>150</b>	--	<b>150</b>	<b>\$60,350</b>				
<p>2) <u>Alternatively, relocation of healthy WJTs from the Project Site to a conserved recipient site may be carried out in accordance with a WJT Relocation Plan. As appropriate and in consultation with CDFW, a WJT relocation plan will be developed and implemented in accordance with CDFW WJT Relocation Guidelines.</u></p>								
Cultural Resources								
<p><b>MM CUL-1:</b> Prior to the start of ground disturbance, the construction crew shall participate in on-site training on the proper procedures to follow if cultural resources are uncovered during the Project excavations, site preparation, or other related activities. This Worker Environmental Awareness Program (WEAP) shall include a comprehensive discussion of applicable laws and penalties under the law, samples or visuals of artifacts that might be found in the vicinity of the Project Site, a discussion of what such artifacts may look like when partially buried or wholly buried and then freshly exposed, a discussion of what prehistoric and historic-period archaeological deposits look like at the surface and when exposed during construction, and instruction that employees are to halt work in the</p>					<p>Prior to <u>the start of</u> ground disturbance activities</p>	<p>Project Applicant, Construction Contractor</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
vicinity of a discovery (within 100 feet). This information may be provided in an informational brochure that outlines reporting procedures in the event of a discovery and should be provided to all individuals working on site.				
<p><b>MM CUL-2:</b> In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 60 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the resource. Work on other portions of the Project outside of the buffered area may continue during this assessment period. The Consulting Tribe shall also be contacted, as detailed in <b>MM TCR-1</b>, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</p> <p>If the resource is determined by the qualified archaeologist to be prehistoric, the Consulting Tribe shall also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible</p>	During ground-disturbing activities	Project Applicant, Qualified Archaeologist	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>for the CRHR avoidance cannot be ensured, a qualified archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Consulting Tribe for review and comment, as detailed within <b>MM TCR-1</b>. The qualified archaeologist shall also prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the California Code of Regulations (CCR) Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource’s significance. The County shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, per CCR Guidelines Section 15126.4(b)(3)(C).</p>				
<b>Geology and Soils</b>				
<p><b>MM GEO-1:</b> Prior to the start of ground disturbance, the construction crew shall participate in on-site training on the proper procedures to follow if</p>	<p>Prior to and during ground disturbance</p>	<p>Project Applicant, Construction Contractor,</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>paleontological resources are uncovered during the Project excavations, site preparation, or other related activities. This Worker Environmental Awareness Program (WEAP) should shall include a comprehensive discussion of applicable laws and penalties under the law, samples or visuals of artifacts that might be found in the vicinity of the Project Site, a discussion of what paleontological resources may look like when partially buried or wholly buried and then freshly exposed, a discussion of what paleontological resources look like when exposed during construction, and instruction that employees are to halt work in the vicinity of a discovery (within 100 feet). This information may be provided in an informational brochure that outlines reporting procedures in the event of a discovery and should be provided to all individuals working on site.</p> <p>In the event that paleontological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and a qualified paleontologist who meets the Society of Vertebrate Paleontology guidelines shall be contacted immediately to evaluate the resource. If the find is large enough to warrant further evaluation and/or extraction, then the following fossil “discovery” protocol shall be followed:</p> <p>a) The paleontologist shall assess the discovered material(s) and prepare a survey, study or</p>	<p>activities, prior to the issuance of any building permit</p>	<p>Qualified Paleontologist</p>		

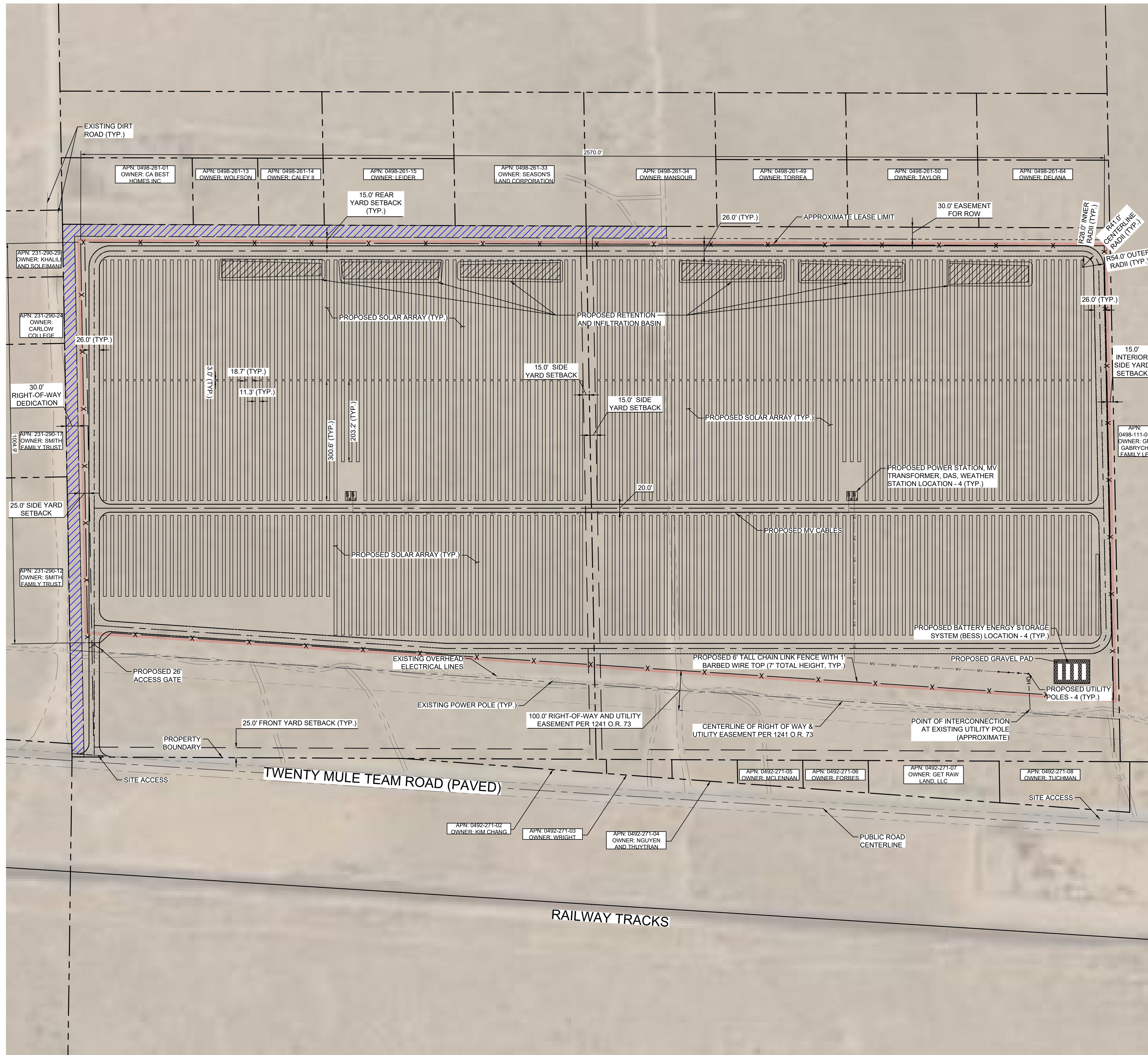


Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>report evaluating the impact. The paleontologist’s survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.</p> <p>b) The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study, or report.</p> <p>c) Any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.</p> <p>Prior to the issuance of any building permit, the Applicant shall submit a letter to the County for the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.</p>				
<b>Tribal Cultural Resources</b>				
<p><b>MM TCR-1:</b> A Tribal monitor from a Consulting Tribe, in addition to the archaeological monitor, shall be contacted, as detailed in <b>MM CUL-1</b>, of any pre-contact and/or historic-era cultural resources discovered during Project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and</p>	<p>During Project implementation</p>	<p>Project Applicant</p>	<p>San Bernardino County</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/ Notes
<p>treatment. Should the find be deemed significant, as defined by CEQA, a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the Consulting Tribe, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents the Consulting Tribe for the remainder of ground-disturbing activities for the Project, should the Consulting Tribe elect to place a monitor on-site.</p>				
<p><b>MM TCR-2:</b> Any and all archaeological/cultural documents created as part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Applicant and Lead Agency for dissemination to the Consulting Tribe. The Lead Agency and/or Applicant shall, in good faith, consult with the Consulting Tribe through the life of the Project.</p>	<p>During Project implementation</p>	<p>Project Applicant, San Bernardino County</p>	<p>San Bernardino County</p>	



Plotted By: Crump, Brems - Sheet Set: K130 - Layout: SITE PLAN - December 12, 2024 12:24:05pm - K:\LTD\_ENERGY\RPCA\_Ground-mount\099997004\_RPCA\_Sunrise\06\_CAD\_PlanSheets\C1.0 - CONCEPTUAL SITE PLAN.dwg  
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### LEGEND

- 78 MODULE SAT ROW
- 52 MODULE SAT ROW
- POWER STATION, MV TRANSFORMER, DAS, WEATHER STATION LOCATION
- PROPOSED BESS
- EXISTING PROPERTY LINE
- APPROXIMATE LEASE LIMIT
- PROPERTY LINE SETBACK
- PROPERTY EASEMENT
- PROPOSED ROAD CENTERLINE
- PROPOSED 6' TALL CHAIN LINK FENCE WITH 1' BARBED WIRE TOP (7' TOTAL HEIGHT)
- EXISTING OVERHEAD LINE
- PROPOSED OVERHEAD LINE
- ALL WEATHER ACCESS ROAD (VARYING WIDTHS)
- 26' WIDE SITE ACCESS GATE
- 50' OVERHEAD LINE SETBACK
- PROPOSED MV CABLES
- EXISTING ROADS (VARYING WIDTHS)
- LANDSCAPE BUFFER
- PROPOSED RETENTION AND INFILTRATION BASIN
- PROPOSED ROW AND PHYSICAL ACCESS ROAD

### SITE INFORMATION

PROJECT ADDRESS: SUNRISE ROAD, BORON, CA 93516

PROPERTY AREA: 81 AC

PROPOSED SITE DISTURBANCE: 60 AC

FLOOD NOTE: THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 060293394 AND PANEL NO. 060293775, PANEL DATED AUGUST 28, 2008.

- ### GENERAL NOTES
- PHOTOVOLTAIC PANELS, INVERTERS, AND INTERCONNECTION EQUIPMENT LOCATIONS SHOWN FOR REFERENCE ONLY. DESIGN AND FINAL LAYOUT PER DRAWINGS BY THE CONTRACTED ELECTRICAL DESIGN CONSULTANT.
  - TO PROTECT EQUIPMENT FROM POTENTIAL PONDING OR OVERLAND STORMWATER FLOW, ALL EQUIPMENT SKID/PADS (FOR INVERTERS, INTERCONNECTION EQUIPMENT, ETC.) SHALL BE ELEVATED A MINIMUM OF 12" ABOVE 100 YEAR FLOOD ELEVATION.
  - THE NEW ON-SITE ROAD SURFACE CLOSELY MATCHES THE EXISTING SURFACE GRADES. THE INTENT IS TO MAINTAIN EXISTING SURFACE FLOWS ACROSS THE SITE AND ELIMINATE AREAS OF PONDING.
  - FOR ONSITE AND OFFSITE DRAINAGE ANALYSIS, REFER TO "ONSITE AND OFFSITE DRAINAGE REPORT" FOR SUNRISE SOLAR, PREPARED BY KIMLEY-HORN, DATED MARCH, 2024.
  - EXISTING JOSHUA TREES WERE DISCOVERED DURING THE SITE VISIT ON 10/13/2023. A FORMAL JOSHUA TREE SURVEY IS SCHEDULED TO OCCUR AND THIS SURVEY WILL BE UPDATED AT A LATER DATE.

### ZONING DEVELOPMENT STANDARDS

ZONE: RESOURCE CONSERVATION (RC) - DESERT REGION

REQUIREMENTS	STANDARD (FT)	PROPOSED (FT)	MEETS REQ. (Y/N)
FRONT YARD SETBACK	25	130+	Y
STREET SIDE YARD SETBACK	25	25+	Y
INTERIOR SIDE YARD SETBACK	15	15+	Y
REAR YARD SETBACK	15	15+	Y
LANDSCAPE BUFFER	N/A	15	Y
MAXIMUM TRACKER HEIGHT	35	15	Y
MINIMUM PERIMETER ROAD WIDTH	26	26	Y
MINIMUM INTERIOR ROAD WIDTH	20	20	Y

### TRACKER QUANTITY

# OF ATI 78 MODULE TRACKER ROWS	356
# OF ATI 52 MODULE TRACKER ROWS	39

### VICINITY MAP

NTS

GRAPHIC SCALE IN FEET  
 0 60 120 240  
 1" = 120'  
 WHEN PLOTTED ON 24" X 36" SHEET

NO.	REVISIONS	DATE	BY

© 2024 KIMLEY-HORN AND ASSOCIATES, INC.  
 660 S. FIGUEROA STREET, SUITE 2050, LOS ANGELES, CA 90017  
 PHONE: 213-261-4040  
 WWW.KIMLEY-HORN.COM

**PRELIMINARY**

**FOR REVIEW ONLY**  
**NOT FOR CONSTRUCTION**

Kimley-Horn and Associates, Inc.

KHA PROJECT: 099997002  
 DATE: 12/12/24  
 SCALE: AS SHOWN  
 DESIGNED BY: SS  
 DRAWN BY: BC  
 CHECKED BY: CY

**CONCEPTUAL SITE PLAN**

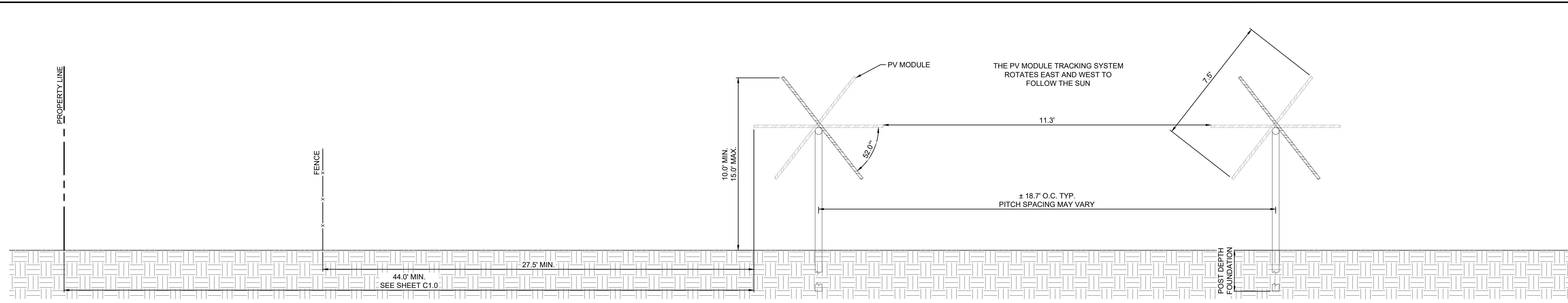
**SUNRISE SOLAR**  
 PREPARED FOR  
**RPCA SOLAR 13, LLC**

SAN BERNARDINO COUNTY CA

FIGURE NUMBER  
**C1.0**

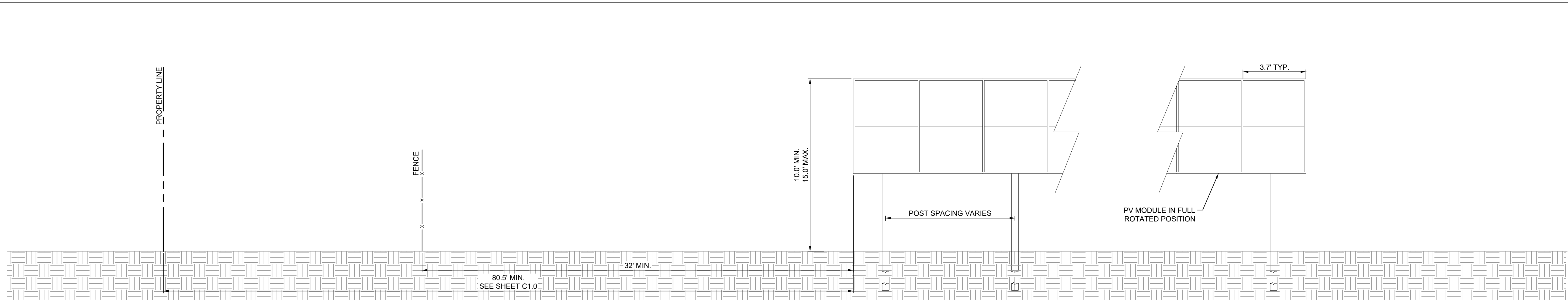


Plotted By: Crump, Brenna - Sheet Set: KHA - Layout: DETAILS (2) - December 05, 2024 - 03:22:12pm - K:\LDT\_ENERGY\RPCA\_Ground-mount\099997002\_RPCA\_Sunrise\06\_CAD\_PlanSheets\C8.X - GRADING - DETAILS.dwg  
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TYPICAL RACK SECTIONS  
 N.T.S.

1



TYPICAL RACK ELEVATIONS  
 N.T.S.

2

No.	REVISIONS	DATE	BY

**Kimley»Horn**  
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 660 S. FIGUEROA STREET, SUITE 2050, LOS ANGELES, CA 90017  
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 CONSTRUCTION  
**Kimley»Horn**  
 Kimley-Horn and Associates, Inc.

KHA PROJECT	099997002
DATE	12/5/24
SCALE	AS SHOWN
DESIGNED BY	SS
DRAWN BY	BC
CHECKED BY	CY

**DETAILS**

**SUNRISE SOLAR**  
 PREPARED FOR  
**RPCA SOLAR 13, LLC**  
 SAN BERNARDINO COUNTY CA

FIGURE NUMBER  
**C1.1**

## Renewable Properties, LLC

44 Montgomery Street, Suite 3150

San Francisco, CA 94104

www.renewprop.com



### **RE: Community Oriented Renewable Energy in Relation to the Southern California Edison (SCE) Green Tariff Shared Renewables (GTSR) Program**

This memo serves to formally express Renewable Properties' and RPCA Solar 13, LLC's commitment to advancing local economic benefits through our Sunrise Road Community Solar Facility (PROJ-2023-00169). Our intention is to operate as a Community Solar Facility participating in Southern California Edison's (SCE) Green Tariff Shared Renewables (GTSR) program. We aim to fully comply with both SCE's community solar program rules and San Bernardino County regulations as set forth in the "Resource Conservation (RC)" and "Resource/Land Management (RLM)" Zoning Districts. We intend to foster a collaborative relationship with the County based on trust and shared objectives.

#### **San Bernardino County Regulations**

As detailed in the Renewable Energy and Conservation Element (RECE) Chapter III - Community Oriented Renewable Energy, Community Solar Facilities must adhere to specific criteria to align with the County's General Plan and site-specific land use regulations:

- **Goal 3, Policy RE-3.7:** Continue to foster local economic benefits of renewable energy facilities through community involvement.
- **Goal 3, Policy RE-3.7.1:** Require CORE project development applications to be sponsored or co-sponsored by local users who will be the primary consumers of the energy generated by the projects.

#### **SCE Community Solar Program Compliance**

Our Sunrise Road Community Solar Facility will participate in the SCE Green Tariff Shared Renewables (GTSR) program as a community solar project. As such, we will adhere to the following Community Interest Requirement:

- The project must demonstrate that members of the local community are interested in and supportive of the project. This can be evidenced by:
  - Community Interest Eligible Customers completing Commitments to Enroll in at least 30% of the project's Contract Capacity, or
  - Community Interest Eligible Customers completing Expressions of Interest for at least 51% of the Contract Capacity.
- Additionally, the project must have a minimum of three separate Community Interest Eligible Customers meeting the above criteria, or a guarantee from the municipality that the community will subscribe to at least 30% of the Contract Capacity or provide Expressions of Interest to achieve a subscription rate of 51% of the Contract Capacity.

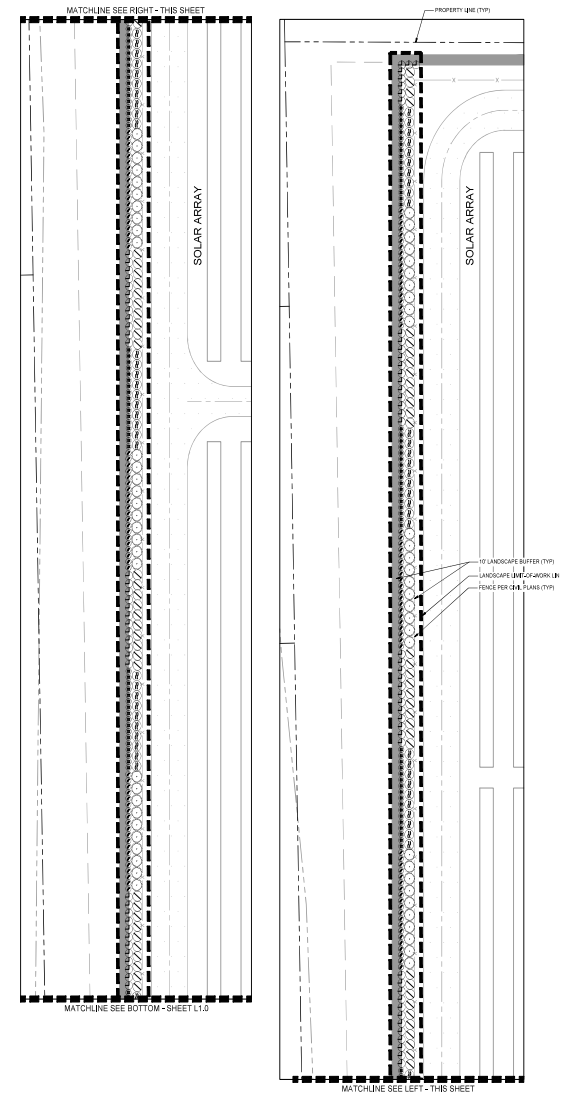
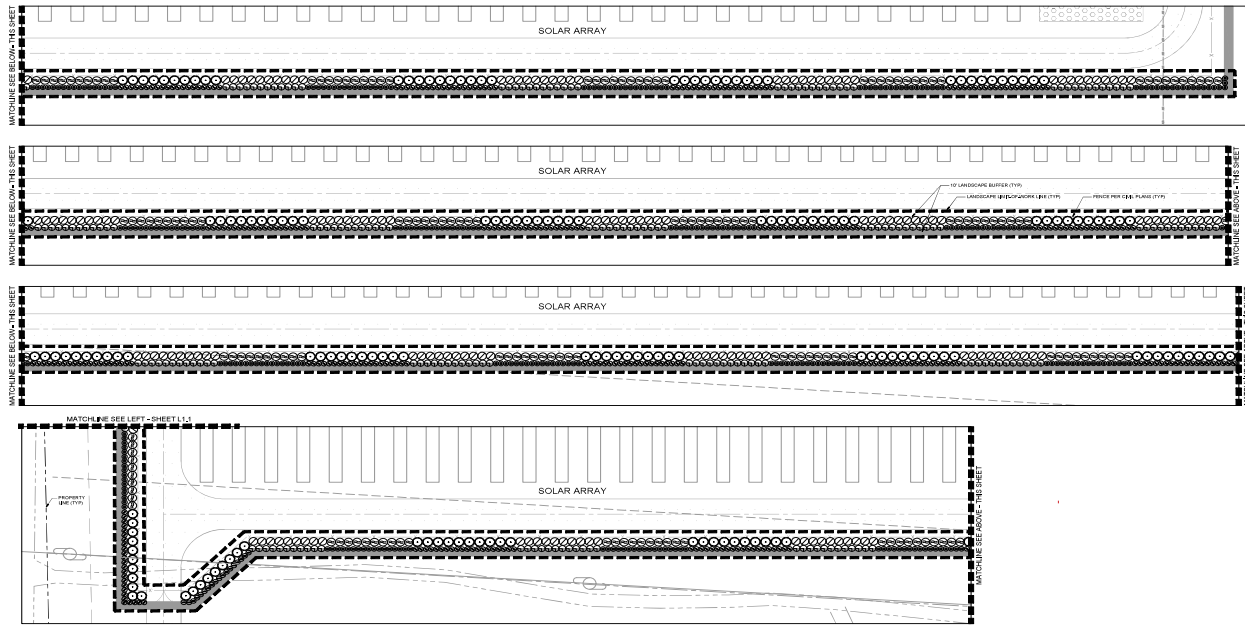


## **Alignment with Local Regulations**

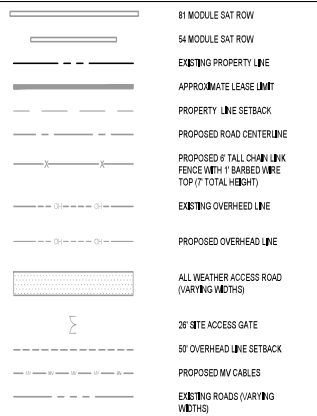
We believe that adhering to the SCE Community Interest Requirement aligns with the intent of San Bernardino County's General Plan's policy and goal to "provide most of its power off-site within the local community". The Sunrise Road Community Solar Facility meets the eligibility criteria outlined in RECE Chapter III – *Community Oriented Renewable Energy* and as such is permitted through the Conditional Use Permit process we are currently undertaking. Through our participation in the SCE's GTSR program we ensure that the project serves local community members and prioritizes their interest in receiving community solar bill credits.

By committing to operate as a Community Solar Facility and following the SCE rules, we believe we are also meeting San Bernardino County's regulatory expectations. We are dedicated to upholding our corporate values of integrity and social responsibility while fostering positive community impacts.

Please feel free to contact us if you have any questions or need further information.



**LEGEND**



**PLANT SCHEDULE**

SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT.	SPACING	WOODS
	230	CHRYSOTHAMNUS NAUSEOSUS / RABBIT BRUSH	5 GAL.	60" O.C.	VERY LOW
	483	ENCELIA FARINOSA / BRITTLEBUSH	5 GAL.	48" O.C.	VERY LOW
	230	ERIGONUM FASCICULATUM / CALIFORNIA BUCKWHEAT	5 GAL.	72" O.C.	VERY LOW
	223	PERITOMA ARBOREA / BLADDERPOD	5 GAL.	60" O.C.	LOW
	384	SALVIA DORRII / DESERT SAGE	5 GAL.	36" O.C.	LOW
	271	SPHAERALCEA AMBIGUA / DESERT GLOBEMALLOW	5 GAL.	48" O.C.	VERY LOW

**LANDSCAPE NOTE:**

THE SELECTION OF PLANT MATERIAL IS BASED ON CLIMATIC, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. ALL PLANTING AREAS SHALL BE PREPARED WITH APPROPRIATE SOIL AMENDMENTS, FERTILIZERS AND APPROPRIATE SUPPLEMENTS BASED UPON A SOIL REPORT FROM AN AGRICULTURAL SURFABILITY SOIL SAMPLE TAKEN FROM THE SITE. ALL SHRUB BEDS SHALL BE MULCHED TO A 3" DEPTH TO HELP CONSERVE WATER, LOWER SOIL TEMPERATURE AND REDUCE WEED GROWTH. THE SHRUBS SHALL BE ALLOWED TO GROW IN THEIR NATURAL FORMS. ALL LANDSCAPE IMPROVEMENTS SHALL FOLLOW THE GUIDELINES SET FORTH BY SAN BERNARDINO COUNTY MUNICIPAL CODE.

**IRRIGATION NOTE:**

ALL PROPOSED LANDSCAPE AREAS SHALL BE WATERED BY HAND AND TRUCK OR A TEMPORARY IRRIGATION SYSTEM FOR A PERIOD OF 1 (ONE) YEAR UNTIL ESTABLISHMENT. ANY PLANT MATERIAL THAT DIES DURING THIS PERIOD SHALL BE REPLACED AT THE COST TO THE CONTRACTOR.

Source: Kimley-Horn Associates, Inc., dated October 31, 2023

**Figure 4: CONCEPTUAL LANDSCAPE PLAN**  
 Sunrise Road Solar Project  
 Initial Study/Mitigated Negative Declaration

**SUNRISE  
CLOSURE, REVEGETATION, AND REHABILITATION PLAN  
10/29/2024**

## **Purpose**

This Closure, Revegetation, And Rehabilitation Plan (also known as “Decommissioning Plan”) is provided by RPCA Solar 13, LLC (the “Project Company”) and will detail the projected decommissioning demands associated with the proposed project.

The purpose of this Closure, Revegetation, And Rehabilitation Plan is to provide procedures and an opinion of probable construction cost for partial or full closure of the solar facility. Section 84.29.070 of the San Bernardino County Code requires a Closure, Revegetation, And Rehabilitation Plan and performance guarantees to supplement plans submitted as part of a Conditional Use Permit Application package. This plan details provisions for facility deconstruction and site restoration to satisfy the specific guidelines set forth in the Project’s Conditional Use Permit. This plan shall take effect upon facility abandonment, discontinuation of operation, or expiration of the use permit as defined by San Bernardino County Code.

## **Site Location**

RPCA Solar 13, LLC proposes to build a photovoltaic (PV) solar facility (“Solar Facility”) with a nameplate capacity of approximately 14 MW<sub>AC</sub> (“Project”), in Boron, California. The Facility is located Twenty Mule Team Road and within assessor parcel numbers 0498-111-04 and 0498-111-05 (“Property”).

## **Anticipated Service Life of the Project**

The facility shall be decommissioned in accordance with this Closure, Revegetation, And Rehabilitation Plan (“Plan”), restoring the site to as close to its agreed-upon post-decommissioned state as practicably possible upon expiration or termination of the Power Purchase Agreement. The expected useful life of the Project is thirty-five (35) years and is expected to be operational for the full thirty-five (35) years.

Decommissioning responsibilities include the removal of fences, any concrete or steel foundations, all metal structures (mounting racks and trackers), all photovoltaic (PV) modules, aboveground and underground cables, transformers, inverters, and batteries and otherwise restoring the premises to its original position or mutually agreed upon state. Other Plan activities include the management of materials and waste, projected costs, and a decommissioning fund agreement overview.



## **Commencement of Decommissioning**

This Plan assumes that the Facility will be decommissioned under any of the following conditions:

1. The land lease (including the exercise of any extension options) ends and will either not be renewed or a new lease will not be entered into for the Project.
2. The system does not produce power for sale for a consecutive 12-month period, except in the instance of a force majeure event in which the Project is being repaired and/or restored.
3. The system is damaged and will not be repaired or replaced.
4. The system reaches the end of useful life or there is no active Power Purchase Agreement (PPA).

## **Removal of Nonutility Owned Equipment**

To decommission the Solar Facility, the Project will include at a minimum:

- Disconnection from the utility power grid.
- Removal of all Facility components: panels, inverters, wire, cable, combiner boxes, transformers, racks, trackers, tracker motors, weather monitoring, control system apparatus, etc.
- Removal of all non-utility owned equipment (at point of interconnection), conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
- Restoration of property to a condition reasonably similar to its condition prior to Facility installation, or as initially agreed upon.
- Plant vegetation suitable for the location, native to the region, and which matches surrounding vegetation.

The owner of the leased property may request in writing for certain items to remain, e.g., access roads.

This plan is based on current best management practices and procedures. This Plan may be subject to revision based on new standards and emergent best management practices at the time of decommissioning. Permits will be obtained as required and notification will be given to necessary stakeholders prior to decommissioning.

The decommissioning process will maximize the recycling, reuse, and salvage of applicable facility components, which are outlined in the opinion of probable construction costs. Based on the extent of decommissioning, prior to beginning construction activities, the developer will submit applicable demolition and construction plans and permit applications which will outline the schedule and extents of demolition. Decommissioning activities will not begin prior to issuance of approved permits by local regulatory agencies with appropriate jurisdiction.

## **Revegetation and Rehabilitation of Property**

To adequately restore the site to its previous condition, documentation using pre-construction video and/or digital photography will be performed prior to construction activities. This information will be reviewed prior to preparation of decommissioning demolition documents and included in the submittal to the County. Pre-construction documentation will also consist of detailed descriptions of existing vegetative and soil conditions as well as existing topography and drainage patterns. Shrubs and other plant species shall be revegetated by the collection of seeds and re-seeding following decommissioning.

All waste and excess materials will be disposed of in accordance with municipal, state, federal regulations. Waste that can be recycled under municipal programs will be recycled accordingly. Provided, however, the Project Company shall not be required to replace any structures that were removed to build the Solar Facility.

Mass grading is not anticipated since the initial project will not alter topography significantly. The Project Company will provide dust control during site restoration. The future use of the land will be determined by the San Bernardino County Planning Department. Deciding factors will be influenced by County land use and comprehensive plans and regulations at such time in the future.

The developer will coordinate with the County to monitor vegetation and drainage following restoration until permanent vegetation is established. Erosion and sediment control, re-seeding, soil stabilization, and weed control will be provided by the developer as needed until the site is stabilized and approved to be completed by the County.

Upon completion of the site restoration, a final report of activities will be submitted to the County documenting the process and results.

## **Time Period to Complete Decommissioning**

The Project Company will have (12) months from the date decommissioning commences to complete decommissioning. Provided, however, the Project Company shall be able to request an extension of a mutually agreed-upon duration if it is in good faith diligently decommissioning and is delayed due to weather conditions or other items outside its control.

## **Party Responsible for Decommissioning**

The Project Company is responsible for this decommissioning, provided however that the Project Company may contract with a third-party to perform the decommissioning on its behalf.

## Decommissioning Cost Estimate and Bonding

An engineer's opinion of probable construction cost and analysis of material salvage value were prepared as part of this plan. Exhibit A summarizes the probable costs and salvage values associated with decommissioning. Exhibit B summarizes probable costs associated with decommissioning exclusive of salvage values. Exhibit C summarizes probable costs associated with trucking panels to approved recycling facilities.

San Bernardino County Code requires RPCA Solar 13, LLC to provide a faithful performance bond as a financial guarantee for proper decommissioning. This bond is separate from, and in addition to, performance bonding submitted for permitting. Furthermore, RPCA Solar 13, LLC will be required to submit detailed engineering plans at the time of decommissioning, and obtain ministerial permits as required by appropriate authorities.

Expenses associated with decommissioning the Project will be dependent on labor costs at the time of decommissioning. For the purposes of this report, current RSMeans data was used to estimate labor, material, and equipment expenses. Fluctuation and inflation of the labor costs were not factored into the estimates.

Total probable cost of decommissioning in Year 35 is estimated to be **\$1,284,070.28**.

## Resale/Salvage Value Estimate

There is a robust secondary market for resale of solar PV panels worldwide and a network of facilities available for recycling panels. Solar PV panels are estimated to degrade less than 0.5% per year, meaning they're expected to operate at 90% of capacity after 20 years. Panel manufacturers will guarantee the performance for each individual module and replace defective modules per the terms of warranty. Panels can therefore be sold for a price higher than their scrap value.

In general, the highest component value would be expected at the time of construction with declining value over the life of the Project. Over most of the Project's life, components such as the solar panels could be sold in the wholesale market for reuse or refurbishment. As panel efficiency and power production decrease due to aging and/or weathering, the resale value will decline accordingly. Secondary markets for used solar components include other utility scale solar facilities with similar designs that may require replacement equipment due to damage or normal wear over time; other buyers (e.g., developers, consumers) that are willing to accept a slightly lower power output in return for a significantly lower price point when compared to new equipment. The solar facility's additional supporting components, such as inverters, transformers, racking and piles, can be dismantled and resold for scrap value. Inverters and transformers are comprised of salvageable materials such as copper, aluminum, and silver. Piles and other steel components can likewise be recovered and salvaged. Resale values at the end of Year 35 for equipment of significant value were calculated with straight-line depreciation after an instant depreciation of the original material cost.

A current sampling of reused solar panels indicates a wide range of pricing depending on age and condition (\$0.10 to \$0.50 per watt). Future pricing of solar panels is difficult to predict currently, due to the relatively young age of the market, changes to solar panel technology, and the ever-increasing product demand. A conservative estimation of the value of solar panels in Year 35 at \$0.01 per watt would yield approximately \$169,738.91. Increased costs of removal, for resale versus salvage, would be expected to preserve the integrity of the panels; however, the net revenue would still be substantially higher than the estimated salvage value.

The resale value of components such as trackers, may decline more quickly; however, the salvage value of the steel that makes up a larger portion of the tracker is expected to stay at or above the value used in this report.

The price used to value the steel in this report is \$243.86 per ton. The price used to value copper in this report is \$3.14 per lb.

No salvage value was anticipated for the battery energy storage system components.

Assuming a 1.5% per year depreciation rate, the total probable salvage value of decommissioning in Year 35 is estimated to be **\$440,445.52**.

## Summary

This cost opinion was performed assuming decommissioning occurs at the end-of-life of the project (Year 35). The cost estimate for Year 35 shows that the total bond amount owed to San Bernardino County is (Decommissioning Cost, **\$1,284,070.28**) – (Salvage Value, **\$440,445.52**) = (Net Cost, **\$843,624.76**).

**EXHIBIT A**

**Sunrise****Boron****Decommissioning Estimate Pro Forma w/ Salvage**

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs. LS = Lump Sum, HR = Hours, EA = Each, LF = Linear Feet.

Item	Quantity	Unit	Unit Price	Total Salvage	Total Price (incl. markups)	Total Price	
Mobilization	1	LS		\$ -	\$58,300.00	\$ (58,300.00)	
Supervision	280	HR	\$121.00	\$ -	\$33,880.00	\$ (33,880.00)	
Temporary Facilities	1	LS		\$ -	\$6,600.00	\$ (6,600.00)	
Safety	1	LS		\$ -	\$4,470.00	\$ (4,470.00)	
Legal Expenses	1	LS		\$ -	\$1,170.00	\$ (1,170.00)	
General Liability Insurance	1	LS		\$ -	\$4,790.00	\$ (4,790.00)	
Contractor's G&A	1	LS		\$ -	\$9,040.00	\$ (9,040.00)	
SWPPP, Erosion Control Measures (Disturbed Area)	60	Ac	\$670.00	\$ -	\$40,200.00	\$ (40,200.00)	
Seeding	3	Ac	\$4,248.66	\$ -	\$12,745.98	\$ (12,745.98)	
Tilling 6" topsoil/scarifying access road and rough grading existing soil	5	Ac	\$12,551.00	\$ -	\$62,755.00	\$ (62,755.00)	
Remove and Recycle Chainlink Fence	7,200	LF	\$6.27	\$ 2,850.82	\$45,172.58	\$ (42,321.75)	
Remove and Recycle AC Cables	2,400	LF	\$10.51	\$ 222.01	\$25,224.28	\$ (25,002.26)	
Remove and Recycle DC Cables	884,500	LF	\$0.19	\$ 81,821.15	\$171,782.17	\$ (89,961.02)	
Backfill AC and DC trenches	642,900	LF	\$0.33	\$ -	\$214,816.71	\$ (214,816.71)	
Remove and Recycle Inverters/Transformers	Approx 10	EA	\$804.93	\$ 54,000.00	\$8,049.30	\$ 45,950.70	
Remove and Recycle Photovoltaic Modules	Approx 31,000	EA	\$6.96	\$ 169,738.91	\$215,760.00	\$ (46,021.09)	
Remove and Recycle Piles	7,000	EA	\$27.74	\$ 55,432.62	\$194,180.00	\$ (138,747.38)	
Remove and Recycle Support Assemblies	1,080,265	LB	\$0.07	\$ 76,380.01	\$72,591.35	\$ 3,788.66	
Remove and Recycle BESS Batteries	4	EA	\$17,460.20	\$ -	\$69,840.78	\$ (69,840.78)	
Remove and Recycle BESS Shells	4	EA	\$2,175.53	\$ -	\$8,702.14	\$ (8,702.14)	
Permits/Reports	1	LS		\$ -	\$10,000.00	\$ (10,000.00)	
Contaminated Soils Testing	1	LS		\$ -	\$4,000.00	\$ (4,000.00)	
Reclamation, Monitoring, and Maintenance	1	LS		\$ -	\$10,000.00	\$ (10,000.00)	
				<b>Total:</b>	<b>\$ 440,445.52</b>	<b>\$1,284,070.28</b>	<b>\$ (843,624.76)</b>

**Notes:**

1. A site of similar size was used to derive potential quantities for erosion and sediment control (scaling from 36 MW to 14 MW). Quantities were determined by comparing "unit/MW" quantities directly.
2. Labor productivity and unit rates were derived from RSMMeans Online (Heavy Construction, 2024 data).
3. Labor, material, and equipment rates are based on the RSMMeans City Cost Index (CCI) for Bakersfield.
4. Material salvage values were based off of current US salvage exchange rates.
5. Equipment rental rates determined from RSMMeans and/or local rental facilities.
6. Photovoltaic Module material salvage rate is based on straight-line depreciation of modules (-0.5% per year).
7. For PV Module Removal/Recycle labor and equipment costs are computed at present values, while salvage value is computed at depreciated values.
8. Material salvage values were determined using the most prevalent salvageable metal in each component. Copper Wire @0.16/LF (AC and DC Cables) and Steel @0.67/LF of fence, @\$0.84/pile, and @\$0.12/LB.
9. Inverter resale value is dependent on the assumption that all inverters will be decommissioned and resold half way through their useful life (every 5 years).

**EXHIBIT B**

**Sunrise****Boron****Decommissioning Estimate Pro Forma w/o Salvage**

The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs. LS = Lump Sum, HR = Hours, EA = Each, LF = Linear Feet.

Item	Quantity	Unit	Unit Price	Total Price
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Safety	1	LS		\$4,470.00
Legal Expenses	1	LS		\$1,170.00
General Liability Insurance	1	LS		\$4,790.00
Contractor's G&A	1	LS		\$9,040.00
SWPPP, Erosion Control Measures (Disturbed Area)	60	Ac	\$670.00	\$40,200.00
Seeding	3	Ac	\$4,248.66	\$12,745.98
Tilling 6" topsoil/scarifying access road and rough grading existing soil	5	Ac	\$12,551.00	\$62,755.00
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Remove and Recycle DC Cables	884,500	LF	\$0.19	\$171,782.17
Backfill AC and DC trenches	642,900	LF	\$0.33	\$214,816.71
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Permits/Reports	1	LS		\$10,000.00
Contaminated Soils Testing	1	LS		\$4,000.00
Reclamation, Monitoring, and Maintenance	1	LS		\$10,000.00
<b>Total:</b>				<b>\$1,284,070.28</b>

**Notes:**

1. A site of similar size was used to derive potential quantities for erosion and sediment control (scaling from 36 MW to 14 MW). Quantities were determined by comparing "unit/MW" quantities directly.
2. Labor productivity and unit rates were derived from RSMeans Online (Heavy Construction, 2024 data).
3. Labor, material, and equipment rates are based on the RSMeans City Cost Index (CCI) for Bakersfield.
4. Equipment rental rates determined from RSMeans and/or local rental facilities.



**EXHIBIT C**

**Sunrise  
Boron  
Panel Trucking Costs**

\$/mo/truck rental	\$	5,000
\$/mo/truck labor (FT+benefits)*	\$	6,000
\$/mo/truck maintenance	\$	750
\$/mo/truck insurance	\$	1,250
<b>Total \$/mo/truck cost</b>	<b>\$</b>	<b>13,000.00</b>

\$/gallon fuel	\$	3.90
miles /gallon		8
Mileage (Boron, CA to Yuma, AZ) roundtrip		300
<b>Total fuel cost per trip</b>	<b>\$</b>	<b>146.25</b>

Capacity in tons per trip		20
total number of panels		30,726
panel weight (tons)		922
Misc. Waste (tons)		20
<b>Total trips</b>		<b>48</b>

Loading/unloading hours per trip		1
road hours per trip		5.0
hours per day		10
days/month		21
trips per month per truck		35.0
<b>Total truck months</b>		<b>2</b>

Subtotal of Truck and Labor Cost	\$	26,000
Fuel Cost	\$	7,020
<b>Total Trucking Cost</b>	<b>\$</b>	<b>33,020</b>

\*Assumes truck labor only works half of the month at standard heavy truck operator rates

**Sunrise  
Boron  
Battery Pack Trucking Costs**

\$/mo/truck rental	\$	5,000
\$/mo/truck labor (FT+benefits)*	\$	6,000
\$/mo/truck maintenance	\$	750
\$/mo/truck insurance	\$	1,250
<b>Total \$/mo/truck cost</b>	<b>\$</b>	<b>13,000.00</b>

\$/gallon fuel	\$	3.90
miles /gallon		8
Mileage (Boron, CA to Yuma, Az) roundtrip		300
<b>Total fuel cost per trip</b>	<b>\$</b>	<b>146.25</b>

Capacity in tons per trip		20
total number of megapacks		4
pack weight (tons)		80
Misc. Waste (tons)		20
<b>Total trips</b>		<b>5</b>

Loading/unloading hours per trip		1
road hours per trip		5.0
hours per day		10
days/month		21
trips per month per truck		35
<b>Total truck months</b>		<b>1</b>

Subtotal of Truck and Labor Cost	\$	13,000
Fuel Cost	\$	731
<b>Total Trucking Cost</b>	<b>\$</b>	<b>13,731</b>

\*Assumes truck labor only works half of the month at standard heavy truck operator rates



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

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



December 3, 2024  
*Sent via email*

Sue O'Strander  
San Bernardino County  
385 N Arrowhead Ave 1<sup>st</sup> Floor  
San Bernardino, CA 93518  
[Sue.Ostrander@lus.sbcounty.gov](mailto:Sue.Ostrander@lus.sbcounty.gov)

**Sunrise Road Solar (Renewable Properties) - PROJ-2023-00169 (Project)**  
**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)**  
**SCH# 2024110048**

Dear Ms. O'Strander:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Bernardino County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

### **CDFW ROLE**

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

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

### **PROJECT DESCRIPTION SUMMARY**

The Project proposes to develop and operate a 14-megawatt capacity photovoltaic solar facility and would occupy approximately 59 acres across two 40-acre parcels. The Project would include solar modules, a battery energy storage system, underground electrical conductors, balance of system equipment, access roads, and fencing. Solar modules would be fully enclosed in metal and glass frames. The frames would be mounted on steel posts made from galvanized or corrosion-resistant metal driven or screwed into the ground between 10 and 15 feet. All equipment skids and pads would be elevated at a minimum of 12 inches above the 100-year flood elevation. The overall height of the solar array would be no more than 15 feet tall. The Project would be interconnected to an electrical distribution system owned by Southern California Edison (SCE) located adjacent to the

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

southern Project Site boundary. The Project would be enclosed in a six-foot-tall chain link fence with one foot of barbed wire on top for a total fence height of 7-feet.

**Proponent:** RPCA Solar 13, LLC

**Objective:** The objective of the Project is to construct and operate a 14-megawatt capacity photovoltaic solar facility and would occupy approximately 59 acres across two 40-acre parcels.

**Location:** The Project is located north of 20 Mule Team Road, west of Old Highway 58 and is bordered by undeveloped land to the north, east, and south in the city of Boron, California, San Bernardino County, 35.001120 latitude, -117.630105 longitude on Assessor's Parcel Numbers (APN) 0498-111-04 and 0498-111-05.

**Timeframe:** Project construction is anticipated to be completed over a period of approximately nine months, beginning as early as September 2025 and ending as early as May 2026.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Bernardino County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### **COMMENT #1: Special-Status Species**

**Section:** MND Section IV, Pages 39-40

**Issue:** CDFW is concerned about the Project's potential impacts to special-status species including desert tortoise (*Gopherus agassizii*), Desert kit fox (*Vulpes macrotis*), Burrowing owl (*Athene cunicularia*), Mohave ground squirrel (*Xerospermophilus mohavensis*), and nesting birds given the Project site contains suitable habitat for these species.

**Specific impact:** Potential take of special-status species and loss of habitat.

**Why impact would occur:** Project implementation could result in direct mortality and/or injury to special-status species through staging of construction equipment, vehicles, and foot traffic and in the loss of nesting and/or foraging habitat from grading, ground disturbance, and vegetation clearing.

**Evidence impact would be significant:** The species above include federal Endangered Species Act (ESA) and California Endangered Species Act (CESA)-listed species.

**Recommended Potentially Feasible Mitigation Measure(s) To reduce impacts to less than significant:** CDFW supports the inclusion of BIO MM-1 and MM BIO-2 with minor revisions in the final MND, as per below to avoid impacts to special-status species (edits are in ~~striketrough~~ and additions are in **bold**):

#### **(MM BIO-1) Biological Resources Mitigation Measure 1**

Prior to the issuance of grading or building permits, and prior to decommissioning, the Project Proponent shall retain a Qualified Biologist, **as approved in writing by CDFW**, who has experience and expertise in desert species to oversee compliance with protection measures for all listed and other special-status species that may be affected by the construction, operation, and decommissioning of the Project **including but not limited to desert tortoise, desert kit fox, burrowing owl, and Mohave ground squirrel**. The contact information for the Qualified Biologist shall be provided in writing to **CDFW** ~~the San Bernardino County Land Use Services Department~~. ~~If State or Federally listed species or other special-status biological resources are identified in the Project Site during protocol and/or preconstruction surveys, then the Qualified Biologist may need to be approved by USEWS and/or CDFW as an authorized biologist for handling listed species.~~ The Qualified Biologist or other Qualified Biological Monitors shall be on the Project Site during initial grading, ground disturbance and vegetation removal activities to monitor construction activity that could directly or indirectly impact special-status biological resources. The

Qualified Biologist shall have the authority to halt all activities that are in violation of the special-status species protection measures. Work shall proceed only after potential hazards to special-status species are removed and the species is no longer at risk. The Qualified Biologist shall have in her/his possession a copy of all the compliance measures while work is being conducted on the Project Site. A report of biological monitoring activities and Project compliance shall be prepared at the end of the construction period and submitted to the County **and CDFW** for documentation.

### **(MM BIO-2) Biological Resources Mitigation Measure 2**

Prior to any activity on-site and for the duration of construction activities, all personnel at the Project Site (including laydown areas and/or transmission routes) shall attend a Worker Education Awareness Program (WEAP) developed and presented by the Qualified Biologist. New personnel shall receive WEAP training on the first day of work and prior to commencing work on the site. Any employee responsible for the operation and maintenance (O&M) of the Project facilities shall also attend WEAP training.

A discussion of the biology and general behavior of any sensitive species which may be in the area, **including but not limited to desert tortoise, desert kit fox, burrowing owl, and Mohave ground squirrel**, how they may be encountered within the work area, and procedures to follow when they are encountered shall be included in the training. Special-status species, including legal protection, penalties for violations, and Project-specific protective measures shall also be discussed. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to on-site Project activity. Copies of the training shall be maintained at the worksite with the construction supervisor, and a handout containing this information shall be distributed for workers to carry on-site. Upon completion of the program, employees shall sign an attendance log stating they attended the program and understand all protective measures. A sticker shall be placed on hard hats indicating that the worker has completed the WEAP training. Construction workers shall not be permitted to operate equipment within the construction areas unless they have attended the WEAP training and are wearing hard hats with the required sticker. A copy of the training transcript and/or training video, as well as a list of the names of all personnel who attended the WEAP training and copies of the signed acknowledgement forms, shall be submitted to the San Bernardino County Planning and Community Development Department upon the County's request.

### **COMMENT #2: Desert Tortoise (*Gopherus agassizii*)**

**Section:** MND section IV, Pages 41-42

**Issue:** The Project site lies within range of and contains suitable habitat for Desert Tortoise, a CESA-threatened species (candidate endangered species).

**Specific impact:** Project activities may result in degradation and permanent loss of desert tortoise habitat and may also result in direct mortality and/or injury to desert tortoise onsite.

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

**Evidence impact would be significant:** Desert tortoise was recently uplisted from a threatened to endangered species under CESA. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Consequently, if a Project, including Project construction or any Project-related activity during the life of the Project results in take of CESA-listed species, CDFW recommends that the Project proponent seek appropriate authorization *prior* to Project implementation. This may include an incidental take permit (ITP) or a consistency determination (Fish and Game Code, §§ 2080.1 & 2081).

Further, desert tortoise is continuously impacted by ongoing loss, degradation, and fragmentation of habitat. Desert tortoise populations have declined significantly in recent decades as a result of human activities in their native habitat including land development, off-road vehicle use, overgrazing, agricultural development, military activities, predation, and the spread of invasive plant species (USFWS 2011). The desert tortoise population in the western Mojave Desert has declined by 90% since the 1980s. Desert tortoises can take up to 20 years to reach sexual maturity, which limits their ability to recover from even small losses in population numbers (USFWS 2011).

**Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant:** CDFW appreciates that a focused desert tortoise survey was conducted on October 12, 2023, following the US Fish and Wildlife Service's protocols and the inclusion of MM BIO-4 and MM BIO-5 in the IS/MND. Given that the Project site supports suitable desert tortoise habitat, CDFW strongly encourages the Project proponent to apply for an ITP if full avoidance is not feasible. As such, CDFW offers the following revisions to MM BIO-4 and MM BIO-5 to avoid impacts to desert tortoise (edits are in ~~strikethrough~~ and additions are in **bold**):

#### **(MM BIO-4) Biological Resources Mitigation Measure 4**

A pre-construction desert tortoise presence/absence survey shall be conducted by a **CDFW-approved** Qualified Biologist **within the Project area and 500-foot buffer of suitable habitat**, no more than ~~30 days in advance of Project development~~ **48-hours prior to Project activities and after any pause in Project activities lasting 30 days or more** in accordance with USFWS ~~survey protocols~~ **2009 desert tortoise survey methodology**. **The survey shall have 100-percent visual coverage for desert tortoise and their sign. Preconstruction surveys cannot be combined with other surveys conducted for other species while using the same personnel.** A discussion of survey results, including negative findings, shall be provided to the County upon completion of the survey. **Results of the survey shall be submitted to CDFW prior to start of Project activities.** ~~If desert tortoise are not documented during the survey, no additional measures related to desert tortoise avoidance and minimization are recommended.~~ **If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area.** If desert tortoise are documented inhabiting the Project Site during presence/absence surveys **individuals will be allowed to leave on their own and MM BIO-5 shall be implemented.**

#### **(MM BIO-5) Biological Resources Mitigation Measure 5**

~~Implementation of any measures that would result in the "take" of desert tortoise cannot be undertaken without formal authorization from CDFW and USFWS.~~ If pre-construction desert tortoise surveys (MM BIO-4) document that the species is inhabiting the Project Site **confirm presence**, the Project Proponent shall develop **and submit to CDFW for review and approval a desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of desert tortoises.** **If complete avoidance cannot be achieved, the Project proponent shall not undertake Project activities and Project activities shall be postponed until the appropriate authorization (i.e., California Endangered Species Act (CESA) incidental take permit under the Fish and Game Code section 2081) is obtained.** In addition, in consultation with USFW and CDFW the project proponent shall install **exclusionary fencing following the specifications found in Chapter 8 Desert Tortoise Exclusion Fence of the Desert Tortoise (Mojave Population) Field Manual (USFWS).** ~~for desert tortoise translocation and monitoring prior to Project construction in accordance with USFWS guidelines. The plan shall provide the framework for implementing, but not limited to, the following measures, or similar measures deemed sufficient and approved during agency consultation (Note: any desert tortoise translocation plan must be reviewed and approved by CDFW and USFWS):~~

- ~~• If a tortoise-proof exclusion fence is practicable, a fence shall be installed around all non-linear construction areas prior to the initiation of ground disturbing activities, in coordination with a Qualified Biologist. The fence shall be constructed of 0.5-inch mesh hardware cloth and extend 18 inches above ground and 12 inches below ground. Where burial of the fence is not possible,~~

~~the lower 12 inches shall be folded outward against the ground and fastened to the ground to prevent desert tortoise entry. The fence shall be supported sufficiently to maintain its integrity, be checked at least monthly during construction and operations, and maintained when necessary by the Project proponent to ensure its integrity. Provisions shall be made for closing off the fence at the point of vehicle entry. Common raven (*Corvus corax*) perching deterrents shall be installed as part of the fence construction.~~

- ~~• After fence installation, a Qualified Biologist shall conduct a clearance survey in accordance with USFWS protocols for desert tortoise within the fenced construction site. A Qualified Biologist shall have the appropriate education and experience to accomplish biological monitoring and mitigation tasks and be approved by the CDFW and the USFWS. Two surveys, with transects spaced at 5 meters, without finding any tortoises or new tortoise sign shall occur prior to declaring the site clear of tortoises.~~
- ~~• All burrows that could provide shelter for a desert tortoise shall be hand-excavated prior to ground-disturbing activities.~~
- ~~• A Qualified Biologist shall remain on-site until all vegetation is cleared and, at a minimum, conduct site and fence inspections on a regular basis throughout construction in order to facilitate Project compliance with mitigation measures.~~
- ~~• A Qualified Biologist shall remain on-call throughout fencing and grading activities in the event a desert tortoise enters the Project Site.~~
- ~~• Compensatory habitat mitigation shall be secured in the form of a conservation easement or purchase of mitigation bank credits to compensate for the loss of occupied desert tortoise habitat at a minimum ratio of 1:1, with habitat of equal or greater value.~~

### **COMMENT #3: Desert kit fox (*Vulpes macrotis*)**

**Section:** MND Section IV, Page 42

**Issue:** The Project occurs within the range of desert kit fox (*Vulpes macrotis*), a protected species pursuant to Title 14 of the California Code of Regulations Section 460.

**Specific impact:** Project activities may result in degradation and permanent loss of desert kit fox habitat and may also result in direct mortality and/or injury to desert kit fox onsite.

**Why impact would occur:** The staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in direct mortality and/or injury.

**Evidence impact would be significant:** The desert kit fox is a species of special concern (SSC) and is protected from take by CDFW Code 14 CCR section 460. CEQA provides protection not only for CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. Desert kit fox is a SSC that meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380).

**Recommended potentially feasible mitigation measure(s) to reduce impacts to less than significant:** CDFW recommends the inclusion of the following revisions to MM BIO-6 and the addition of MM BIO-7 to avoid impacts to desert kit fox (edits are in ~~strikethrough~~ and additions are in **bold**):

#### **(MM BIO-6) Biological Resources Mitigation Measure 6**

Pre-construction surveys shall be conducted by a Qualified Biologist for the presence of desert kit fox **as per MM BIO-7**, American badger, and burrowing owl **as per MM BIO-9** prior to commencement of construction activities. ~~This survey shall be conducted no more than 30 days prior to ground-disturbing activities. Surveys shall conform to CDFW guidelines for burrowing owl and to industry standards for desert kit fox and American badger. A report of all pre-construction survey efforts shall be submitted to the County within 30 days of completion of the survey effort to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the survey(s) and monitoring. The report shall also include, if applicable, observations of the species or~~



~~potential dens/burrows, the UTM coordinates and habitat descriptions, and a description of any passive relocation, if applicable. Biological monitoring and WEAP training as described in MM BIO-2, respectively, shall include these species. If desert kit fox, American badger, and/or burrowing owl observations are not documented during the survey(s) or biological monitoring activities, no additional measures related the avoidance and minimization of the absent species are recommended.~~

#### **(MM BIO-7) Biological Resources Mitigation Measure 7**

**No more than forty-five (45) days and no less than thirty (30) days prior to the beginning of surface disturbance, the Designated Biologist shall conduct a pre-Project survey to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence or absence of desert kit fox individuals, dens, and sign. Permittee shall provide the results of the survey to CDFW prior to start of Project activities.**

**If potential dens are located, they shall be monitored by the Designated Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Permittee shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results.**

**Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Permittee shall submit a monitoring and relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may take place when juveniles may be present and dependent on parental care.**

**Burrows that have been confirmed inactive within the Project site, that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during Project activities and removed when construction is complete. The Designated Biologist shall periodically check that the inactive burrows remain blocked and are not reoccupied.**

~~Two potential mitigation scenarios are applicable to mitigate potential impacts to the desert kit fox:~~

~~1) If potential desert kit fox dens are observed and avoidance is feasible, a non-disturbance buffer shall be established, demarcated using brightly colored flagging, and fenced-off prior to construction activity start and to be confirmed by the Qualified Biologist. The buffer may only be reduced at the discretion of a Qualified Biologist and the removal of the buffer shall only occur if a Qualified Biologist determines the potential den is inactive. Typical buffer distances for desert kit fox are:~~

- ~~• Desert kit fox potential den: 50 ft~~
- ~~• Desert kit fox active den: 100 ft~~
- ~~• Desert kit fox natal den: 500 ft~~

~~2) If avoidance of the potential desert kit fox dens is not feasible, the following measures are recommended to minimize potential adverse effects to the desert kit fox:~~

- ~~• If a Qualified Biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent desert kit foxes from re-using them during construction.~~

- ~~• If a Qualified Biologist determines that potential dens may be active, an on-site passive relocation program shall be implemented. This program shall only be implemented during the non-breeding season (September 1 through February 1) and consist of passive eviction of desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances, monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After a Qualified Biologist determines that desert kit foxes have stopped using active dens within the Project Site, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction. Only non-natal dens shall be passively excluded, disturbance to natal~~

~~dens shall be avoided until they are no longer active. If a natal den cannot be avoided by the Project, consultation with the CDFW shall be necessary.~~

**COMMENT #4: Burrowing Owl (*Athene cunicularia*)**

**Section:** MND Section IV, Pages 44-45

**Issue:** The Project site contains suitable habitat for burrowing owl, a CESA-listed candidate species.

**Specific impact:** Project activities may result in degradation and permanent loss of burrowing owl habitat and may also result in direct mortality and/or injury to burrowing owl onsite.

**Why impact would occur:** Burrowing owls are well-adapted to open, relatively flat expanses and vacant lots and prefer habitats with generally short sparse vegetation with few shrubs such as those occurring onsite. While the Biological Resource Assessment states that "Burrowing owl or sign thereof was not observed on site during the numerous focused biological surveys conducted by Rincon between fall 2023 and spring 2024" and goes on to state that "If present during this time frame, the species would have been detected" it is important to note that per the 2012 BUOW Staff Report, "Burrowing owls are more detectable during the breeding season with detection probabilities being highest during the nestling stage" with the peak of the breeding season being between April 15<sup>th</sup> and July 15<sup>th</sup>. CDFW would like to note that absent a focused survey for the species following a CDFW-approved guideline, or similar approach, burrowing owls and burrows may go undetected, and ground disturbance, site preparation, and grading could destroy habitat and result in take of burrowing owl.

**Evidence impact would be significant:** Habitat loss is a threat to burrowing owls (CDFG, 2012). Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004). As a candidate species, Western Burrowing Owl is granted full protection of a threatened species under CESA. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated.

**Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant:** CDFW appreciates the inclusion of MM BIO-12 in the IS/MND and offers the following revisions to avoid impacts to BUOW (edits are in ~~strike through~~ and additions are in **bold**):

**(MM BIO-9-9.4) Biological Resources Mitigation Measures 9-9.4**

**(MM-BIO-9) If complete avoidance cannot be achieved an Incidental Take Permit (ITP) for Burrowing owl shall be obtained prior to initiation of ground disturbing activities. The Project proponent shall adhere to measures and conditions set forth within the ITP. Compensatory mitigation for direct impacts to 59 acres shall be fulfilled through conservation of suitable Burrowing owl habitat.**

**{MM-BIO-9.1) At least 45 days prior to construction the Qualified Biologist shall conduct a survey of the project site to determine if burrowing owls are present. If present the Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall include 1) impact assessment that details the number and location of occupied burrow sites, and acres of burrowing owl habitat; 2) if avoidance of impacts is proposed, details on**

avoidance actions and monitoring such as proposed buffers, visual barriers and other actions; 3) site monitoring to be conducted prior to, during, and after any exclusion of burrowing owls from their burrows sufficient to ensure take is avoided, daily monitoring with cameras and direct observation for one week to confirm young of the year have fledged if the exclusion will occur immediately after the end of the breeding season, and process to document any excluded burrowing owls use of artificial or natural burrows on an adjoining mitigation site (if able to confirm by band resight), 4) details of mitigation for impacts to occupied burrows and habitat. The proposed implementation of burrow exclusion and closure should only be considered as a last resort. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW review and approval.

~~Two potential mitigation scenarios are applicable to mitigate potential impacts to the burrowing owl:~~

~~(MM-BIO-9.2)1) If burrowing owl are detected on-site, a non-disturbance buffer following the 2012 Staff Report shall be established **around all burrowing owl burrows such as roosting and satellite burrows within the Project area with an appropriate buffer surrounding the project area determined by a Qualified Biologist. The buffer shall be established, restricting all ground-disturbing activities, such as vegetation clearance or grading, from occurring within the buffer. The buffer should be demarcated using brightly colored flagging and the buffer may only be reduced at the discretion of a Qualified Biologist. The Qualified Biologist shall delineate burrows with different materials than those used to delineate the Project area. Project proponent shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.**~~

~~Removal of the buffer shall only occur if a Qualified Biologist determines burrowing owl are not present in the Project Site and any potential burrows are inactive. Typical avoidance buffer distances for burrowing owl range from 100 meters (330 ft) to 250 meters (825 ft) depending on Project activity, line of sight, and local topography during the breeding season (February 1 to August 31). During the non-breeding (winter) season (September 1 to January 31), typical avoidance buffers range from 50 meters (165 ft) to 100 meters (330 ft) from the burrow. Depending on the level of disturbance, a smaller buffer may be established as determined by the Qualified Biologist based on the factors listed above and potential use of sound and visual barriers such as hay bales.~~

~~2) If burrowing owl burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31), where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a Qualified Biologist shall implement a passive relocation program consistent with Appendix E1 (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012).~~

**(MM-BIO-9.3) To ensure that the Project avoids impacts to burrowing owl, a qualified biologist shall complete a take avoidance survey no less than 14 days prior to initiating ground disturbance activities using the recommended methods described in the 2012 Staff Report. Burrowing owls may re-colonize a site after only a few days. Time lapses or a break in construction activities of 3 days will trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.**

**(MM-BIO-9.4) During take avoidance surveys the Project proponent shall have a Designated Biologist(s), pre-approved by CDFW, inspect all burrows that exhibit typical characteristics of owl activity prior to any site-preparation activities. Evidence of owl activity may include presence of owls themselves, burrows, and owl sign at burrow entrances such as pellets, whitewash or other "ornamentation,"**

**feathers, prey remains, etc. If it is evident that the burrows are actively being used, the Project proponent shall follow the guidelines in the CDFW approved Burrowing Owl Plan. If no Plan has been approved the Project proponent shall not commence activities until owls have been confirmed absent and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved.**

~~A habitat mitigation plan shall be developed in coordination with the County and CDFW for loss of active burrowing owl burrow sites if implementation of a passive relocation plan is necessary and/or burrowing owl are documented to nest on-site or within 500 feet of the Project Site. This would be based upon the portion of the Project that overlaps with the owl(s) primary foraging area around the burrow site (approximately 500 foot buffer) to be replaced a minimum 1:1 ratio.~~

#### **COMMENT #5: Nesting Birds**

**Section:** MND Section IV, Page 45

**Issue:** The Project may have impacts on nesting birds, including CESA-listed birds, SSC, and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

**Specific impact:** Project activities may result in degradation and permanent loss of nesting bird habitat and may also result in direct mortality and/or injury to nesting birds onsite.

**Why impact would occur:** Direct take may result from vehicle and equipment strike and from predators attracted to the construction site. Indirect take may result from displacement, reduction of habitat and habitat quality associated with road infrastructure, and from impacted foraging and nesting habitat. Additionally, please note that construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use, generators, and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success.

**Evidence impact would be significant:** Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

**Recommended potentially feasible mitigation measure(s):** Within the IS/MND, MM-BIO-10 limits nesting bird surveys to only occur within nesting bird season. CDFW would like to note that regardless the time of year, a pre-construction clearance survey should be conducted to avoid potential impacts to nesting birds, as described above. CDFW therefore offers the following revisions to MM-BIO-10 to avoid impacts to nesting birds (edits are in ~~strikethrough~~ and additions are in **bold**):

#### **(MM BIO-10) Biological Resources Mitigation Measure 10**

**Regardless of the time of year, If construction is scheduled to commence during the non-breeding season (September 1 to January 31), no pre-construction surveys or additional measures with regard to nesting birds and other raptors are required. To avoid impacts to nesting birds in the Project Site, a Qualified Biologist shall conduct pre-construction surveys of all potential nesting habitat within the Project Site ~~hat are initiated during the breeding season (February 1 to August 31).~~ The raptor survey shall focus on potential nest sites (i.e., utility poles and trees) within a 250-foot buffer around the Project Site. These surveys shall be conducted no more than 14 days prior to ground-disturbing activities without prior agency approval. The Qualified Biologist must be able to determine the status**

and stage of nesting migratory birds and all locally breeding raptor species without causing intrusive disturbance.

If active nests are found **within the Project area or within 500 feet of the Project area, the nest shall be flagged and mapped on the construction plans and** a suitable buffer as determined by the Qualified Biologist (~~e.g., 200-300 feet for common raptors; 30-50 feet for passerines, 0.5 mile for golden eagle~~) **based on the species' sensitivity to disturbance** shall be established around active nests, and no construction within the buffer shall be allowed until a Qualified Biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). Buffers may be reduced at the discretion of a Qualified Biologist based on Project activity, line of sight, tolerance of individuals, and stage of the nest. **The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximity to an active nest buffer. The buffer shall remain in place until determined by the qualified biologist that the nestlings have fledged, and the nest is no longer active. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.**

#### **COMMENT #6: Western Joshua Tree (*Yucca brevifolia*)**

**Section:** MND section IV, Pages 45-46

**Issue:** The Project contains 150 Western Joshua Tree (WJT) onsite, a candidate species pursuant CESA.

**Specific impact:** Loss of 150 WJT onsite and loss of WJT habitat.

**Why impact would occur:** Incidental take of WJT individuals in the form of mortality ("kill") may occur as a result of removing mature and emergent individuals; relocating individuals; eliminating and modifying habitat; removing seedbank and crushing an/or burying living seeds in the soil, rendering living seeds inviable and/or causing them to be killed.

**Evidence impact would be significant:** The Project as described will result in direct take of WJT and parts thereof and would result in the loss of the habitats on which they depend on. WJT is a candidate threatened species under CESA. Under CESA, species classified as a candidate species are afforded the same protection as CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill". Grading, ground disturbance, vegetation clearing, staging of construction equipment, vehicles, and foot traffic may result in the permanent loss of WJT on Project site and may result in the disruption to the WJT seedbank.

**Recommended potentially feasible mitigation measure to reduce impacts to less than significant:** CDFW appreciates the inclusion of MM BIO-11 in the IS/MND. CDFW would like to include the option of obtaining an ITP either through the Western Joshua Tree Conservation Act (WJTCA) or through CESA. Further, an additional WJT census survey may be needed for the ITP application. As such, CDFW offers the following revisions to MM-BIO-11 (edits are in ~~strike through~~ and additions are in **bold**):

#### **(MM BIO-11) Biological Resources Mitigation Measure 11**

**The Project shall obtain an Incidental Take Permit (ITP) for impacts to western Joshua tree (*Yucca brevifolia*) through compliance with the Western Joshua Tree Conservation Act (Fish and Game Code §§ 1927-1927.12) and adhere to the Western Joshua Tree Relocation Guidelines and Protocols if determined necessary by CDFW, or through the California Endangered Species Act (Fish and Game Code, §§ 2080- 2085).**

~~CDFW requires mitigation fees based on the number of individual WJT taken and their defined classes. CDFW details mitigation as described in their interactive Mitigation Map Fee Area (CDFW 2024), which designates areas that fall within a reduce fee area or~~

~~standard fee area. Because the Project is located within the reduced mitigation fee map area, it is subject to the following mitigation fees per tree:~~

- ~~• Size Class A (Trees less than 1 meter in height) – \$150.00 per tree~~
- ~~• Size Class B (Trees one 1 meter or greater but less than 5 meters in height) – \$200.00 per tree~~
- ~~• Size Class C (Trees 5 meters or greater in height) – \$1,000.00 per tree~~

~~Based on the WJTs surveyed and the mitigation fees per tree above, the Project Proponent shall pay a mitigation fee of \$60,350 for the removal of 150 WJT. A breakdown of costs per tree is provided in Table 6: Western Joshua Tree Removal Mitigation Fees.~~

~~Table 6: Western Joshua Tree Removal Mitigation Fees~~

<del>Size Class</del>	<del>Number of WJT</del>	<del>Mitigation Fee</del>	<del>Removals</del>	<del>Cost</del>
<del>A</del>	<del>33</del>	<del>\$150</del>	<del>33</del>	<del>\$4,950</del>
<del>B</del>	<del>77</del>	<del>\$200</del>	<del>77</del>	<del>\$15,400</del>
<del>C</del>	<del>40</del>	<del>\$1,000</del>	<del>40</del>	<del>\$40,000</del>
<del>Total</del>	<del>150</del>	<del>--</del>	<del>150</del>	<del>\$60,350</del>

**COMMENT #7: Mohave ground squirrel (*Xerospermophilus mohavensis*)**

**Section:** MND section IV, Pages 37-38

**Issue:** The Project Site contains suitable habitat for and lies within the yearlong range for Mohave ground squirrel (MGS), a CESA-listed species.

**Specific Impact:** Project activities may result in degradation and permanent loss of MGS habitat and may also result in direct mortality and/or injury to MGS onsite.

**Why impact would occur:** Staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in direct mortality and/or injury to MGS. Grading, ground disturbance, and vegetation clearing may result in the permanent loss of MGS habitat.

**Evidence impact would be significant:** Consistent with CEQA Guidelines, Section 15380, the status of the MGS as a threatened species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA.

**Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant:** As stated in the MND, the Project site contains suitable habitat for MGS and also lies within known yearlong range for the species. As such, CDFW appreciates that protocol-level surveys were conducted for MGS, however, surveys did not include an extra day of trapping as per protocol, to compensate for trapping days cut short due to high temperatures. Additionally, since negative survey results are only valid until the start of the next survey season (March of the subsequent year), the current survey results will be invalid upon the commencement of Project activities, which are expected to begin at the earliest, September of 2025. CDFW therefore strongly recommends the inclusion of MM BIO-12 as per below, to avoid impacts to MGS.

**(MM BIO-12) Biological Resources Mitigation Measure 12**

**Prior to the initiation of ground disturbing activities, focused pre-construction clearance surveys throughout the Project site for Mohave ground squirrel will be conducted by a qualified biologist familiar with the species' behavior and life history. Focused Mohave ground squirrel surveys shall follow the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys will be conducted prior to ground disturbing activities commencing between March 15 and April 15, visual surveys shall be conducted on the Project site during daylight hours but a qualified biologist who can readily identify Mohave ground squirrel (*Xerospermophilus mohavensis*) and White-tailed antelope squirrel (*Ammospermophilus leucurus*). If the results of the survey confirm**

**absence, then the Qualified Biologist shall ensure Mohave ground squirrels do not enter the Project site. If the survey or monitoring throughout the duration of the Project confirms presence, the Project proponent shall obtain a CESA Incidental Take Permit (ITP) for Mohave ground squirrel. The ITP will specify avoidance, minimization, and mitigation conditions for temporary and/or permanent impacts to Mohave ground squirrel.**

**COMMENT #8: Lake and Streambed Alteration Agreement**

**Section:** MND section IV, Page 34

**Issue:** The MND does not include but should include a jurisdictional delineation of all ephemeral stream features potentially subject to notification for Lake and Streambed Alteration Agreement pursuant Fish and Game Code section 1602. Development facilitated by the Project could impact stream resources subject to notification pursuant to Fish and Game Code section 1602.

**Specific impact:** Project activities, including grading, solar panel installation, vehicle and equipment staging, and site access could divert or obstruct stream flows, substantially alter the bed, bank, or channel of a stream, use or deposit materials subject to notification pursuant to Fish and Game Code section 1602. Absent notification, the Project could result in impacts to stream resources that should otherwise be avoided, minimized, or addressed in an agreement with CDFW.

**Why impact would occur:** Project implementation will result in physical changes to the landscape (e.g., grading) and could physically alter lake or streambed resources.

**Evidence impact would be significant:** California places great value on streams and the resources they provide. CDFW has authority over activities in rivers, streams and lakes that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake (Fish and Game Code section 1602). For any such activities, the Project Applicant should provide written notification of Lake and Streambed Alteration to CDFW and obtain a Lake and Streambed Alteration Agreement pursuant to Fish and Game Code section 1602.

CDFW considers the fill and permanent conversion of natural ephemeral streams to impervious surfaces a significant impact to stream resources. The conversion of a natural ephemeral stream systems to impervious managed systems results in direct, permanent impacts to the physical form and function of natural stream systems and the habitats they support, increases water flow velocity, increases erosive processes downstream, removes habitat and wildlife corridors, and prohibits groundwater infiltration. Indirect effects associated with streambed conversion include increased habitat fragmentation, increased developmental encroachment on natural stream systems, and increased maintenance activities.

**Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant:**

CDFW recommends the MND include a jurisdictional delineation to identify stream resources subject to Fish and Game Code section 1602. Should the Project be unable to avoid impacts to stream resources, the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires any entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow similar to those referenced above.

**ENVIRONMENTAL DATA**

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

## ENVIRONMENTAL DOCUMENT FILING FEES


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

## CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the County of San Bernardino in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Corina Jimenez, Environmental Scientist at [Corina.Jimenez@wildlife.ca.gov](mailto:Corina.Jimenez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
4D759253408941E...

Brandy Wood  
Environmental Program Manager

ec: Office of Planning and Research, State Clearing House, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

## ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

## REFERENCES

California Department of Fish and Game (CDFG). 2010. Mohave Ground Squirrel Survey Guidelines. Available for download at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

County of San Bernardino. November 2024. Initial Study/Mitigated Negative Declaration Environmental Checklist Form Sunrise Solar.

Kleinfelder. October, 2024. Biological Assessment for Sunrise Solar Project.

U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.

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



**David Mack**

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**From:** Kathleen Legum <ktlegum@yahoo.com>  
**Sent:** Tuesday, May 28, 2024 1:11 PM  
**To:** David Mack  
**Subject:** Project-2023-00169 - Assessor Parcel No: 0498-111-04 & 0498-111-05

Dear Mr. Mack,

I received a Project Notice from San Bernardino County regarding an Application from Renewable Properties LLC to develop a commercial solar photovoltaic energy facility.

Project Number:-2023-00169  
Assessor Parcel Number: 0498-111-04 & 0498-111-05  
Location: North of 20 Mule Team Road, East of unincorporated Boron Kramer Junction/Supervisorial  
Community: District 1  
Zoning: Resource Conservation

My family owns Parcel Number 0498-261-50-0-000. If this development is approved how will it impact the parcels surrounding the proposed request for the development of this solar farm?

Thank you for your assistance in this matter.

Kathleen Taylor Legum, TTE  
Taylor Family Trust

Sent from my iPad