



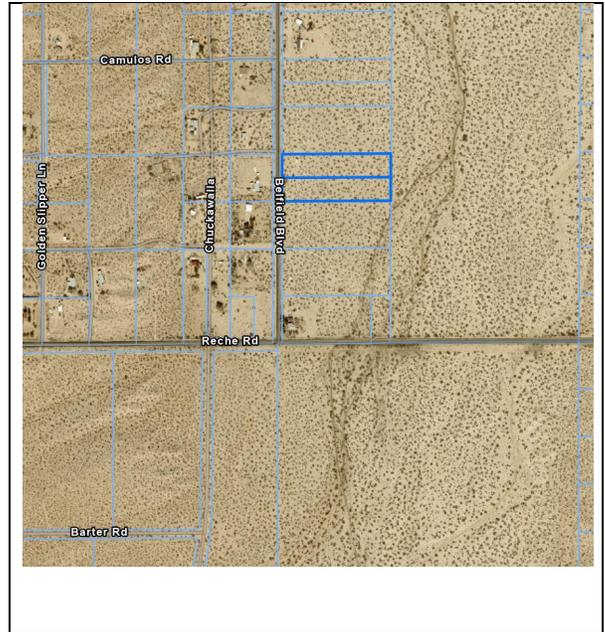
LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: March 5, 2026

AGENDA ITEM 3

Project Description

APN: 0630-031-05 and 06
Applicant: Belfield Development LLC / Sam Friedman
Community: Landers
Location: East side of Belfield Boulevard, approximately 900 feet north of Reche Road
Project No: PROJ-2023-00146
Staff: Oliver Mujica
Rep: West of West / Jonathan Rieke
Proposal: Conditional Use Permit for the construction and operation of a commercial plaza consisting of a 35-unit hotel, 3,300 square foot restaurant, 850 square foot food market, 3,300 square foot lodge, 2,200 square foot health club, 1,400 square foot outdoor pool, 1,000 square foot laundry/engineering room, 3,600 square foot shade structure to serve as an outdoor pavilion, and 106 covered parking spaces on a 5.7 acre site.



6 Public Hearing Notices Sent on: February 20, 2026

Report Prepared By: Oliver Mujica, Contract Planner III

SITE INFORMATION:

Parcel Size: 5.7 acres
 Vegetation: Scattered desert landscaping

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING

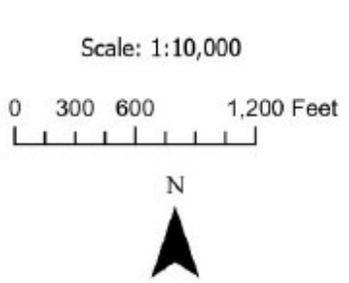
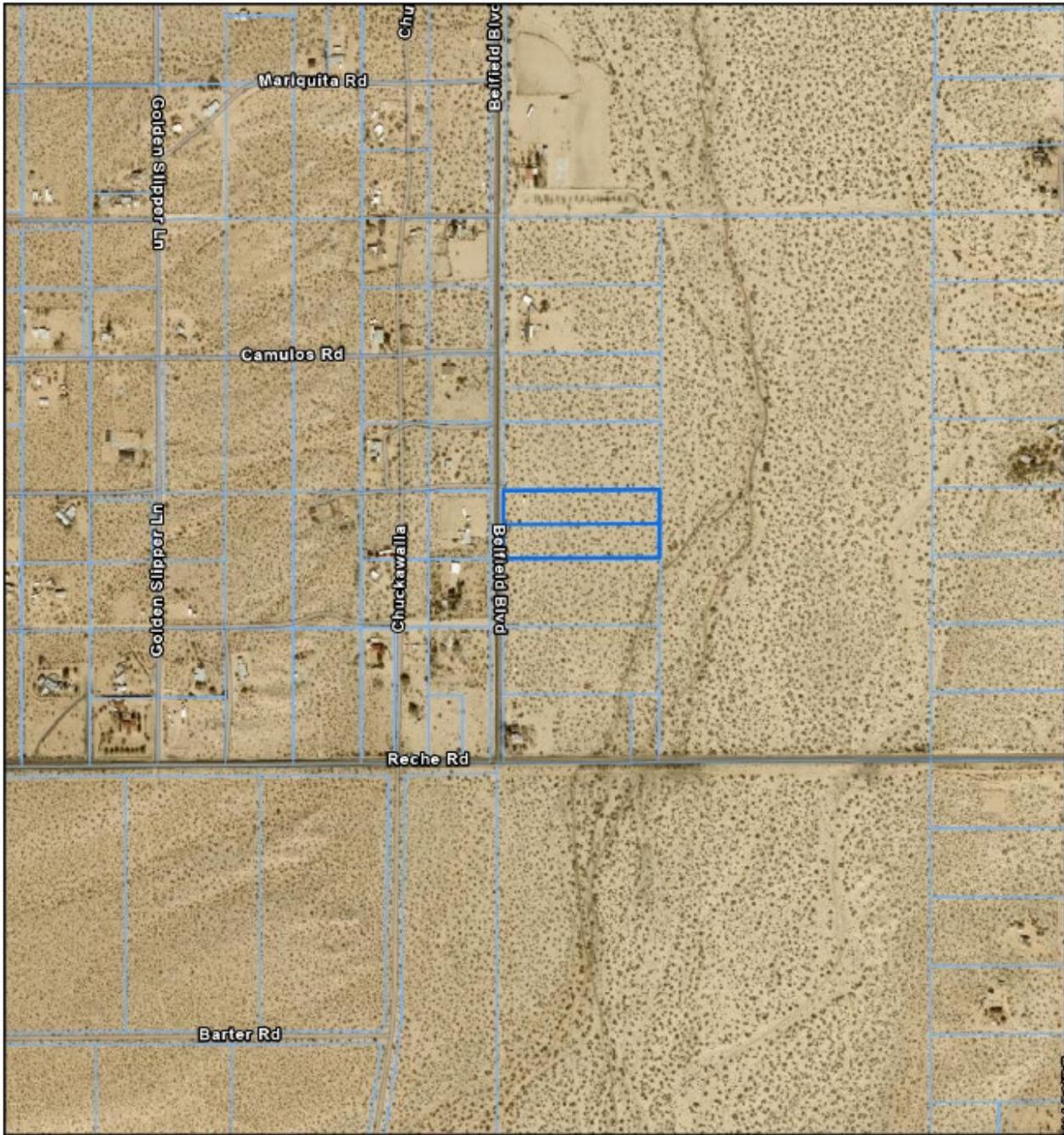
AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
SITE	Vacant	Commercial (C)	Rural Commercial (CR)
North	Vacant	Commercial (C)	Rural Commercial (CR)
South	Vacant	Commercial (C)	Rural Commercial (CR)
East	Vacant	Rural Living (RL)	Rural Living (RL)
West	Vacant	Rural Living (RL)	Rural Living (RL)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Bighorn Desert View Water Agency	Private
Sewer Service:	Environmental Health Services	Private

STAFF RECOMMENDATION: That the Planning Commission: **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; **ADOPT** the Findings in support of the Conditional Use Permit; **APPROVE** the Conditional Use Permit for the construction and operation of a commercial plaza consisting of a 35-unit hotel, 3,300 square foot restaurant, 850 square foot food market, 3,300 square foot lodge, 2,200 square foot health club, 1,400 square foot outdoor pool, 1,000 square foot laundry/engineering room, 3,600 square foot shade structure to serve as an outdoor pavilion, and 106 covered parking spaces on a 5.7 acre site, subject to the Conditions of Approval; and **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with CEQA.¹

¹ In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors before its effective date.

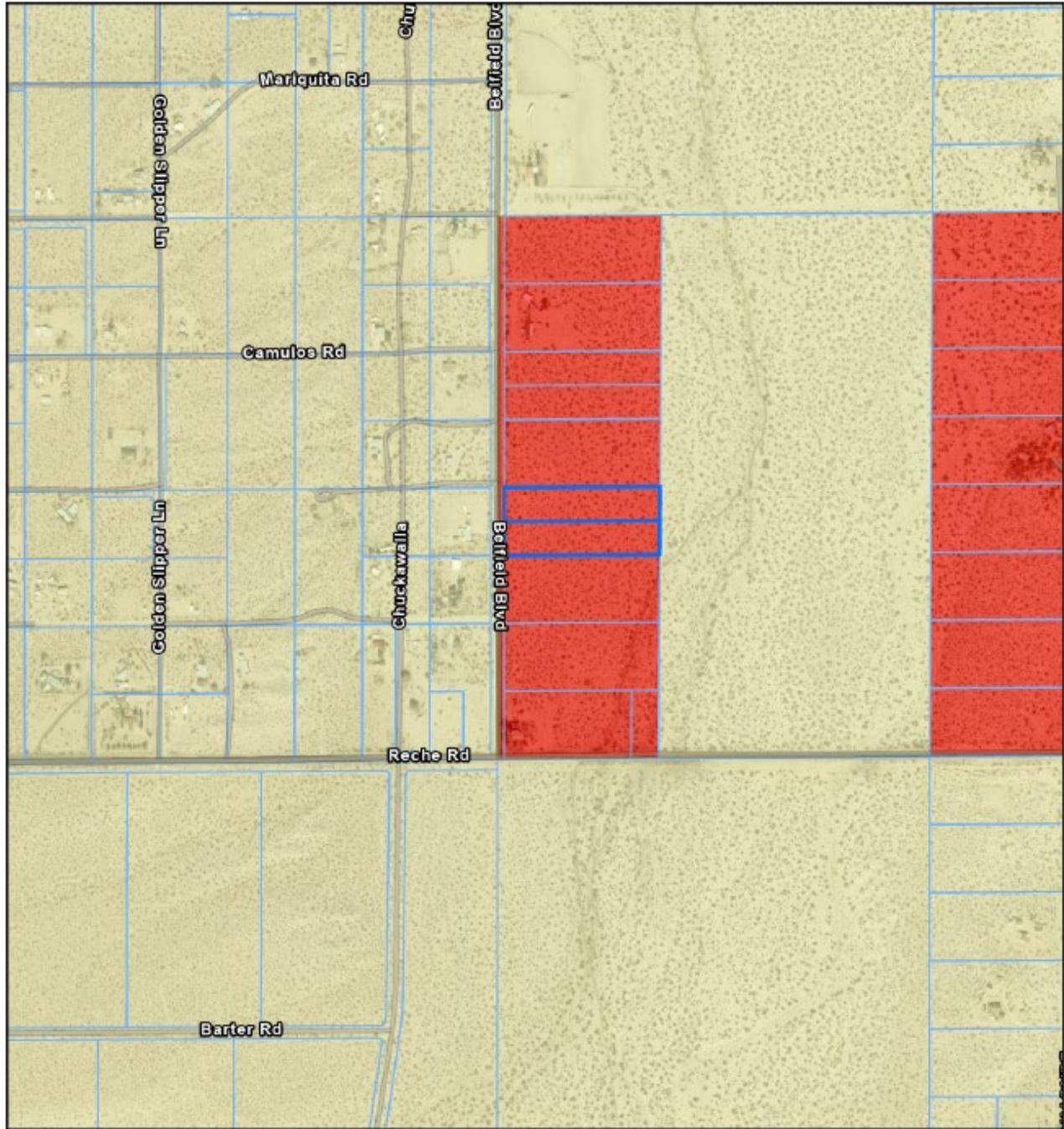
FIGURE 1 – VICINITY MAP



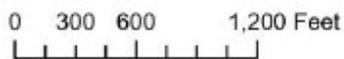
Vicinity Aerial Map
APN: 063003105, 06

- APN: 063003105, 06
- Parcels

FIGURE 2 – LAND USE CATEGORY MAP



Scale: 1:10,000

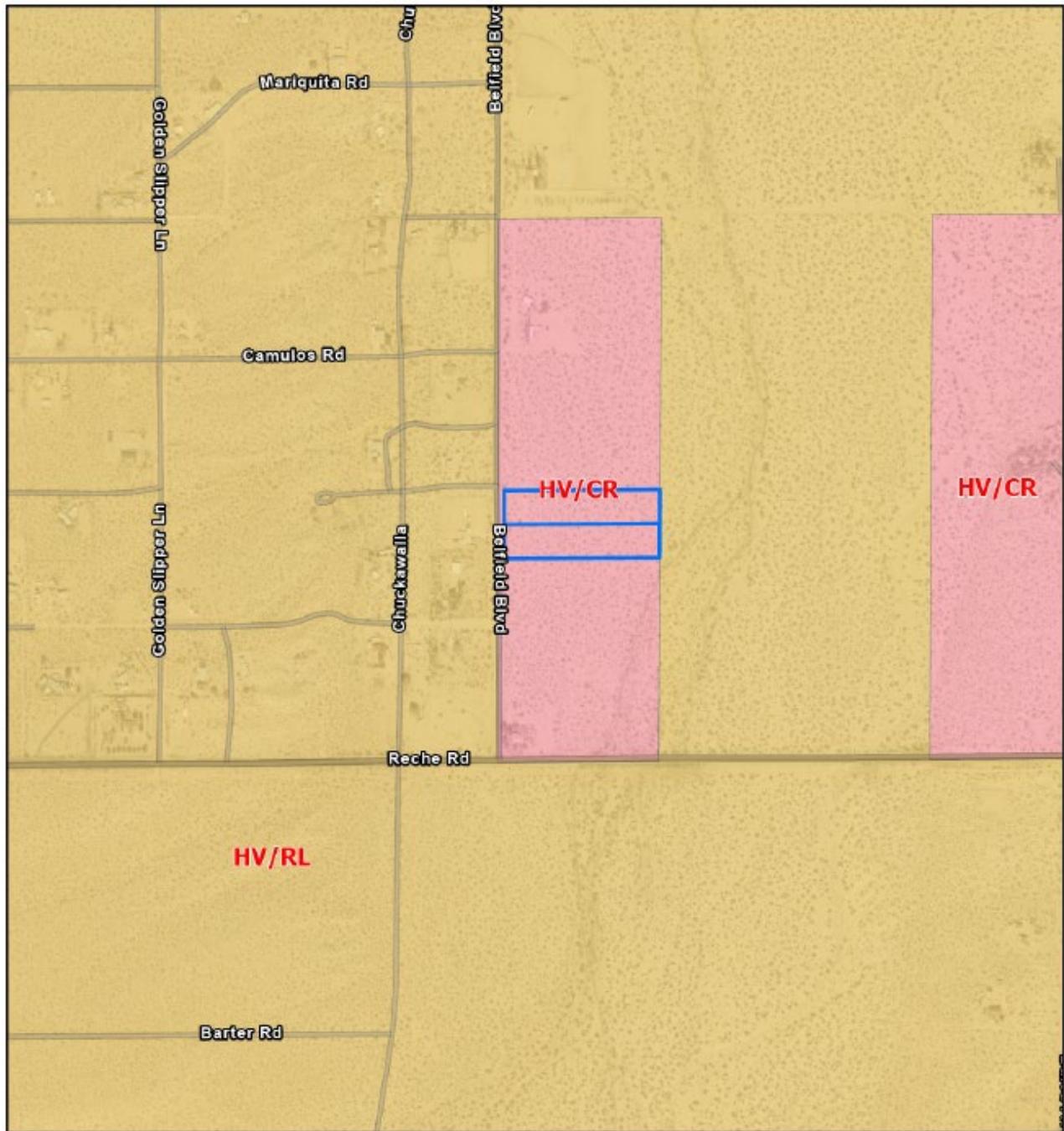


Land Use Categories

APN: 063003105, 06

-  APN: 063003105, 06
-  Parcels
-  C: Commercial
-  RL: Rural Living 1 du/
2.5 ac max

FIGURE 3 – ZONING MAP



Scale: 1:10,000

0 300 600 1,200 Feet



Land Use Zoning Districts

APN: 063003105, 06

-  APN: 063003105, 06
-  HV/CR
-  HV/RL

FIGURE 4 - PROJECT SITE

View looking north on Belfield Boulevard

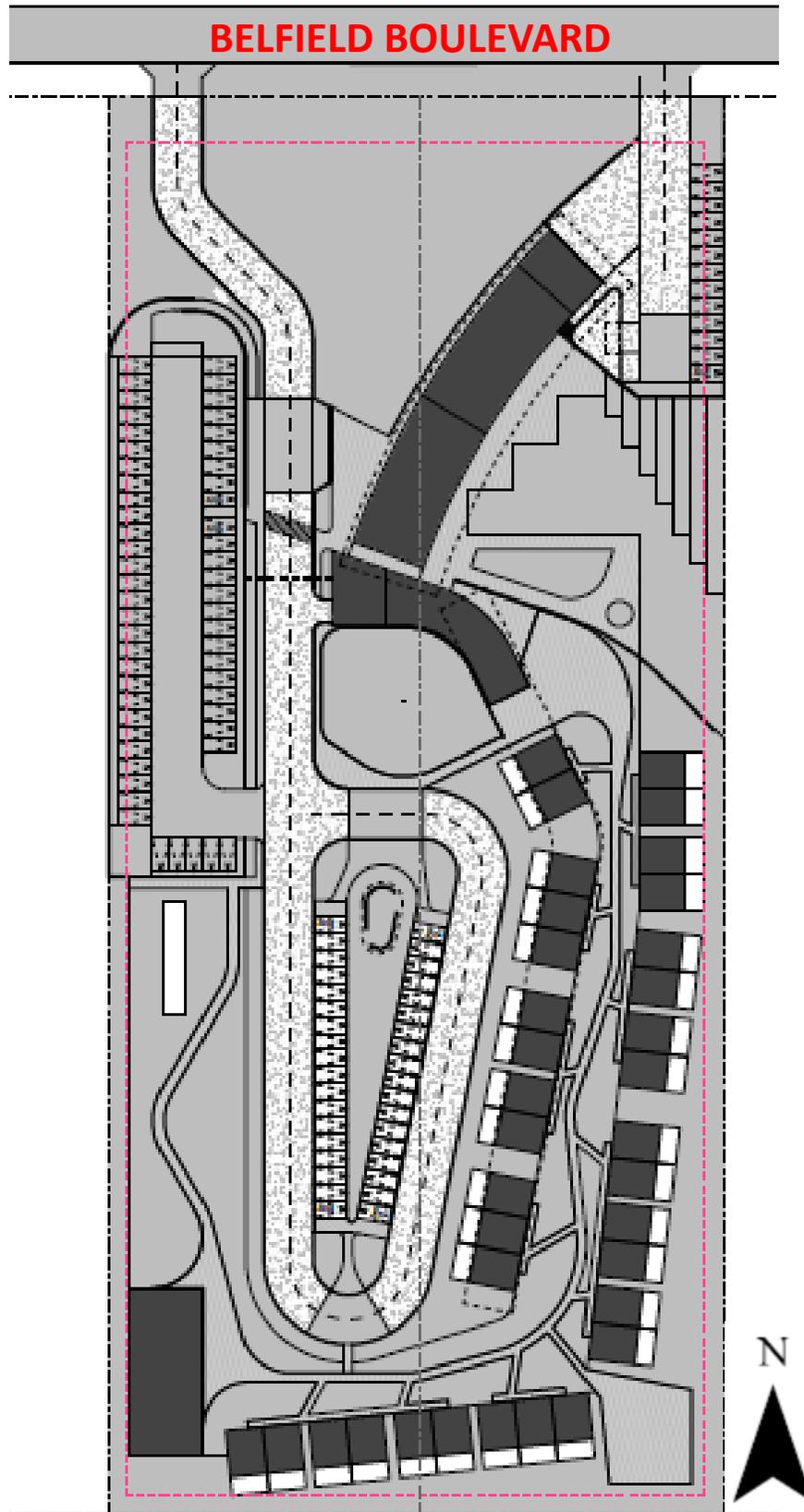


FIGURE 5 - PROJECT SITE

View looking south on Belfield Boulevard



FIGURE 8 – SITE PLAN





Photorealistic Rendering of Proposed View from Belfield Boulevard



Photorealistic Rendering of Proposed View from Entry Drive



Photorealistic Rendering of Proposed View of Clubhouse, Lounge and Pool



Photorealistic Rendering of Proposed View of Pool



Photorealistic Rendering of Proposed View of Guest Room Buildings



Photorealistic Rendering of Proposed View of Guest Rooms

BACKGROUND AND PROJECT DESCRIPTION

Proposed Project

The Applicant is requesting approval of a Conditional Use Permit to construct and operate a commercial plaza consisting of a hotel and commercial service and retail buildings (Project) on a 5.7-acre project site currently comprised of two (2) parcels (Project site).

Pursuant to Section 82.01.020(c)(3)(A) of the San Bernardino County Development Code (Development Code), “[t]he Rural Commercial (CR) land use zoning district provides sites for retail trade and personal services, repair services, lodging services, recreation and entertainment services, transportation services, and similar and compatible uses.” Correspondingly, pursuant to Section 82.05.040(b), “Lodging – Hotel or motel – More than 20 guest rooms,” “General retail” and “Restaurant, café, coffee shop” are land uses permitted within the Rural Commercial (CR) zoning district subject to the approval of a Minor Use Permit or Conditional Use Permit, as applicable. While the Applicant initially filed an application for a Minor Use Permit, a project that is likely to result in controversy must be processed as a Conditional Use Permit. Due to comments received from the public, the Project is being processed as a Conditional Use Permit in compliance with Chapter 85.06 of the Development Code.

PROJECT ANALYSIS.

Land Use: The Project (Figure 8 and Exhibit E) is comprised of the following:

- 35-Unit Hotel
 - 15,750 square feet (450 square feet per guest room)
- 3,300 square foot restaurant
- 850 square foot goods market
- 3,300 square foot guest lodge
- 2,200 square foot health club
- 1,400 square foot outdoor pool
- 1,000 square foot laundry/engineering room
- 3,600 square foot shade structure to serve as an outdoor pavilion
- Covered parking areas (106 parking spaces)

The operations will be staffed 24 hours/day with up to 25 employees per day. The proposed goods market is intended to sell coffee, snacks, and essentials to the local community and will be open to the general public from 7:00 a.m. to 3:00 p.m. The restaurant (75 indoor seats, 50 outdoor seats) will also be open to the general public from 12:00 p.m. to 10:00 p.m. Day passes for the use of the outdoor pool will be available to the general public from 10:00 a.m. to 6:00 p.m.

Project Setting:

The undeveloped Project site is located on the east side of Belfield Boulevard, approximately 900 feet north of Reche Road, in the desert region of Landers with a flat topography. The properties located to the east of the Project site are also vacant and undeveloped. Single-family residences are located 800 feet to the south, and 1,000 feet north of the Project site. There are two (2) single-family residences located 150 feet to the west directly across from the Project site.

Site Design:

The Project plans have been reviewed and accepted by the Land Use Services Department’s Building and Safety, Geology, and Land Development Divisions, the Environmental Health Services,

and Public Works (Traffic and Solid Waste Management) Departments, and the San Bernardino County Fire Protection District.

The Preliminary Drainage Study has been approved by the Land Development Division, and the proposed Project has been conditioned to provide adequate provisions 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.

Potable water supply will be provided to the Project site by the Bighorn-Desert View Water Agency, which is supplied by the Mojave Water Agency. The Project site would use the existing water lines located in Belfield Boulevard to receive potable water for the landscaping, restrooms, kitchens, and bathrooms. The proposed hotel and lodging land uses are permitted uses under the current commercial land use designation and would be included in utility system capacity assessments. As such, the Project would not require new or relocated or expanded water facilities.

Wastewater collection and treatment for the Project will be provided via a new septic system. This new system would comply with the design requirements outlined in the Percolation Report prepared for the Project to minimize potential percolation impacts to the surrounding soil. The Project would also be required to adhere to the applicable requirements of the San Bernardino County Environmental Health Services and obtain the applicable permits prior to the installation of the septic tanks.

Access/Circulation:

Two (2) entrances (commercial driveways) from Belfield Boulevard for the proposed Project will be constructed near the northern and southern property lines of the Project site. The southern driveway provides looped access to the hotel, and the northern driveway serves the goods market. The proposed driveways and locations have been reviewed and approved by the Department of Public Works. These improvements along with the on-site circulation drive aisles meet the Development Code and County's Land Use Services and Public Works Department's standards, as well as the San Bernardino County Fire Protection District standards.

Landscaping:

Pursuant to Section 83.10.080(c)(2) and (3) (Desert Region) of the Development Code, "[p]lant materials shall be a cohesive mix of evergreen and deciduous trees, shrubs, groundcovers, succulents, and native plant material that are drought and infestation tolerant; turf shall be minimized," and "[t]he front yard and street side yard setback areas of a parcel shall be landscaped using xeriscape landscaping techniques, which combines drought tolerant plant and hardscape materials in a variety of aesthetically pleasing designs." Accordingly, xeriscape landscaping will be utilized throughout the Project site. There are no Joshua Trees existing on the Project site, and all existing plants protected by the State Desert Native Plants Act will be protected.

Parking: Section 83.11.040 (Number of Parking Spaces Required) of the Development Code requires a minimum of 82 parking spaces, and the proposed Project exceeds that standard with 102 parking spaces, as summarized in Table 2 below.

TABLE 2: PARKING ANALYSIS

Use	Required	Provided
Restaurant	33 Parking Spaces	46 Parking Spaces (2 ADA)
Goods Market	4 Parking Spaces	10 Parking Spaces (1 ADA)
Health Club	9 Parking Spaces	9 Parking Spaces (1 ADA)
Laundry + Engineering	1 Parking Space	1 Parking Space (1 ADA)
Guest Rooms	35 Parking Spaces	36 Parking Spaces (2 ADA)
Total	82 Parking Spaces	102 Parking Spaces (7 ADA)

Code Compliance Summary: The proposed Project satisfies all applicable standards of the Development Code for development within the Rural Commercial (CR) zoning district, as illustrated on the site plan and in Table 3 below:

TABLE 3: PROJECT CODE COMPLIANCE

Project Component	San Bernardino Development Code		Project Plans
Commercial Hotel and Related Uses	CUP		CUP
Parking	82 spaces		106 spaces
Minimum Setbacks	Front Yard	25 Feet	100 Feet
	Interior Side Yard	10 Feet	10 Feet
	Rear Yard	10 Feet	10 Feet
Landscaping	Minimum Landscaping	20% (50,490 Square Feet)	50.4% (135,700 Square Feet)
Maximum Building Height	35 Feet		20 Feet
Maximum Lot Coverage	80% (201,960 Square Feet)		49.6% (112,592 Square Feet)
Drive Aisles	26 Feet		26 Feet

TABLE 3: COUNTYWIDE POLICY PLAN CONSISTENCY²

Policy LU-2.1: Compatibility with Existing Uses	Consistency
It is required that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. It is also required that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.	The site design and development features for the operation of the commercial plaza, have been developed to be consistent with the Development Code. Along with implementing the Conditions of Approval, the Project minimizes negative impacts on the surrounding land uses and adjacent neighborhoods.
Policy LU-2.4: Land Use Map Consistency	Consistency
It is required the proposed development 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.	The development of the Project conforms with the performance standards that are identified in the Development Code. The commercial plaza consisting of a hotel and commercial service and retail buildings are an allowed use within the Rural Commercial (CR) zoning district, as well as with the Commercial (C) land use category, subject to the approval of a Conditional Use Permit. Additionally, the Project's site plan identifies compliance with the Development Code.
Policy LU-4.5: Community Identity	Consistency
It is required that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of	As detailed in the Planning Commission Staff Report, the Project site is located within the Homestead Valley which includes Landers. Table LU-3 of the General Plan identifies key characteristics and features of Homestead Valley to include, but not limited to, rural

² An evaluation of the Project's consistency with the applicable Policy Plan Land Use Element goals and policies is also included as part of Table 5 at Section XI(b) of the Initial Study.

<p>Community Action Guides in our review of new development.</p>	<p>lifestyle characterized by the predominance of large lots, limited commercial development, the prevalence of the desert landscape and natural resources; scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists; and small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. As indicated above, the Project site is proposed on a site that is consistent with the existing Commercial Land Use Category designation and therefore is being proposed in an area where the limited commercial development has been planned. The Project site will maintain the rural lifestyle characteristics of the area, while also providing support to the community's local economy and tourists through its various lodging and retail accommodations. The Project also reinforces the values as stated in the Homestead Valley Communities Action Guide, including, but not limited to, maintaining dark night skies via compliance with the County's Light Trespass Ordinance, protecting natural resources and the natural landscape through conservation and the use of desert landscaping techniques, and contributing to the sense of community by providing local retail options to a small business that is compatible with the natural environment and surrounding use.</p>
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CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared in compliance with the California Environmental Quality Act (CEQA) (Exhibit A). The IS/MND concludes that the Project will not have a significant effect on the environment with implementation of mitigation measures related to the Project's impacts on Biological Resources, Cultural Resources, Geology and Soils and Tribal Cultural Resources. A Notice of Availability/Notice of Intent to adopt a Mitigated Negative Declaration (MND) was advertised and distributed for the CEQA mandated 30-day public review and comment period from September 22, 2025, through October 21, 2025. There were two (2) no comments received during the 30-day period.

Comment letters were received from:

- Desert Tortoise Council, dated October 16, 2025 (Exhibit F).
- California Department of Fish and Wildlife (CDFW), dated October 21, 2025 (Exhibit G).

As a result of the public review process, the Biological Resources Assessment (Exhibit H) was updated and the corresponding Errata to the Biological Resources (Exhibit I) analysis (revisions) within the initial study was prepared. Mitigation measures BIO-1, BIO-2 and BIO-3 have been updated as identified in the Errata in response to comments on the Biological Resources

environmental impacts already identified in the initial study. Land Use Services Department has determined that the revisions do not constitute a substantial revision to the MND, which is defined to mean the identification of new, avoidable significant environmental impacts or the addition of new mitigation that is required to avoid a significant environmental impact, that would trigger recirculation of the MND. As explained in the Errata and responses to comments, the changes to the MND are information that merely clarifies, amplifies, and makes insignificant modification unrelated to a new significant environmental impact. Mitigation measures BIO-1, BIO-2 and BIO-3 related to Biological Resources have been added in response to Desert Tortoise Council and California Department of Fish and Wildlife comments on environmental impacts already identified in the MND. Additionally, revisions to mitigation measures BIO-1, BIO-2 and BIO-3 related to Biological Resources have been made based on a finding that the revised mitigation is equivalent or more effective in mitigating environmental impacts than the original measure.

Recommended mitigation measures, including those reference in the Errata, intended to reduce the Project's impact on the environment to less than significant are contained in the MND and incorporated into the Project's Mitigation and Monitoring and Reporting Program (Exhibit B). The mitigation measures include the following topics: Biological Resources, Cultural Resources, Geology and Soils and Tribal Cultural Resources.

COMMUNITY MEETING

On September 9, 2024, the Landers Homestead Valley Community Association hosted a meeting with members of the community to allow the Applicant the opportunity to present the Project and solicit feedback. Approximately 70 people (38 on sign-in sheet) were in attendance, and a presentation was provided by the Applicant (Exhibit K). Comments focused on potential dark sky and noise impacts, and whether or not it was feasible of running a higher-end hotel in Landers.

PUBLIC COMMENTS

On September 16, 2024, initial Project Notices were mailed to six (6) surrounding property owners within 300 feet of the Project site, in accordance with Section 85.03.080 of the Development Code. Eighteen (18) public comments were received (Exhibit J). Addition to the issues raised at the community meeting, written comments included claims of incompatibility with the rural residential character and community plan priorities. Key concerns include water scarcity and uncertain service capacity, sewage disposal risks, potential septic or treatment needs, and stormwater and arroyo flooding issues. Comments also emphasize dark-sky protection and light pollution threats. Noise, increased traffic and safety, and parking impacts are frequent objections. A number of commentors support the Project for job creation and reducing Airbnb reliance.

NOTICE OF HEARING

On February 20, 2026, pursuant to the Development Code, a notice of the Planning Commission public hearing on this item was mailed to the surrounding six (6) property owners within a 300-foot radius of the Project site, and others who had made written requests for notice. As of the preparation of this staff report, three (3) public comment letter have been received (Exhibit L).

RECOMMENDATION

That the Planning Commission take the following actions:

- 1) **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibits A and B);
- 2) **ADOPT** the Findings in support of the Conditional Use Permit (Exhibit C);
- 3) **APPROVE** the Conditional Use Permit for the construction and operation of a commercial plaza consisting of a 35-unit hotel, 3,300 square foot restaurant, 850 square foot food market, 3,300 square foot lodge, 2,200 square foot health club, 1,400 square foot outdoor pool, 1,000 square foot laundry/engineering room, 3,600 square foot shade structure to serve as an outdoor pavilion, and 102 covered parking spaces on 5.7 acres, subject to the Conditions of Approval (Exhibit D); and
- 4) **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act.

ATTACHMENTS:

- EXHIBIT A: Mitigated Negative Declaration, link:
<https://lus.sbcounty.gov/wp-content/uploads/sites/48/Draft-ISMND-September-2025.pdf>
- EXHIBIT B: Mitigation Monitoring and Reporting Program
- EXHIBIT C: Findings for Conditional Use Permit
- EXHIBIT D: Conditions of Approval
- EXHIBIT E: Site Plan
- EXHIBIT F: Letter from Desert Tortoise Council, dated October 16, 2025
- EXHIBIT G: Letter from California Department of Fish and Wildlife, dated October 21, 2025
- EXHIBIT H: Biological Resources Assessment Update
- EXHIBIT I: Errata – Biological Resources
- EXHIBIT J: Summary of Landers Homestead Valley Community Association Meeting
- EXHIBIT K: Project Notice Comments
- EXHIBIT L: Public Hearing Notice Comment

EXHIBIT A

EXHIBIT A

Mitigated Negative Declaration,
link:<https://lus.sbcounty.gov/wp-content/uploads/sites/48/Draft-ISMND-September-2025.pdf>

EXHIBIT B

Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Landers Hotel Project

Prepared by:



County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182
Contact: Oliver Mujica, Contract Planner

FEBRUARY 2026

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1 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 the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Landers Hotel Project throughout project implementation. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would ensure impacts remain at a less than significant level, and establish procedures to address the unanticipated discovery of cultural and paleontological resources during construction for 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, Mitigation Monitoring and Reporting Program** identifies the mitigation monitoring and reporting requirements, list of mitigation measures, 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:

County of San Bernardino
385 N. Arrowhead Avenue, First Floor
San Bernardino, California 92415

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2 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
Biological Resources				
<p>BIO-1: A qualified biologist retained by the Project Applicant shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.</p> <p>The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the Project Site during the clearance survey with a brief letter report indicating that no impact to active bird nests would occur before construction can proceed. If an active bird nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer around the active nest. The size of the no-disturbance buffer shall be determined by the wildlife biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. Any activities requiring the removal of a tree with an active bird nest shall halt until nesting activity ends, which shall be determined by the qualified biologist.</p> <p>The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. No Project activities shall occur within the buffer unless nesting activities have been completed, nestlings have fledged, or the nest has failed, as determined by the qualified biologist. Results of the pre-construction survey and any subsequent monitoring shall be provided to the County of</p>	<p>Within three (3) days prior to any vegetation removal or ground-disturbing activities; ongoing monitoring if active nest discovered.</p>	<p>Project Applicant / Qualified Biologist</p>	<p>County of San Bernardino / California Department of Fish and Wildlife (CDFW)</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
San Bernardino, California Department of Fish and Wildlife, and other appropriate agencies.				
<p>BIO-2: Two pre-construction clearance surveys in accordance with the CDFW's 2012 Staff Report on Burrowing Owl Mitigation shall be conducted to confirm the presence/absence of burrowing owls and ensure impacts to any burrowing owls or occupied burrows do not occur: the first no less than 14 days prior to any vegetation removal or ground-disturbing activities, and the second within 24 hours immediately before the commencement of ground-disturbing activities. The surveys shall be conducted by a qualified biologist and cover all suitable habitat within the Project impact area, including adjacent suitable habitat within a 500-foot buffer (as accessible). Following completion of both clearance surveys, the qualified biologist shall prepare and submit a final report to CDFW documenting the methods and results of the surveys. If no burrowing owls or occupied burrows are detected during either survey, Project activities may begin, and no additional avoidance and minimization measures would be required. If an occupied burrow or sign of burrowing owl is found within the project impact area during pre-construction clearance surveys, impacts to burrowing owl shall be fully avoided; and if impacts to burrowing owl are unavoidable, the Project Applicant shall obtain an Incidental Take Permit for burrowing owl from CDFW prior to initiating Project activities. If an occupied burrow is found within adjacent habitat that may be indirectly impacted by project activities, the individual shall be buffered following the distances recommended by the Project biologist and the 2012 Staff Report on Burrowing Owl Mitigation. The biologist shall monitor the burrow, adjust the buffer area as needed, and shall have the authority to stop construction activities to prevent take.</p>	<p>Two pre-construction surveys: (1) no less than 14 days prior to vegetation removal/ground disturbance, and (2) within 24 hours immediately before commencement of ground-disturbing activities.</p>	<p>Project Applicant / Qualified Biologist</p>	<p>County of San Bernardino / California Department of Fish and Wildlife (CDFW)</p>	
<p>BIO-3: Special-Status Species and Habitat Avoidance and Minimization. Pre-construction clearance surveys required under paragraphs A and B of this measure, and under Mitigation Measure BIO-2, may be conducted concurrently by</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>the qualified biologist, provided all applicable protocol requirements for each species are met.</p> <p>A. Desert tortoise. A pre-construction clearance survey shall be conducted by a USFWS- and CDFW-authorized Desert Tortoise Biologist immediately prior to installation of temporary exclusion fencing around the proposed impact area to confirm the presence/absence of desert tortoises. The clearance survey shall cover all suitable habitat within the Project impact area, including any adjacent suitable habitat that is present within a 500-foot buffer following applicable USFWS protocol. Following completion of the clearance survey, the qualified biologist shall prepare and submit a final report documenting the methods and results of the survey to CDFW and USFWS. If no desert tortoises are detected, Project activities may begin, and no additional measures would be required. If desert tortoises are found to be present within the Project impact area during pre-construction clearance surveys, coordination between the Project Applicant, CDFW, and USFWS is required to determine appropriate minimization and mitigation measures to offset Project related impacts to this species, including obtaining appropriate take authorization prior to any handling or relocation.</p> <p>B. Desert kit fox and American Badger. No more than 30 days prior to the beginning of ground disturbance, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present within the Project footprint and within a 500-foot buffer. The biologist shall walk transects spaced approximately 20 meters (65 feet) apart or less to ensure 100 percent visual coverage of all areas. Suitable burrows/sites will be thoroughly examined for signs of presence, and all burrows encountered will be examined for sign (i.e., scat, tracks, and prey remains) indicating occupancy. If active burrows are located, the qualified biologist shall first verify that there are suitable burrows outside of the Project footprint prior to undertaking passive relocation actions. If no suitable offsite burrows</p>	<p>Pre-construction clearance survey immediately prior to the installation of temporary exclusion fencing around the proposed impact area.</p> <p>Clearance survey no more than 30 days prior to the beginning of ground disturbance. If relocation is required, artificial burrows constructed at least 14 days prior to relocation, followed by a 3-5 day passive relocation process.</p>	<p>Project Applicant / USFWS- and CDFW-authorized Desert Tortoise Biologist</p> <p>Project Applicant / Qualified Biologist</p>	<p>County of San Bernardino / California Department of Fish and Wildlife (CDFW) / U.S. Fish and Wildlife Service (USFWS)</p> <p>County of San Bernardino / California Department of Fish and Wildlife (CDFW)</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>are available, artificial burrows shall be constructed at least 14 days prior to passive relocation. Passive relocation shall consist of blocking the burrow entrance with soil, sticks, and debris incrementally over a 3-to-5-day period to progressively discourage occupancy. After the qualified biologist has confirmed the burrow is vacant, the burrow shall be hand-excavated to prevent re-entry prior to the initiation of ground disturbance. No disturbance of active dens shall take place when juveniles may be present and dependent on parental care. The qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be identified.</p>				
<p>C. Special-Status Plants. Prior to Project implementation, and during the appropriate blooming season (April), a qualified biologist shall conduct botanical field surveys within the Project area following CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (or latest protocols if superseded). If any special-status plants are identified, the Project Applicant shall avoid the plants with an appropriate buffer. If complete avoidance is not feasible, the Project Applicant shall mitigate the loss as determined by CDFW, including applying for a CESA Incidental Take Permit from CDFW if a state-listed species may be impacted.</p>	<p>Prior to Project implementation, specifically timed during the appropriate blooming season (April). Botanical survey window (April) must be coordinated with construction schedule in advance to avoid delays to ground disturbance commencement.</p>	<p>Project Applicant / Qualified Biologist</p>	<p>County of San Bernardino / California Department of Fish and Wildlife (CDFW)</p>	
<p>D. Western Joshua tree. Prior to any ground disturbance, the Project Applicant shall complete a formal western Joshua tree census and submit it to CDFW for approval. The census shall include photographs and categorize all western Joshua trees on the Project Site by size class: (a) less than one meter in height; (b) one meter or greater but less than five meters in height; and (c) five meters or greater in height. Each stem or trunk arising from the ground shall be counted as an individual tree for mitigation purposes, regardless of proximity to another stem or whether the tree is living or dead. If any western</p>	<p>Prior to any ground disturbance; County Tree or Plant Removal Permit pursuant to County Code Section 88.01.060 shall be obtained prior to ground disturbance; formal western Joshua tree census shall be submitted to CDFW for approval prior to ground disturbance; if</p>	<p>Project Applicant</p>	<p>County of San Bernardino / California Department of Fish and Wildlife (CDFW)</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>Joshua trees are to be relocated, removed, or otherwise taken (including through root zone encroachment), the Project Applicant shall obtain an Incidental Take Permit from the CDFW under CESA, or comply with any other appropriate take authorization under the Western Joshua Tree Conservation Act, prior to any relocation, removal, or other take, and pay the requisite in-lieu mitigation fees in accordance with then-current fee schedules established by CDFW.</p> <p>E. Lake and Streambed Alteration. If Project construction activities occur within a stream or associated habitat or may impact adjacent Fish and Game Code section 1602 resources (such as the ephemeral tributary to Pipes Wash located approximately 50 feet southeast of the Project Site boundary), the Project Applicant shall provide written notification to CDFW pursuant to Fish and Game Code Section 1602 prior to initiating those activities. If CDFW determines that the Project may substantially affect fish and wildlife resources, CDFW shall issue a Streambed Alteration Agreement that shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code Section 1602 resources.</p>	<p>take is unavoidable, CDFW Incidental Take Permit or other WJTCA take authorization and proof of in-lieu fee payment required prior to any relocation, removal, or root zone encroachment.</p> <p>(Applies only if Project construction activities may affect adjacent Fish and Game Code Section 1602 resources including the ephemeral tributary to Pipes Wash located approximately 50 feet southeast of the Project Site boundary). Written notification to CDFW pursuant to Fish and Game Code Section 1602 shall be provided prior to initiating any such activities.</p>	<p>Project Applicant</p>	<p>County of San Bernardino / California Department of Fish and Wildlife (CDFW)</p>	
Cultural Resources				
<p>CR-1 If previously unidentified cultural resources are encountered during ground disturbing activities, work in the immediate area must halt and a qualified archaeologist approved by the County and retained by the Project Applicant must be contacted immediately to evaluate the find. If the discovery proves to be significant under CEQA, the qualified archaeologist shall expeditiously prepare and implement a research design and archaeological data recovery plan that captures those categories of data for which the site is significant in accordance with Section 15064.5 of the <i>State CEQA Guidelines</i>.</p>	<p>Upon discovery of previously unidentified cultural resources during any ground-disturbing activity; all work in immediate area must halt immediately upon discovery.</p>	<p>Project Applicant (via County-approved qualified archaeologist)</p>	<p>County of San Bernardino; qualified archaeologist</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
Geology and Soils				
<p>GEO-1: In the event paleontological resources are discovered all work shall be halted within 100 feet of the discovery and a Paleontological Resource Mitigation Plan shall be prepared by a qualified paleontologist to address assessment and recovery of the resource. A final report documenting any found resources, their recovery, and disposition shall be prepared in consultation with the Project Applicant, and a copy of the report shall be provided to the County of San Bernardino Planning Division.</p>	<p>Upon discovery of any paleontological resources during ground-disturbing activities; all work within 100 feet of discovery must halt immediately</p>	<p>Project Applicant (via qualified paleontologist)</p>	<p>County of San Bernardino; qualified paleontologist</p>	
Tribal Cultural Resources				
<p>TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:</p> <ol style="list-style-type: none"> 1) The project applicant/lead agency shall retain a Native American Monitor from or approved by the San Manuel Band of Mission Indians. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. 2) A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. 3) The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural- 	<p>Prior to commencement of any ground-disturbing activity at all project locations (on-site and off-site); copy of executed monitoring agreement submitted to lead agency prior to the earlier of: commencement of ground disturbance or issuance of any permit necessary to commence ground-disturbing activity; monitoring continues through all ground-disturbing phases.</p>	<p>Project Applicant</p>	<p>San Manuel Band of Mission Indians; County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>4) On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the San Manuel Band of Mission Indians from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the San Manuel Band of Mission Indians to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact San Manuel Band of Mission Indians TCRs.</p>				
<p>TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial):</p> <p>1) Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the San Manuel Band of Mission Indians monitor and/or San Manuel Band of Mission Indians archaeologist. The San Manuel Band of Mission Indians will recover and retain all discovered TCRs in the form and/or manner the Tribe deems</p>	<p>Upon discovery of any Tribal Cultural Resources during ground-disturbing activities; all construction activities within not less than 50 feet of discovery shall cease immediately and shall not resume until the San Manuel Band of Mission Indians monitor and/or archaeologist has</p>	<p>Project Applicant; San Manuel Band of Mission Indians Monitor</p>	<p>San Manuel Band of Mission Indians Monitor and/or Archaeologist; County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>	<p>fully assessed the discovery.</p>			
<p>TCR 3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects</p> <ol style="list-style-type: none"> 1) Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. 2) If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. 3) Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). 4) Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. 5) Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance. 	<p>Upon discovery of human remains and/or associated funerary objects; work must halt immediately.</p>	<p>Project Applicant / On-Site Contractor</p>	<p>County Coroner / Native American Heritage Commission (NAHC) / San Manuel Band of Mission Indians / County of San Bernardino</p>	

EXHIBIT C

FINDINGS: CONDITIONAL USE PERMIT. Conditional Use Permit for the development and operation of a commercial plaza consisting of a 35-unit hotel, 3,300 square foot restaurant, 850 square foot food market, 3,300 square foot lodge, 2,200 square foot health club, 1,400 square foot pool, 1,000 square foot laundry/engineering room, 3,600 square foot shade structure to serve as an outdoor pavilion, and 102 covered parking spaces (Project) on 5.7 acres (Project site).

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 Permits:

- 1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.**

The Project is adequate in terms of shape and size to accommodate the required landscape standards, structure setbacks, and necessary on-site and off-site improvements. The Project plans have been reviewed and accepted by the Land Use Services Department's Building and Safety, Geology, and Land Development Divisions, and the Environmental Health Services and Public Works (Flood Control, Traffic and Solid Waste Management) Departments, and the San Bernardino County Fire Protection District (Fire District). The Preliminary Drainage Study has been approved by the Land Development Division, and the proposed Project has been conditioned to provide adequate provisions 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's size is also able to accommodate adequate on-site circulation. The submitted Project plans show adequate design, parking, landscaping, circulation, access, and setbacks as shown in Table 2 of the Staff Report pursuant to the requirement of the Development Code.

- 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.**

Two (2) entrances (commercial driveways) from Belfield Boulevard for the proposed Project will be constructed near the northern and southern property lines of the Project site. The proposed driveways and locations have been reviewed and approved by the Department of Public Works and the California Department of Transportation (Caltrans). These improvements along with the on-site circulation drive aisles meet the Development Code and County's Land Use Services and Public Works Department's standards, as well as the Fire District standards.

3. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.**

The Project has been designed to comply with all applicable requirements of the Development Code. The Conditions of Approval for the Project will ensure that the use will not become a nuisance or have a substantial adverse effect on abutting properties.

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 Project includes the development and operation of a commercial plaza consisting of a hotel and commercial service and retail buildings on 5.7 acres. Based on the evidence contained in the Project's supporting documents, the Conditional Use Permit is internally consistent with and will further the goals and policies of the Countywide Plan's Policy Plan (General Plan). An evaluation of the Project's consistency with applicable General Plan goals and policies is included as part of Table 5 at Section XI(b) of the Project's Initial Study, which is incorporated herein by reference. The Project site is not located within a community plan or specific plan area and is consistent with the General Plan, including, but not limited to, the following:

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. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Consistency: The site design and development features for the operation of the commercial plaza have been developed to be consistent with the Development Code. Along with implementing the Conditions of Approval, the Project minimizes negative impacts on the surrounding land uses and adjacent neighborhoods.

Policy LU-2.4 Land Use Map Consistency.

We consider the 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 development of the Project conforms with the performance standards that are identified in the Development Code. The commercial plaza consisting of a hotel and commercial service and retail buildings are an allowed use within the Rural Commercial (CR) zoning district subject to the approval of a use permit. Additionally, the Project site plan identifies compliance with the Development Code.

Policy LU-4.5 Community identity.

We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.

Consistency: As detailed in the Planning Commission Staff Report, the Project site is located within the Homestead Valley which includes Landers. Table LU-3 of the General Plan identifies key characteristics and features of Homestead Valley to include, but not limited to, rural lifestyle characterized by the predominance of large lots, limited commercial development, the prevalence of the desert landscape and natural resources; scenic, natural, and/or recreational features that serve as the foundation of the community's local economy and attract tourists; and small businesses that serve local residents and visitors, compatible with the natural environment and surrounding uses. As indicated above, the Project site is proposed on a site that is consistent with the existing Commercial Land Use Category designation and therefore is being proposed in an area where the limited commercial development has been planned. The Project site will maintain the rural lifestyle characteristics of the area, while also providing support to the community's local economy and tourists through its various lodging and retail accommodations. The Project also reinforces the values as stated in the Homestead Valley Communities Action Guide, including, but not limited to, maintaining dark night skies via compliance with the County's Light Trespass Ordinance, protecting natural resources and the natural landscape through conservation and the use of desert landscaping techniques, and contributing to the sense of community by providing local retail options to a small business that is compatible with the natural environment and surrounding use.

- 5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed development without significantly lowering service levels.**

Potable water supply will be provided to the Project site by the Bighorn-Desert View Water Agency, which is supplied by the Mojave Water Agency. The Project site would use the existing water lines on-site to receive potable water for the landscaping, restrooms, kitchens, and bathrooms. The proposed hotel and lodging uses under the Project would be considered allowable uses under its current Commercial land use designation. As such, the Project would not require new or relocated or expanded

water facilities. Thus, the Project would not require new or relocated or expanded off-site water facilities. The applicant will be required to provide access onto the Project site with the construction of a paved access road within a forty (40) foot right-of-way along Moonlight Mesa Street between Stonehill Avenue and Border Avenue, and from Moonlight Mesa Street to the Project site. Adequate water service from the Joshua Basin Water District, septic service will be regulated by the San Bernardino County Environmental Health Services Department, and continue to provide adequate utilities to the property in accordance with the Conditions of Approval.

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

The Conditions of Approval ensure the appropriate intended use of the Project, and will ensure that the overall public health, safety, and general welfare are not impacted by the Project.

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 orientation and design of the Project includes adequate building setbacks and the future ability to construct rooftop solar facilities.

ENVIRONMENTAL FINDINGS:

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

Pursuant to the requirements of the California Environmental Quality Act (CEQA), CEQA Guidelines and the San Bernardino County Environmental Review Guidelines, the above-referenced Project has been determined through the preparation of an initial study to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. As a result of the public review process, the Biological Resources Assessment was updated and the corresponding Errata to the Biological Resources analysis within the initial study was prepared. Mitigation measures BIO-1, BIO-2 and BIO-3 have been updated as identified in the Errata in response to comments on the Biological Resources environmental impacts already identified in the initial study. Additionally, revisions to mitigation measures BIO-1, BIO-2 and BIO-3 have been made and determined to be equivalent or more effective in mitigating environmental impacts than the original measure. The new and revised mitigation have been adopted as a condition of approval or otherwise made part of the Project approval. A Mitigated Negative Declaration (MND) is adopted and a Notice of Determination will be filed in accordance with CEQA. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

END OF FINDINGS

EXHIBIT D



Conditions of Approval

Record: PROJ-2023-00146 **System Date:** 03/05/2026
Record Type: Project Application **Primary APN:** 0630031060000
Record Status: Decision Pending **Application Name:** Conditional Use Permit / LANDERS HOTEL
Effective Date: **Expiration Date:**

Description: CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A COMMERCIAL PLAZA CONSISTING OF A HOTEL AND COMMERCIAL SERVICE AND RETAIL BUILDINGS COMPRISED OF A 35-UNIT HOTEL, 3,300 SQUARE FOOT RESTAURANT, 850 SQUARE FOOT FOOD MARKET, 3,300 SQUARE FOOT LODGE, 2,200 SQUARE FOOT HEALTH CLUB, 1,400 SQUARE FOOT OUTDOOR POOL, 1,000 SQUARE FOOT LAUNDRY/ENGINEERING ROOM, 3,600 SQUARE FOOT SHADE STRUCTURE TO SERVE AS AN OUTDOOR PAVILION, AND 106 COVERED PARKING ON A PROJECT SITE COMPRISED OF TWO (2) PARCELS CONTAINING A TOTAL OF APPROXIMATELY 5.7 ACRES LOCATED ON THE EAST SIDE OF BELFIELD BOULEVARD, BETWEEN RECHE ROAD AND JACKRABBIT ROAD (APN: 0630-031-05 & 06); WITHIN THE COUNTYWIDE POLICY PLAN COMMERCIAL (C) LAND USE CATEGORY AND RURAL COMMERCIAL (CR) ZONING DISTRICT; 3rd SUPERVISORIAL DISTRICT; PROJ-2023-00146.

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 is conditionally approved to allow the construction and operation of a commercial plaza consisting of a hotel and commercial service and retail buildings comprised of a 35-unit hotel, 3,300 square foot restaurant, 850 square foot food market, 3,300 square foot lodge, 2,200 square foot health club, 1,400 square foot outdoor pool, 1,000 square foot laundry/engineering room, 3,600 square foot shade structure to serve as an outdoor pavilion, and 102 covered parking spaces on 5.7 acres (with the exception of the 850 square foot food market, all of the proposed facilities are for the exclusive use by the registered hotel guests), 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.

Operational Conditions:

- a. The project site shall be staffed 24 hours/day with approximately 25 employees per shift.
- b. The goods market shall be open from 7:00 a.m. to 3:00 p.m. and may be open to the public.
- c. The restaurant shall be open from 12:00 p.m. to 10:00 p.m. and may be open to the public.
- d. The outdoor pool may be available for day-passes to the public from 10:00 a.m. to 6:00 p.m.

2 **Project Location** - Status: Outstanding

The Project site is located on the east side of Belfield Boulevard, approximately 900 feet north of Reche Road (APN: 0630-031-05 and 06).

3 **Revisions** - Status: Outstanding

Any proposed 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

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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 **Expiration** - Status: Outstanding

This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

7 **Continuous 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 property owner 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.

8 **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)

9 **Project Account** - Status: Outstanding

The Project account number is PROJ-2023-00146. This is an actual cost project with a deposit account to

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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.

10 **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

11 **Performance Standards** - Status: Outstanding

The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste

12 **Continuous Maintenance** - Status: Outstanding

The Project property 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 property owner 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

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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.

13 **Clear Sight Triangle** - Status: Outstanding

Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic

14 **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.

15 **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.

16 **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.

17 **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.

18 **GHG - Operational Standards** - Status: Outstanding

The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool,

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designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

Public Health– Environmental Health Services

19 **Noise Levels** - Status: Outstanding

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

20 **OWTS Maintenance** - Status: Outstanding

The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

Public Works - Traffic

21 **Access** - Status: Outstanding

The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.

22 **Back Out Into Public Roadways** - Status: Outstanding

Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

INFORMATIONAL

County Fire - Community Safety

23 **F70 Additional Requirements** - Status: Outstanding

In addition to the Fire requirements stated herein, other onsite and off-site improvements may be required which cannot be determined at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

Land Use Services - Land Development

24 **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.

Public Works - Solid Waste Management

25 **Demolition Debris** - Status: Outstanding

San Bernardino County owned and operated sanitary landfills and transfer stations are not permitted to accept asbestos contaminated wastes, therefore any debris generated by the demolition of structures are subject to asbestos clearance prior to disposal at any San Bernardino County disposal sites. Applicants are required to have a Certified Asbestos Consultant perform testing of all materials to be disposed. Upon receipt of the Consultant's report, indicating that the debris is not contaminated, Solid Waste Management Operations Section will provide applicant with disposal authorization. For more information on Certified Asbestos Consultants please visit <http://www.dir.ca.gov/databases/doshacru/acruList.asp>, or for information on County requirements please contact Solid Waste Operations at 909-386-8701 or solid.wastemail@dpw.sbcounty.gov.

26 **Franchise Hauler Service Area** - Status: Outstanding

This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste and Recycling).

27 **Mandatory Commercial Organics Recycling** - Status: Outstanding

California Assembly Bill (AB) 1826 requires businesses that generate two (2) cubic yards or more of solid waste per week to recycle their organic waste (includes green waste and food waste). A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste. Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County or contract waste hauler on efforts to recycle organics materials once operational.

28 **Mandatory Commercial Recycling** - Status: Outstanding

California Assembly Bill (AB) 341 requires businesses that generate 4 or more cubic yards of solid waste per week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. Applicant will be required to report to the County or contract waste hauler on recycling efforts once operational.

29 **Recycling and Organic Waste Collection Container Information** - Status: Outstanding

California Assembly Bill (AB) 827 and Senate Bill (SB) 1383 require businesses that sell products meant for immediate consumption and currently provide trash collection containers for their customers to provide recycling and/or organics collection containers adjacent to trash containers at front-of-house, except in restrooms. Full-service restaurants are exempt from these requirements as long as they provide containers for employees to separate post-consumer recyclables and organic waste purchased on the premise for customers.

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30 **Recycling Storage Capacity** - Status: Outstanding

The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of California Assembly Bill (AB) 2176.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

31 **Diesel Regulations** - Status: Outstanding

The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

32 **GHG - Construction Standards** - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

33 **Mitigation Measures** - Status: Outstanding

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

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34 **Joshua Tree Relocation Plan** - Status: Outstanding

The developer shall submit and have approved by the Planning Division a relocation plan for Joshua Trees within the developed site area. The relocation plan shall be accompanied with certification from a certified arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and are in compliance with Chapter 88.01 of the San Bernardino County Development Code. The certification shall include the information in compliance with Department procedures. Transplantation onsite shall be the primary method of addressing a Joshua Tree removals from the subject property

Land Use Services - Building and Safety

35 **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

36 **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.

37 **Drainage Easements** - Status: Outstanding

Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities, and/or concentration of runoff from the site. The hydrologic/hydraulic calculations supporting the size of the easement(s) shall be submitted for review/approval by the Land Development Division prior to recording the easement. Proof of recordation shall be provided to the Land Development Division.

38 **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. An \$810 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.

39 **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.

40 **FEMA Flood Zone.** - Status: Outstanding

FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C7400H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible. However, the site is located within a flood hazard area for the 100-year floodplain shown on the Awareness Maps prepared by the California Department of Water Resources (DWR). Awareness floodplains identify the 100-year flood hazard areas using approximate assessment procedures. These floodplains will be shown simply as flood prone areas without specific depths and other flood hazard data.

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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.

41 **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.

42 **Joshua Trees** - Status: Outstanding

Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally affect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel. <http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>

43 **On-site Drainage Easement** - Status: Outstanding

On-site flows shall be directed within a drainage easement.

44 **On-site Flows** - Status: Outstanding

On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

45 **State Construction Stormwater General Permit:** - Status: Outstanding

Notice of Intent (NOI) and WDID # are required on all land disturbance of one (1) acre or more prior to issuance of a grading/construction permit. For questions regarding the State Construction Stormwater General Permit, please contact:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html

Public Health– Environmental Health Services

46 **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

47 **Architecture** - Status: Outstanding

Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.

48 **Landscape and Irrigation Plan** - Status: Outstanding

Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.

49 **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.

Land Use Services - Building and Safety

50 **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.

51 **Permits** - Status: Outstanding

Obtain permits for all structures located on site and all work done without a permit.

52 **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

53 **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.

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54 **Road Dedication/Improvements** - Status: Outstanding

Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: NORTHERLY PROPERTY LINE APN 063003105 (SIXTEENTH SECTION LINE – 60 FEET) • Per Waiver SIW-2024-00014. Refer to Waiver Recommendations BELFIELD BOULEVARD (Major Highway – 52 feet) • Road Dedication. A 19-foot grant of easement is required to provide a half-width right-of-way of 52 feet. • Driveway Approach. Design driveway approach per County Standard 129C and located per County Standard 130.

55 **Road Standards and Design** - Status: Outstanding

All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Mountain Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

56 **Transitional Improvements** - Status: Outstanding

Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

57 **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

58 **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.

59 **Food Establishment Plan Check Required** - Status: Outstanding

Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS Plan Check at: (800) 442-2283.

60 **Preliminary Acoustical Information** - Status: Outstanding

Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.

61 **Water Purveyor** - Status: Outstanding

Water purveyor shall be Bighorn–Desert View Water or EHS approved.

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62 **Water Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

Public Works - Solid Waste Management

63 **Construction Waste Management Plan (CWMP) Part 1** - Status: Outstanding

The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>. An approved CDWMP Part 1 is required before a permit can be issued. There is a one-time fee of \$150.00 for residential projects/\$530.00 for commercial/non-residential projects

PRIOR TO OCCUPANCY

Land Use Services - Planning

64 **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-2023-00146.

65 **Installation of Improvements** - Status: Outstanding

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

66 **Landscaping/Irrigation** - Status: Outstanding

All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.

67 **Screen Rooftop** - Status: Outstanding

All roof top mechanical equipment is to be screened from ground vistas.

68 **Shield Lights** - Status: Outstanding

Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

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69 **Condition Compliance** - Status: Outstanding

Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

70 **GHG - Installation/Implementation Standards** - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following: a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

County Fire - Hazardous Materials

71 **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

72 **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

73 **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.

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

PROJECT SPECIFIC CONDITIONS (Prior to Occupancy): • Lot merger application must be submitted and approved.

75 **LDD Requirements** - Status: Outstanding

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

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76 **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.

77 **Structural Section Testing** - Status: Outstanding

A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Public Health– Environmental Health Services

78 **Hotel/Motel/Apartment Certificate of Use Request** - Status: Outstanding

Prior to occupancy of a newly constructed or remodeled apartment complex, hotel, motel, resort, pursuant to San Bernardino County Code 33.101 et. seq., a Certificate of Use request shall be submitted to EHS. For information, call EHS at: (800) 442-2283.

79 **New Retail Food Facility Permit** - Status: Outstanding

A Retail Food Facility annual permit for food facility shall be required. For information, contact EHS at: (800) 442-2283.

Public Works - Solid Waste Management

80 **Construction Waste Management Plan (CDWMP) Part 2** - Status: Outstanding

The developer shall complete SWMD’s CDWMP Part 2 for construction and demolition. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste. The developer MUST provide ALL receipts and/or backup documentation for actual disposal/diversion of project waste. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>.

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	https://lus.sbcounty.gov/	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbctfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995

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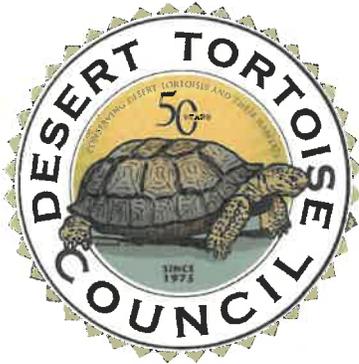
Expiration Date:

Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	https://dpw.sbcounty.gov/	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://ehs.sbcounty.gov	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
	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>

End of Conditions

EXHIBIT E

EXHIBIT F



DESERT TORTOISE COUNCIL

3807 Sierra Highway #6-4514

Acton, CA 93510

www.deserttortoise.org

eac@deserttortoise.org

Via email only

October 16, 2025

Oliver Mujica, Contract Planner III
County of San Bernardino
Land Use Services Department, Planning Division
385 N. Arrowhead Ave First Floor
San Bernardino, CA 92415-0187
Oliver.Mujica@lus.sbcounty.gov

RE: Landers Hotel Project (PROJ-2023-00146)

Dear Mr. Mujica,

The Desert Tortoise Council (Council) is a non-profit organization comprising hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and northern Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

Both our physical and email addresses are provided above in our letterhead for your use when providing future correspondence to us. When given a choice, we prefer to receive emails for future correspondence, as mail delivered via the U.S. Postal Service may take several days to be delivered. Email is an "environmentally friendlier way" of receiving correspondence and documents rather than "snail mail."

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats potentially occupied by the Mojave desert tortoise (*Gopherus agassizii*) (synonymous with Agassiz's desert tortoise), our comments include recommendations intended to enhance protection of this species and its habitat during activities that may be authorized by the San Bernardino County Land Use Services Department (County), which we recommend be added to project terms and conditions in the authorizing documents [e.g., issuance of right-of-way (ROW) grants, management plan and decision document, etc.] as

appropriate. Please accept, carefully review, and include in the relevant project file the Council's following comments and attachment for the proposed action.

The Mojave desert tortoise is among the top 50 species on the list of the world's most endangered tortoises and freshwater turtles. The International Union for Conservation of Nature's (IUCN) Species Survival Commission, Tortoise and Freshwater Turtle Specialist Group, now considers the Mojave desert tortoise to be Critically Endangered (Berry et al. 2021), "... based on population reduction (decreasing density), habitat loss of over 80% over three generations (90 years), including past reductions and predicted future declines, as well as the effects of disease (upper respiratory tract disease/mycoplasmosis). *Gopherus agassizii* (sensu stricto) comprises tortoises in the most well-studied 30% of the larger range; this portion of the original range has seen the most human impacts and is where the largest past population losses have been documented. A recent rigorous rangewide population reassessment of *G. agassizii* (sensu stricto) has demonstrated continued adult population and density declines of about 90% over three generations (two in the past and one ongoing) in four of the five *G. agassizii* recovery units and inadequate recruitment with decreasing percentages of juveniles in all five recovery units."

This status, in part, prompted the Council to join Defenders of Wildlife and the Desert Tortoise Preserve Committee (DTPC) to petition the California Fish and Game Commission in March 2020 to elevate the listing of the Mojave desert tortoise from Threatened to Endangered under the California Endangered Species Act (CESA) (Defenders of Wildlife et al. 2020). Importantly, following California Department of Fish and Wildlife's (CDFW) (2024a) status review, in their April 2024 meeting the California Fish and Game Commission voted unanimously to accept the CDFW's petition evaluation and recommendation to uplist the tortoise from threatened to endangered under the CESA based on the scientific data provided on the species' status, declining trend, numerous threats, and lack of effective recovery implementation and land management (CDFW 2024b). On July 15, 2025, the tortoise was officially uplisted to endangered status under the CESA (Commission 2025).

Description of the Proposed Project

The project description given in the County's Notice of Intent (NoI) to Adopt an Initial Study/Mitigated Negative Declaration is as follows: "The applicant proposes to develop a single-story hotel comprised of 35 rooms (project). The main lodge includes a restaurant, bar, and goods market offering coffee and essential food goods to the neighborhood. The lodge's patio includes outdoor dining seats, a pool, hot tub, and spa structure. The spa is a wellness center consisting of a smaller soaking pool, hot tub, sauna, and showers. The pavilion is a structure intended for exercise classes and multipurpose meetings. The project totals approximately 30,000 square feet of space." The acreage is not included in the NoI but the Assessor's Parcel Number is 0630-031-05 and 06 (Figures 1a and 1b).

Comments on the Proposed Project

We appreciate that the County notified us of the availability of this document and the closing date for providing public comments.

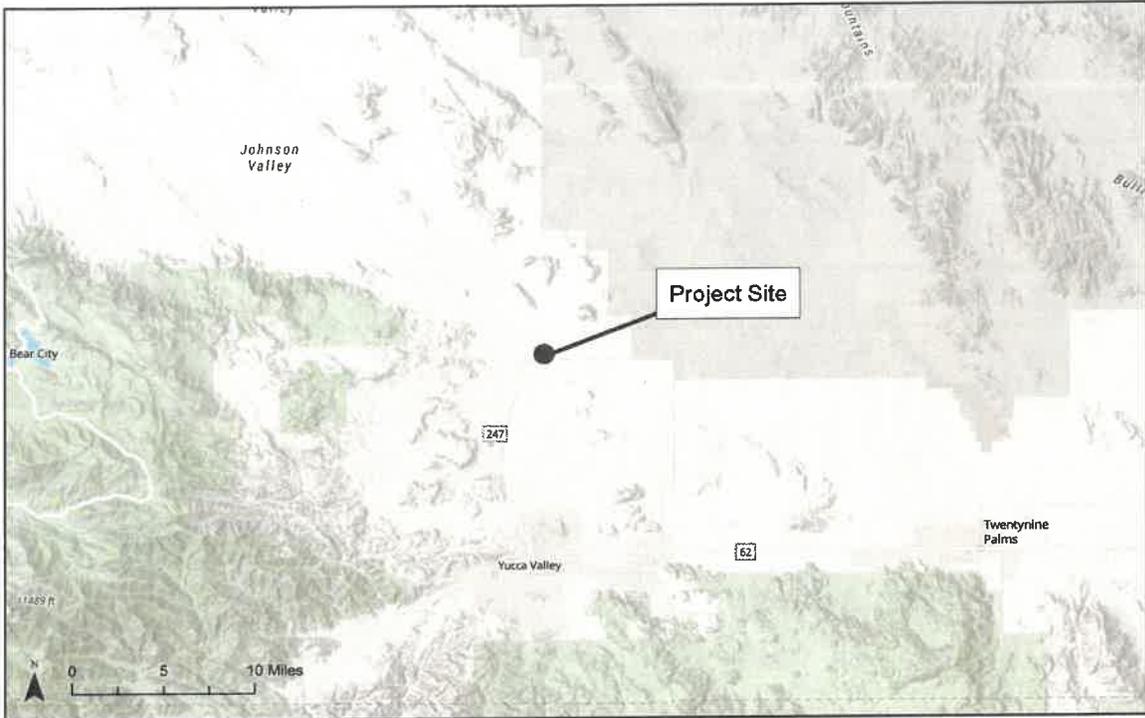


Figure 1a. Location of the proposed Landers Hotel.

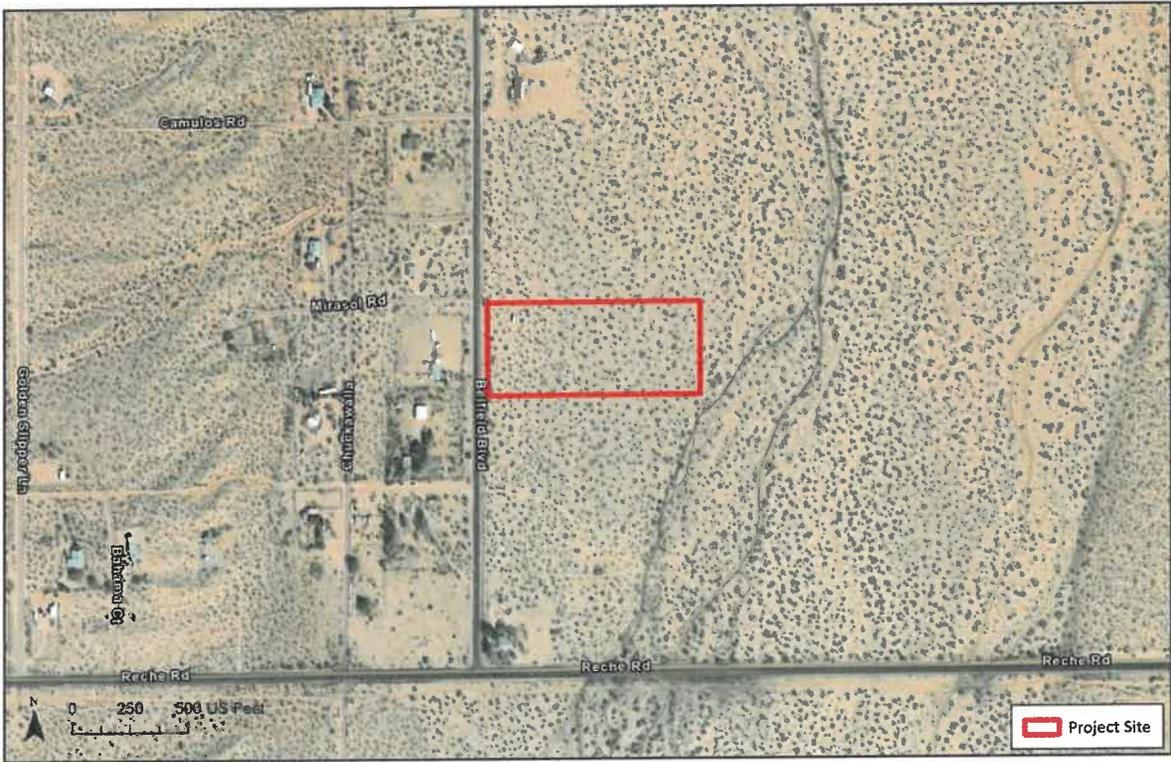


Figure 1b. Aerial view of the location for the proposed Landers Hotel.

Appendix B – Biological Resources Assessment

Unless otherwise noted, the following page numbers pertain to the “Biological Resources Assessment for the Proposed Hotel Project Located in Landers, San Bernardino County, California” prepared by ELMT Consulting (2023; herein, “ELMT” or “consultant”), dated 8/25/2023 (ELMT Consulting 2023). The consultant does not indicate the acreage that was surveyed, but our calculations are that it is about 6.0 acres.

The survey methodology given on page 2 indicates that two biologists, “...inventoried and evaluated the condition of the habitat within a 200-foot buffer around the project site, where applicable, on June 21, 2023. Plant communities and land cover types identified on aerial photographs during the literature review were verified by **walking meandering transects throughout the project site**” [emphasis added]. The report did not include standard components of most biological reports the Council reviews, including how long the survey took, prevalent weather conditions during the survey, whether the biologists followed USFWS (2019) tortoise survey protocol, or if adequate surveys were performed for western burrowing owl (CDFG 2012). It is also standard practice to include a list of references for the literature cited in the report, but no such list appears in this report, so we cannot be certain that the consultant is aware of and implemented CDFW and USFWS standardized survey methods for these species.

However, it concerns us that “meandering transects” were walked to survey for tortoises. The tortoise protocol survey (USFWS 2019) require that transects be spaced no farther than 10 meters to determine the presence or absence of any tortoise signs. Although there may be some minor departure from these transects, they are relatively straight-line transects that would not typically be referred to as “meandering.” The formal protocol survey for the tortoise has been developed using ecological and behavioral parameters for the tortoise as well as statistical analysis of the ability of qualified biologists to detect tortoises when they are above ground and to detect their signs. Consequently, a general meandering survey with no defined width is more likely to result in finding no evidence of the special status species present (e.g., Mojave desert tortoise, burrowing owl) on/near a project site, which in many cases would be an incorrect representation on the use of the project site by the special status species. Consequently, we cannot judge the validity of the consultant’s conclusions because they failed to divulge the field methods implemented and we assert that the County also cannot judge the validity of the consultant’s conclusions.

For the tortoise, the survey protocol for projects impacting small areas is that 100 percent of the *action area* [emphasis added] is surveyed for the presence of tortoise or tortoise sign (e.g., carcasses/skeletal remains, burrows, pallets, scat, nests, courtship rings, drinking depressions, etc.) (USFWS 2019). The “action area” is defined in 50 Code of Federal Regulations 402.2 and the USFWS Desert Tortoise Field Manual (USFWS 2009) as “all areas to be affected directly or indirectly by proposed development and not merely the immediate area involved in the action.” Thus, the survey area is larger than the project footprint/project site. The survey protocol recommends that the project proponent contact the USFWS to determine the boundaries of the action area because the areal extent of the indirect impacts to the tortoise vary with the type of proposed project. Failure to do so may result in the area needing to be resurveyed. CDFW has adopted the USFWS’s methodology to use (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281283-reptiles>) to determine tortoise presence/use of the action area.

The apparent failure of the consultant to follow the current protocol survey method for the tortoise and failure of the County to require implementation of this protocol survey is troubling. These failures suggest that there is no need to comply with the purpose and intent of CEQA, which is to “to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage.”

We are especially concerned about the proximity of Pipes Wash to the subject property. Biologists with Circle Mountain Biological Consultants, Inc. (CMBC), including the coauthor of this comment letter, have performed surveys on 309 sites on 16,274 acres and 138.65 linear miles of pipelines since 1988 in the Morongo Basin, which encompasses the project site. Tortoise sign has been found 2.5 miles west (Survey on pipeline 224), 1.5 miles south (parcel 224), 1.9 miles south (#244), and 2.8 miles southeast (#86) (Figure 2).

The importance of these data is that tortoises have been observed during all four surveys located in Pipes Wash, including Surveys #133, 172, 224, and 244. The consultant’s 200-foot buffer area fails to include suitable habitats for both burrowing owls and desert tortoises that may occur in Pipes Wash, located east of the site. The site is located in an area of sparse residential development where tortoises have likely been extirpated from some sites, which is revealed in those red polygons where no tortoise sign was found, including along portions of four pipelines and three parcels (e.g., Surveys #101, 108, portions of 224, 191, and 196).

Washes are used by tortoises as foraging areas and for movements, including daily and seasonal movement and movements between populations. Desert tortoises tend to follow washes (Jennings 1993, Peaden et al. 2017). Tortoises choose washes more than flats or bajadas in which to forage especially in late spring (Jennings and Berry 2023). Therefore, in the CEQA document the County should analyze the direct and indirect impacts to the adjacent washes from the construction, use, and maintenance of the proposed project and existing projects especially with respect to tortoise movements, and availability of native annual and herbaceous perennial plants.

Populations of the tortoise “continue to decline throughout the geographic range, in part because of degraded and fragmented habitats in the Mojave and western Sonoran deserts (Jennings and Berry 2023). Most of these impacts occur indirectly from the implementation of human developments and other human activities.

Because the tortoise is listed as a threatened species under the Federal Endangered Species Act (FESA) and an endangered species under the CESA, the County should require the project proponents implement survey protocols established by the U.S. Fish and Wildlife Service (USFWS) and CDFW. Consequently, to comply with CEQA, CESA, and FESA, the County should require that the most recent version of protocol level surveys for the tortoise be conducted by biologists deemed qualified by the USFWS and CDFW and the results submitted to the County, USFWS, and CDFW prior to initiating the preparation of a CEQA document. Protocol level surveys for the tortoise have been required under FESA and CESA since the early 1990s when a proposed project is located in the range of the tortoise and suitable habitat is present or nearby.

According to ELMT (2023), the meandering surveys, which were inadequate with respect to following federal and State protocol surveys under FESA and CESA, were conducted more than

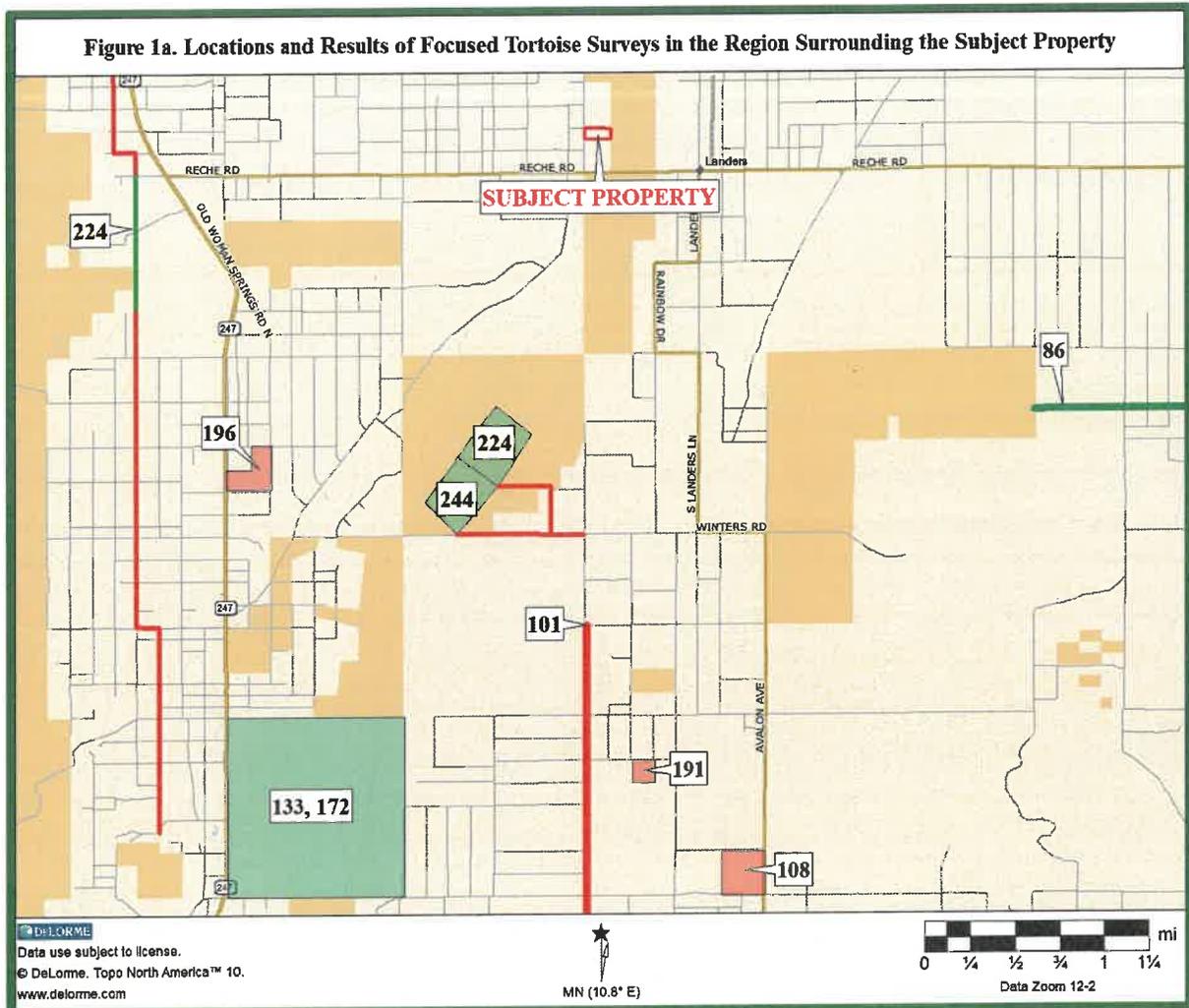


Figure 2. Parcels surveyed for Mojave desert tortoise and tortoise sign in the vicinity of the proposed Landers Hotel project and the results of those surveys.

2 years ago. Consequently, the Council advises the County that the project proponent or their consultant should contact the USFWS and CDFW and inquire whether another survey is required. USFWS (2019) states the following with regards to the longevity of the validity of a given survey: “If the survey data *are more than a year old [emphasis added]*, we encourage project proponents to contact us at the earliest possible time to allow us to assess the specific circumstances under which the data were collected (e.g., time of year, drought/rainfall conditions, size and location of the site, etc.) and to discuss whether additional surveys would be appropriate. Spatial information can be provided in pdf and GIS formats.”

In addition, CDFW usually accepts survey results for up to one year after they were performed. For surveys completed more than a year ago, CDFW usually requires that the formal survey protocol for the tortoise be implemented again and cover the action area for small projects such as this one.

On pages 1 and 2 of the Biological Assessment, ELMT (2023) described the methodology used with respect to a literature review and records search for special status species that “have the potential to occur on or within the general vicinity of the project site.” One important search that was not mentioned in this methodology was the search for information on linkage areas needed for habitat connectivity between populations of special status species. In searching the California Essential Habitat Connectivity Project website (CDFW 2010), we discovered that the proposed project appears to be located in a Mitigation Target Area for the tortoise. On this webpage CDFW says that more detailed analyses under the Desert Renewable Energy Conservation Plan (DRECP) Conservation Strategy was completed in 2016. Under the DRECP, linkage habitats were identified for the tortoise. The proposed project appears to be located in an area identified as linkage habitat needed to provide population connectivity between the Ord-Rodman Tortoise Conservation Area (TCA) to the northwest of the project site and Joshua Tree National Park (TCA) to the south of the project site (BLM 2016, Averill-Murray et al. 2021).

In addition, San Bernardino County should have a Conservation and Open Space Element in its General Plan and should have added an element for wildlife connectivity. Please include this information in the Initial Study/Mitigated Negative Declaration with respect to the tortoise and the project site.

Several scientific reports and journal articles have been written on this issue of connectivity between populations of the tortoise. The USFWS’s 1994 Recovery Plan and 2011 Revised Recovery Plan for the tortoise discussed this need for the tortoise to be able to recover. A recent publication by Averill-Murray et al. (2021) discusses in more detail the importance of connectivity of Mojave desert tortoise populations and linkage habitats. The authors emphasized that “[m]aintaining an ecological network for the Mojave desert tortoise, with a system of core habitats (TCAs = Tortoise Conservation Areas) connected by linkages, is necessary to support demographically viable populations and long-term gene flow within and between TCAs.” Core habitats connected with linkage areas are essential for the survival and eventual recovery of the tortoise.

In linkage areas, “[i]gnoring minor or temporary disturbance on the landscape could result in a cumulatively large impact that is not explicitly acknowledged (Goble, 2009); therefore, understanding and quantifying all surface disturbance on a given landscape is prudent.” Furthermore, “habitat linkages among TCAs must be wide enough to sustain multiple home ranges or local clusters of resident tortoises (Beier and others, 2008; Morafka, 1994), while accounting

for edge effects, in order to sustain regional tortoise populations.” Consequently, linkage habitats that are long narrow corridors or washes would not be effective linkage habitats. Any development within them or adjacent to them has an edge effect (i.e., indirect impact) that extends from all sides into the linkage habitat further narrowing or impeding the use of the linkage habitat, depending on the extent of the edge effect.

Averill-Murray et al. (2021) further notes that “To help maintain tortoise inhabitation and permeability across all other non-conservation-designated tortoise habitat, all surface disturbance could be limited to less than 5-percent development per square kilometer because the 5-percent threshold for development is the point at which tortoise occupation drops precipitously (Carter and others, 2020a).” They caution that the upper threshold of 5 percent development per square

kilometer may not maintain population sizes needed for demographic or functional connectivity; therefore, development thresholds should be lower than 5 percent.

The lifetime home range for the Mojave desert tortoise is more than 1.5 square miles (3.9 square kilometers) of habitat (Berry 1986) and tortoises may make periodic forays of more than 7 miles (11 kilometers) at a time (Berry 1986). Using Averill-Murray's information, linkage habitats need to be wide enough to sustain multiple home ranges with one home range more than 1.5 square miles.

In addition, a fundamental tenet of conservation biology is the need for gene flow to occur between populations to maintain genetic diversity; this enables a species to more likely survive, especially during climate change, which enables biodiversity. Linkage habitats are important as they provide gene flow/genetic connectivity among wildlife populations to maintain viability within each species and biodiversity in the current and future distribution of species when adapting to the impacts of climate change. Consequently, development in tortoise linkage habitat that exceeds this development threshold in non-conservation-designated tortoise habitat such as the Ord-Rodman TCA to Joshua Tree National Park linkage habitat would result in the loss of the function of the linkage habitat, the loss of population connectivity, and would be considered a significant impact to the tortoise.

The proposed project is a permanent disturbance to this linkage habitat and would result in permanent edge effects (=indirect impacts) during construction, use, and maintenance that extend into the linkage habitat thereby reducing its effectiveness. The County needs to analyze the remaining linkage habitat using the criteria provided in Averill-Murray et al. (2021) to determine whether it would contain the requisite properties needed to function as linkage habitat for the tortoise from the impacts from existing development and human activities, the addition of the construction and use of the proposed project, and future planned projects and activities. This would include increased vehicle use as well as the indirect impacts some of which are mentioned below.

The County needs to demonstrate in the CEQA document that the proposed project together with existing and future planned projects and human activities is "wide enough to sustain multiple home ranges or local clusters of resident tortoises (Beier and others, 2008; Morafka, 1994), while accounting for edge effects [=indirect impacts], in order to sustain regional tortoise populations" (Averill-Murray et al. 2021).

Please revise the CEQA document to include this information and the information on requirements for linkage habitats for the tortoise in Averill-Murray et al. (2021) when the County conducts its analysis of impacts to the tortoise on movements and population connectivity from the proposed project.

The burrowing owl is a candidate for potential listing as a protected species under the California Endangered Species Act (Commission October 9, 2024). As such it is treated as a listed species under CESA. The ELMT report was prepared in 2023, prior to the Commission's decision and prior to the additional protection now provided by CESA to this species. The Biological Assessment and the County's Initial Study and Mitigated Negative Declaration should be revised to reflect this change in legal status and appropriate mitigation required to offset the impacts to the burrowing owl from the proposed project. Please see our comments below on CDFW's survey

requirements to determine whether burrowing owls use the project site/may be impacted by the proposed project, and to begin the initial compliance with CESA.

We note on page 2 that a "...200-foot buffer around the project site" was surveyed. CDFW (CDFG 2012) requires that transects be surveyed at 100-, 200-, 300-, 400-, and 500-foot intervals around a project site for burrowing owls and their sign, so the consultant did not comply with this requirement.

The conclusions given on pages 10 and 11 state that "...the project will have no significant impacts on federally or State listed species known to occur in the general vicinity of the project site" followed by "No further surveys are recommended." The report then recommends, (1) "...a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season," which we recognize as current management; (2) pre-construction clearance surveys for burrowing owl; and (3) pre-construction clearance surveys for desert tortoise. We are confused for several reasons. First, it is not clear what is meant by, "No further surveys are recommended." Second, the surveys that were conducted are more than 2 years old and do not comply with the USFWS and CDFW survey protocols for the tortoise or burrowing owl. Third, because of the information provided earlier in this comment letter on the occurrence of tortoises/tortoise sign near the project site, we disagree strongly with the ELMT conclusion that the proposed project will have no significant impacts on federally or State listed species known to occur in the general vicinity of the project site. The information provided above clearly demonstrates that the tortoise is present in the vicinity of the proposed project. Regarding significance, please see our comments under "Significant Impacts" below.

Please ensure that the surveys for burrowing owl follow the CDFW stipulations/protocol (CDFG 2012) and that those for desert tortoise follow USFWS stipulations/protocol for clearance surveys (USFWS 2009). Note that to conduct clearance surveys for the tortoise incidental take permits from the USFWS and CDFW are required because the authorized biologist(s) conducting the clearance survey would be handling any tortoises found during this survey. Handling is a form of take under FESA and CESA and authorization from USFWS and CDFW is required prior to taking a species.

At the bottom of page 11, ELMT (2023) recommends, "In accordance with Section 88.01.060 of the County of San Bernardino Development Code, Tree or Plant Removal Permits are required for each relevant plant and species that will be impacted by project implementation." The consultant does a good job on pages 7 and 8 describing recent protections provided by the California Fish and Game Commission relative to the western Joshua tree, however, under Recommendations (page 11), the report fails to indicate that an incidental take permit will be required from CDFW in addition to any County permits before any Joshua trees are removed from the site. Please add this requirement to the Biological assessment Report and the Initial Study & Mitigated Negative Declaration.

Whereas the consultant has performed a records search for special status plants and animals (see page 2), we have found that the California Natural Diversity Data Base (CNDDDB) is not an adequate source of information with regards to the presence of tortoises. The CNDDDB relies on reports by consultants, which must necessarily be supplemented by the consultant's personal knowledge of the region. In Table C-1 in Attachment C of the Biological Assessment Report,

ELMT (2023) listed seven special status bird species reported from the region, but the text focuses only on loggerhead shrike where on page 8, the consultant, "...determined that the proposed project site has a high potential to support" this species. Although we agree with this conclusion, we believe that several other bird species are equally likely to occur, yet we found no information about whether the proposed project site has a potential to support this species. Please add this information to the Biological Assessment Report.

This assertion is based on available data associated with Figure 2. For example, loggerhead shrikes have been observed on Survey #101, 108, 133, and 172, which supports the consultant's conclusion that there is a high likelihood for occurrence on the subject property. However, available data and familiarity with the species supports our contention that the consultant erroneously concludes that there is no habitat onsite or in adjacent areas for LeConte's thrashers. In fact, LeConte's thrashers have been observed during an equal number of surveys (#86, 101, 108, and 172) in habitats similar to those occurring onsite. Five LeConte's thrashers were mostly observed in Pipes Wash on the square-mile parcel located 3.3 miles southwest of the subject property on Survey #172 (CMBC 2006).

Although in Table C-1 the consultant concluded there is no suitable habitat for golden eagle and prairie falcon, they neglect to point out that there are both foraging and nesting habitats, and that suitable foraging habitat occurs through the site and adjacent areas to the north, south, and east for both species. Two golden eagles were observed in 2006 over the site located 3.3 miles southwest (#172). In addition, the following special status bird species, which are NOT included in Table C-1, have been observed on the same square-mile site (CMBC 2006) located 3.3 miles southwest of the subject property, and each has the potential to occur on the subject property: Cooper's hawk, short-eared owl, and Vaux's swifts (although the last two species are migrants and likely to occur only as incidental visitors to the site).

With regards to western burrowing owl, the consultant concluded in Table C-1, "Suitable foraging habitat is present within and surrounding the project site. No suitable burrows found onsite." However, on page 5, the consultant lists California ground squirrel as one of the species occurring onsite, which is one of the primary burrow types used by burrowing owls, assuming they are not occupied by squirrels. As such, the conclusion seems to conflict with the survey findings. As given above, because the consultant did not perform CDFW's protocol survey for burrowing owl (CDFG 2012), the consultant's conclusion does not account for the possibility that owls may occur adjacent to the site. CMBC observed four burrowing owls to the south (#172) and observed an inactive owl burrow during Survey #196, located 2.4 miles southwest (CMBC 2007). Based on these data, burrowing owls are known from the area.

Initial Study & Mitigated Negative Declaration Landers Hotel Project (PROJ-2023-00146)

It would be easier to reference statements in the draft Initial Study & Mitigated Negative Declaration if this document had page numbers. We recommend that page numbers be added in the final Initial Study.

With regards to the following statement in Section IV, Biological Resources, "The Project Site would also have a high potential to support loggerhead shrike (*Lanius ludovicianus*) and low potential to support burrowing owl and desert tortoise (*Gopherus agassizii*). As a result, activities during Project construction and operations could potentially impact any **existing critical habitats**

of these special status avian species [emphasis added]. “Critical habitat” is a formal designation that applies to desert tortoises (USFWS 1994) and other species listed under FESA, but would not apply to avian species not listed under FESA. We suggest replacing the bold wording with the following wording (or something similar): “...could potentially impact **any suitable and/or occupied** habitats...” in the final initial study.

With regards to BIO-2 western burrowing owl, we appreciate that our concerns expressed above regarding the consultant’s reduced level of survey effort in a 200-foot buffer would be addressed by BIO-2, which requires surveys, “...including adjacent suitable habitat within a 500-foot buffer.” However, with respect to CEQA, there remains a void of information about the types and extent of direct, indirect, and cumulative impacts to the burrowing owl. This is because the appropriate survey protocol for this species has not been conducted to determine the use of the project site and surrounding area by the owl. Before the County can make a determination under CEQA about the direct, indirect, and cumulative impacts to the burrowing owl from the implementation of the proposed project and whether a mitigated negative declaration is the appropriate CEQA document because it mitigates these impacts to less than significant, the collection of appropriate data for the species is needed followed by an analysis of these impacts from the construction, use, and maintenance of the proposed project. Please revise the CEQA document to include this information.

For BIO-3, to be sure that authorized biologists are implementing fully the appropriate survey type, please clarify that the appropriate clearance survey methodology as described in USFWS (2009), requires two negative passes along transects spaced at 5-meter intervals. We request this clarification so that the clearance survey for the tortoise is not confused with the presence-absence survey as described in USFWS (2019), which requires a single pass along transects spaced at 10-meter intervals.

As for BIO-3, which states, “If desert tortoises are found to be present within the Project impact area during pre-construction clearance surveys, coordination between the Project Applicant and the California Department of Fish[sic] [and Wildlife] to determine appropriate minimization and mitigation measures to offset Project related impacts to this species,” we assume that it is an oversight that the USFWS was not included in this mitigation measures. Because the tortoise is also designated as Threatened by the USFWS, the final initial study (and, if necessary, the Mitigated Negative Declaration) should be amended to indicate that consultation with USFWS biologists in the Palms Springs office (whom are carbon copied) should also be contacted.

In addition, we remind the County that their statement that coordination between the Project Applicant and the CDFW is required “to determine appropriate minimization and mitigation measures to offset Project related impacts to this [desert tortoise] species” supports the Council’s assertion that the County does not yet have adequate information to conclude that a Mitigated Negative Declaration is the appropriate CEQA document for the proposed project. This decision by the County is premature because the County (1) has not required the collection of appropriate data for the species to determine its use and need of the project area for feeding, breeding, sheltering, and linkage habitats; (2) using this information has not analyzed the direct, indirect, and cumulative impacts from the construction, use, and maintenance of the proposed project to the tortoise using current information available in scientific journals and reports; and (3) has not identified and required the implementation of effective mitigation and monitoring to offset the

direct, indirect, and cumulative impacts so the impacts are less than significant. Until the County completes these steps, the County is unable to determine the appropriate CEQA document to prepare. The Council strongly requests that the County implement these three actions before making a decision about the appropriate CEQA document to prepare and approve.

The following statement is made for BIO-3, e): “As stated above, four western Joshua trees were observed within the Project Site. The Project would not include the removal of any on-site trees, and the existing western Joshua trees would be preserved. Furthermore, no other plant species protected under the County Code were observed or identified on-site. Thus, the Project would not conflict with the County’s local ordinances protecting desert native plants.”

Region 6 CDFW biologists, who are carbon copied, should be consulted to be sure that development in the vicinity of the Joshua trees does not adversely affect them. Although they are to be avoided, which is laudable, CDFW may require impact avoidance buffers that may affect the proposed project and the wording of this mitigation measure. Depending on the results of this consultation, an incidental take permit may be required even if the trees are not physically removed.

Significant Impacts: As previously mentioned, the proposed project would result in direct, indirect, and cumulative impacts to the tortoise. We remind the County of the demographic status of the tortoise. The USFWS has documented substantial declines in tortoise abundance and density since 2004, especially in California (see attachment “Appendix A – Demographic Status and Trend of the Mojave Desert Tortoise including the Tortoises in Western Mojave Recovery Unit”). The primary reason for its substantial decline has been from increased mortality caused by indirect impacts from human development (Jennings and Berry 2023). These include human activities that result in the destruction, degradation and/or fragmentation of tortoise habitat; surface disturbance and introduction of non-native invasive plant species via construction equipment, vehicles, and other sources; replacement of native forbs with high nutritional and water value with low nutritional non-native invasive grasses (Drake et al. 2016); increased occurrence of fire size, intensive, and frequency of human-caused wildfires from fuels provided by non-native invasive plant species (Brooks and Esque 2002); increased predation from substantially increased numbers of predators that utilize subsidies of food, water, and nesting locations (Boarman 2003); and increased human access (e.g., new roads, road improvements, increased vehicle use on roads, etc.) that provides opportunities for vandalism and collecting tortoises for pets as well as direct mortality and injury from vehicle strikes. Major sources of surface disturbance include residential, commercial, (such as the proposed project) and industrial development projects and associated roads/highways; military training; and off-highway vehicle use (USFWS 2011, Tuma et al. 2016).

An example of one indirect impact from the project’s construction, use, and operations and how it is likely to result in take of the tortoise is increased tortoise predation. Common ravens are known to prey on juvenile desert tortoises based on direct observations and circumstantial evidence, such as shell-skeletal remains with holes pecked in the soft carapace (Boarman 1993). The number of common ravens increased by 1,528% in the Mojave Desert since the 1960s (Boarman 1993). This increase in raven numbers is attributed to unintentional subsidies provided by humans in the Mojave Desert.

In the Mojave Desert, common ravens are subsidized predators because they benefit from resources associated with human activities that allow their populations to grow beyond their “natural” carrying capacity in the desert habitat. Kristan et al. (2004) found that human developments in the western Mojave Desert affect raven populations by providing food subsidies, particularly trash and road-kill. Boarman et al. (2006) reported raven abundance was greatest near resource subsidies, specifically food (= trash) and water. Human subsidies include food and water from landfills and other sources of waste, reservoirs, sewage ponds, agricultural fields, feedlots, gutters. Subsidies also include perch, roost, and nest sites on power towers, telephone poles, light posts, billboards, fences, freeway or railroad overpasses, abandoned vehicles, and buildings (Boarman 1993). The human-provided subsidies allow ravens to survive in the desert during summer and winter when prey and water resources are typically inactive or scarce. Boarman et al. (1993) concluded that the human-provided resource subsidies must be reduced to facilitate a smaller raven population in the desert and reduced predation on the tortoise.

Coyotes are known predators of tortoises. High adult tortoise mortality from coyote predation was reported by Petersen (1994), Esque et al. (2010) and Nagy et al. (2015) in part of the range of the tortoise. In some areas, numbers of ravens correlated positively with coyote abundance (Boarman et al. 2006). Lovich et al. (2014) reported tortoise predation may be exacerbated by drought if coyotes switch from preferred mammalian prey to tortoises during dry years. Because the Mojave Desert has been in a multi-decade drought (Stahle 2020, Williams et al. 2022) due to climate change and drought conditions are expected to continue and intensify in future years, increased predation pressure from coyotes on tortoises is expected to continue.

The proposed project would likely increase the availability of human-provided subsidies for predators of the tortoise including the common raven and coyote during the construction, operation, and maintenances phases of the project. For example, during the construction phase the water used to control dust and the waste generated during construction including food brought to the project site by workers for meals, etc., are examples of food and water subsidies for ravens and coyotes that would attract these predators to the project site and increase their numbers in the surrounding area. Grading the site would expose, injure, or kill fossorial animals and provide a subsidized food source for ravens and coyotes. During operation and maintenance phases, the presence of food waste in uncovered trash cans and dumpsters would provide food subsidies for ravens and coyotes that would attract them to the project area and increase the likelihood of them preying on tortoises in the project area. Vertical structures (e.g., light poles, structural canopies, etc.) provide nesting subsidies for common ravens and increase their numbers in the project area resulting in greater predation on tortoises in nearby areas. We found no analysis of these impacts or requirements to mitigate these impacts in the Initial Study.

Increased traffic on roads is another indirect source of mortality for tortoises. The impacts of road use are extensive and far reaching. Road construction, use, and maintenance impact wildlife through numerous mechanisms that can include mortality from vehicle collisions, and loss, fragmentation, alteration/destruction of habitat, collection, vandalism, increased predation, and modification of behavior. Field studies (LaRue 1992; Nafus et al. 2013; von Seckendorff Hoff and Marlow 2002) have shown impact zones from road use eliminate or substantially reduce tortoise numbers along/near roadways. These impacts are attributed to road kill with roads acting as a population sinks for tortoises.

Nafus et al. (2013) state that the ecologically affected areas along roads, otherwise known as “road-effect zones,” are those in which a change in wildlife abundance, demography, or behavior is observed. Von Seckendorff Hoff and Marlow (2002) reported that they detected reductions in tortoise numbers and sign from infrequent use of roadways to major highways with heavy use. There was a linear relationship between traffic level and reduction. For two graded, unpaved roads, the reduction in tortoises and sign was evident 1.1 to 1.4 km (3,620 to 4,608 feet = 0.68 to 0.87 mile) from the road. For roads with more than 5000 vehicles per day, the reduction was evident more than 4000 meters (13,166 feet = 2.49 miles) from the road. They noted that the installation of exclusion fences and other barriers along roadways help reduce direct tortoise mortalities. However, exclusion fencing needs to be monitored and maintained. It also fragments populations of tortoise and other wildlife.

Nafus et al. (2013) reported that roads may decrease tortoise populations via several possible mechanisms, including cumulative mortality from vehicle collisions and reduced population growth rates from the loss of larger reproductive animals. Other documented impacts from increased road use include increases in roadkill of wildlife species as well as tortoises, creating or increasing food subsidies for common ravens, and contributing to increases in raven numbers and predation pressure on the desert tortoise. The proposed project would increase vehicle use on existing roads resulting in increases in these indirect impacts to the tortoise and tortoise habitat. We found no analysis of these impacts or requirements to mitigate these impacts in the Initial Study.

Another indirect impact that is frequently overlooked is from the construction, use, and maintenance of drainage systems. Depending on their design, these systems can trap tortoises resulting in injury or mortality to tortoises, from hatchlings to adult tortoises, that enter them or can drown tortoises. These and other indirect impacts to the tortoise and its habitat from implementation of the proposed project should be described and analyzed in the CEQA document and effective mitigation required to offset these impacts.

Currently the priority for managing the tortoise is to substantially reduce mortality and manage desert tortoise habitat for persistence and connectivity of the species (Averill-Murray et al. 2021, Holcomb 2025 personal communication). The major threat to the tortoise is mortality from human sources, directly, indirectly, and cumulatively. These sources of mortality must be substantially reduced or eliminated if the tortoise is to survive in the near future. The indirect impacts from the proposed project that are not addressed in the Initial Study include all the indirect impacts listed earlier in this letter and possibly more (e.g., presence of unleashed dogs, etc.).

In the section on “Mandatory Findings of Significance,” two of the three questions under the CEQA Handbook are applicable to the tortoise. They are:

Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

and

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)

To assist the County in answering these two questions regarding the impacts to the tortoise from the construction, operations, and maintenance of the proposed project, we are attaching "Appendix A – Demographic Status and Trend of the Mojave Desert Tortoise including Tortoises in the Western Mojave Recovery Unit." Note that the proposed project is in the Western Mojave Recovery Unit, the tortoise populations in this Unit are below the density needed for population viability (Allison and McLuckie 2018), and the density of tortoises continues to decline in the Western Mojave Recovery Unit (USFWS 2025). The adult tortoise population declined by about 50 percent and the number of juvenile tortoises decline by 91 percent between 2004 and 2014 (Allison and McLuckie 2018), and this downward trend continues (USFWS 2025). Also note that the tortoise cannot achieve recovery, that is, be removed from the list of threatened species under FESA unless it achieves recovery in all five recovery units including the Western Mojave Recovery Unit (USFWS 2011). This includes having viable populations. We conclude that having populations below the density needed for population viability means these populations are below the level needed to be self-sustaining, and any additional impacts to these populations would exacerbate this declining trend and remain below the level of self-sustaining. Using the information in this Appendix, we conclude the answer to these two questions is "yes," which means the impacts from the proposed project would be significant. Please include this information in the County's analysis of the project in the CEQA document.

Because the County has prepared a draft Initial Study/Mitigated Negative Declaration, it contains mitigation and monitoring sections that are supposed to demonstrate that implementation of mitigation and monitoring actions will reduce the level of impacts from the construction, use, and maintenance of the proposed project to less than significant. However, until the County (1) determines the use of the project site and surrounding area by tortoises; (2) determines the type and extent of the direct, indirect, and cumulative impacts to the tortoise/tortoise habitat from the construction, use and maintenance of the proposed project; and (3) analyzes these impacts to the tortoise, the County is unable to identify the appropriate mitigation and monitoring to offset these impacts. Consequently, the County is currently unable to determine whether a mitigated negative declaration or an environmental impact report is the appropriate CEQA document to prepare for the proposed project with respect to impacts to the tortoise.

The County should reassess all relevant biological data, require appropriate surveys for special status species including the tortoise and burrowing owl, and use the results of these surveys along with the available literature on species status species to determine the types and extent of the direct, indirect and cumulative impacts to these species including the tortoise. Only then will the County have sufficient information to determine the appropriate and effective mitigation to require to reduce the level of impacts to less than significant and determine whether a mitigated negative declaration or an environmental impact report is the appropriate CEQA document to prepare.

We appreciate this opportunity to provide the above comments and trust they will help protect tortoises during any resulting authorized activities. Herein, we reiterate that the Council wants to

be identified as an Affected Interest for this and all other projects funded, authorized, or carried out by the County that may affect desert tortoises, and that any subsequent environmental documentation for this project is provided to us at the contact information listed above. Additionally, we ask that the County continue to notify the Council at eac@deserttortoise.org of any proposed projects that may affect the desert tortoise so we may comment on them to ensure the County fully considers and implements actions to conserve tortoises as part of its directive to conserve biodiversity on lands it oversees in San Bernardino County.

Please respond in an email that you have received this comment letter so we can be sure our concerns have been registered with the appropriate personnel and office for this proposed project.

Respectfully,



Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Attachment: Appendix A – Demographic Status and Trend of the Mojave Desert Tortoise including Tortoises in Western Mojave Recovery Unit.

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Appendix A
Demographic Status and Trend of the Mojave Desert Tortoise
including Tortoises in the Western Mojave Recovery Unit

Status of the Population of the Mojave Desert Tortoise: The Council provides the following information for resource and land management agencies so that these data may be included and analyzed in their project and land management documents and aid them in making management decisions that affect the Mojave desert tortoise (tortoise).

There are 17 populations of Mojave desert tortoise described below that occur in Critical Habitat Units (CHUs) and Tortoise Conservation Areas (TCAs); 14 are on lands managed by the BLM; 8 of these are in the California Desert Conservation Area (CDCA).

As the primary land management entity in the range of the Mojave desert tortoise, the Bureau of Land Management's (BLM's) implementation of a conservation strategy for the Mojave desert tortoise in the CDCA through implementation of its Resource Management Plan and Amendments through 2014 has resulted in the following changes in the status for the tortoise throughout its range and in California from 2004 to 2014 (**Table 1, Table 2**; USFWS 2015, Allison and McLuckie 2018). The Council believes these data show that BLM and others have failed to implement an effective conservation strategy for the Mojave desert tortoise as described in the recovery plan (both USFWS 1994a and 2011), and have contributed to tortoise declines in density and abundance between 2004 to 2014 (**Table 1, Table 2**; USFWS 2015, Allison and McLuckie 2018) with declines or no improvement in population density from 2015 to 2024 (**Table 3**; USFWS 2016, 2018, 2019, 2020, 2022a, 2022b, 2025).

Important points from these tables include the following:

Change in Status for the Mojave Desert Tortoise Range-wide

- Ten of 17 populations of the Mojave desert tortoise declined from 2004 to 2014.

- Eleven of 17 populations of the Mojave desert tortoise are below the population viability threshold. These 11 populations represent 89.7 percent of the range-wide habitat in CHUs/TCAs.

Change in Status for the Western Mojave Recovery Unit – California

- This recovery unit had a 51 percent decline in tortoise density from 2004 to 2014.

- Tortoise populations in all three TCAs in this recovery unit have densities that are below viability.

Change in Status for the Superior-Cronese Tortoise Population in the Western Mojave Recovery Unit.

- The population in this recovery unit experienced declines in densities of 61 percent from 2004 to 2014. In addition, there was a 51 percent decline in tortoise abundance.

- This population has densities less than needed for population viability (USFWS 1994a).

Table 1. Summary of 10-year trend data for the 5 Recovery Units and 17 CHUs/TCA's for Mojave desert tortoise. The table includes the area of each Recovery Unit and CHU/TCA, percent of total habitat for each Recovery Unit and CHU/TCA, density (number of breeding adults/km² and standard errors = SE), and the percent change in population density between 2004 and 2014. Populations below the viable level of 3.9 breeding individuals/km² (10 breeding individuals per mi²) (assumes a 1:1 sex ratio) or showing a decline from 2004 to 2014 are in red.

Recovery Unit: Designated Critical Habitat Unit ¹ /Tortoise Conservation Area	Surveyed area (km ²)	% of total habitat area in Recovery Unit & CHU/TCA	2014 density/km ² (SE)	% 10-year change (2004–2014)
Western Mojave, CA	6,294	24.51	2.8 (1.0)	-50.7 decline
Fremont-Kramer	2,347	9.14	2.6 (1.0)	-50.6 decline
Ord-Rodman	852	3.32	3.6 (1.4)	-56.5 decline
Superior-Cronese	3,094	12.05	2.4 (0.9)	-61.5 decline
Colorado Desert, CA	11,663	45.42	4.0 (1.4)	-36.25 decline
Chocolate Mtn AGR, CA	713	2.78	7.2 (2.8)	-29.77 decline
Chuckwalla, CA	2,818	10.97	3.3 (1.3)	-37.43 decline
Chemehuevi, CA	3,763	14.65	2.8 (1.1)	-64.70 decline
Fenner, CA	1,782	6.94	4.8 (1.9)	-52.86 decline
Joshua Tree, CA	1,152	4.49	3.7 (1.5)	+178.62 increase
Pinto Mtn, CA	508	1.98	2.4 (1.0)	-60.30 decline
Piute Valley, NV	927	3.61	5.3 (2.1)	+162.36 increase
Northeastern Mojave	4,160	16.2	4.5 (1.9)	+325.62 increase
Beaver Dam Slope, NV, UT, AZ	750	2.92	6.2 (2.4)	+370.33 increase
Coyote Spring, NV	960	3.74	4.0 (1.6)	+ 265.06 increase
Gold Butte, NV & AZ	1,607	6.26	2.7 (1.0)	+ 384.37 increase
Mormon Mesa, NV	844	3.29	6.4 (2.5)	+ 217.80 increase
Eastern Mojave, NV & CA	3,446	13.42	1.9 (0.7)	-67.26 decline
El Dorado Valley, NV	999	3.89	1.5 (0.6)	-61.14 decline
Ivanpah Valley, CA	2,447	9.53	2.3 (0.9)	-56.05 decline
Upper Virgin River	115	0.45	15.3 (6.0)	-26.57 decline
Red Cliffs Desert	115	0.45	15.3 (6.0)	-26.57 decline
Range-wide Area of CHUs - TCA's/Range-wide Change in Population Status	25,678	100.00		-32.18 decline

¹ U.S. Fish and Wildlife Service. 1994b. Endangered and threatened wildlife and plants; determination of critical habitat for the Mojave population of the desert tortoise. Federal Register 55(26):5820-5866. Washington, D.C.

Table 2. Estimated change in abundance of adult Mojave desert tortoises in each recovery unit between 2004 and 2014 (Allison and McLuckie 2018). Decreases in abundance are in red.

Recovery Unit	Modeled Habitat (km ²)	2004 Abundance	2014 Abundance	Change in Abundance	Percent Change in Abundance
Western Mojave	23,139	131,540	64,871	-66,668	-51%
Colorado Desert	18,024	103,675	66,097	-37,578	-36%
Northeastern Mojave	10,664	12,610	46,701	34,091	270%
Eastern Mojave	16,061	75,342	24,664	-50,679	-67%
Upper Virgin River	613	13,226	10,010	-3,216	-24%
Total	68,501	336,393	212,343	-124,050	-37%

Table 3. Summary of data for Agassiz’s desert tortoise, *Gopherus agassizii* (=Mojave desert tortoise) from 2004 to 2024 for the 5 Recovery Units and 17 Critical Habitat Units (CHUs)/Tortoise Conservation Areas (TCAs). The table includes the area of each Recovery Unit and CHU/TCA, percent of total habitat for each Recovery Unit and CHU/TCA, density (number of breeding adults/km² and standard errors = SE), and percent change in population density between 2004-2014 (USFWS 2015). Populations below the viable level of 3.9 breeding individuals/km² (10 breeding individuals per mi²) (assumes a 1:1 sex ratio) (USFWS 1994a, 2015) or showing a decline from 2004 to 2014 are in **red**.

Recovery Unit: Designated CHU/TCA &	% of total habitat area in Recovery Unit & CHU/TCA	2004 density / km ²	2014 density/ km ² (SE)	% 10-year change (2004–2014)	2015 density / km ²	2016 density / km ²	2017 density / km ²	2018 density / km ²	2019 density / km ²	2020 density / km ²	2021 density / km ²	2024 density /km ²
Western Mojave, CA	24.51		2.8 (1.0)	-50.7 decline								
Fremont-Kramer	9.14		2.6 (1.0)	-50.6 decline	4.5	No data	4.1	No data	2.7	1.7	No data	1.8
Ord-Rodman	3.32		3.6 (1.4)	-56.5 decline	No data	No data	3.9	2.5/3.4*	2.1/2.5*	No data	1.9/2.5*	2.7
Superior-Cronese	12.05		2.4 (0.9)	-61.5 decline	2.6	3.6	1.7	No data	1.9	No data	No data	No data
Colorado Desert, CA	45.42		4.0 (1.4)	-36.25 decline								
Chocolate Mtn AGR, CA	2.78		7.2 (2.8)	-29.77 decline	10.3	8.5	9.4	7.6	7.0	7.1	3.9	7.4
Chuckwalla, CA	10.97		3.3 (1.3)	-37.43 decline	No data	No data	4.3	No data	1.8	4.6	2.6	No data
Chemehuevi, CA	14.65		2.8 (1.1)	-64.70 decline	No data	1.7	No data	2.9	No data	4.0	No data	No data
Fenner, CA	6.94		4.8 (1.9)	-52.86 decline	No data	5.5	No data	6.0	2.8	No data	5.3	No data
Joshua Tree, CA	4.49		3.7 (1.5)	+178.62 increase	No data	2.6	3.6	No data	3.1	3.9	No data	No data
Pinto Mtn, CA	1.98		2.4 (1.0)	-60.30 decline	No data	2.1	2.3	No data	1.7	2.9	No data	No data
Piute Valley, NV	3.61		5.3 (2.1)	+162.36 increase	No data	4.0	5.9	No data	No data	No data	3.9	4.0

Northeastern Mojave AZ, NV, & UT	16.2		4.5 (1.9)	+325.62 increase								
Beaver Dam Slope, NV, UT, & AZ	2.92		6.2 (2.4)	+370.33 increase	No data	5.6	1.3	5.1	2.0	No data	No data	1.7
Coyote Spring, NV	3.74		4.0 (1.6)	+ 265.06 increase	No data	4.2	No data	No data	3.2	No data	No data	2.7
Gold Butte, NV & AZ	6.26		2.7 (1.0)	+ 384.37 increase	No data	No data	1.9	2.3	No data	No data	2.4	No data
Mormon Mesa, NV	3.29		6.4 (2.5)	+ 217.80 increase	No data	2.1	No data	3.6	No data	5.2	5.2	No data
Eastern Mojave, NV & CA	13.42		1.9 (0.7)	-67.26 decline								
El Dorado Valley, NV	3.89		1.5 (0.6)	-61.14 decline	No data	2.7	5.6	No data	2.3	No data	No data	
Ivanpah Valley, CA	9.53		2.3 (0.9)	-56.05 decline	1.9	No data	No data	3.7	2.6	No data	1.8	
Upper Virgin River, UT & AZ	0.45		15.3 (6.0)	-26.57 decline								
Red Cliffs Desert**	0.45	29.1 (21.4-39.6)**	15.3 (6.0)	-26.57 decline	15.0	No data	19.1	No data	17.2	No data	No data	17.5†
Rangewide Area of CHUs - TCAs/Rangewide Change in Population Status	100.00			-32.18 decline								

*This density includes the adult tortoises translocated from the expansion of the MCAGCC, that is resident adult tortoises and translocated adult tortoises.

**Methodology for collecting density data initiated in 1999.

†Results from 2023

Change in Status for the Mojave Desert Tortoise in California

- Eight of 10 populations of the Mojave desert tortoise in California declined from 29 to 64 percent from 2004 to 2014 with implementation of tortoise conservation measures in the Bureau of Land Management's Northern and Eastern Colorado Desert (NECO), Northern and Eastern Mojave Desert (NEMO), and Western Mojave Desert (WEMO) Plans.
- Eight of 10 populations of the Mojave desert tortoise in California are below the viability threshold for density. These eight populations represent 87.45 percent of the habitat in California that is in CHU/TCAs.
- The two viable populations of the Mojave desert tortoise in California are declining. If their rates of decline from 2004 to 2014 continue, these two populations will no longer be viable by about 2030.

Change in Status for the Mojave Desert Tortoise on BLM Land in California

- Eight of eight populations of Mojave desert tortoise on lands managed by the BLM in California declined from 2004 to 2014.
- Seven of eight populations of Mojave desert tortoise on lands managed by the BLM in California are no longer viable.

Change in Status for Mojave Desert Tortoise Populations in California that Are Moving toward Meeting Recovery Criteria

- The only population of Mojave desert tortoise in California that did not decline is on land managed by the National Park Service, which increased 178 percent from 2004 to 2014.

Important points to note from the data from 2015 to 2024 in Table 3 are:

Change in Status for the Mojave Desert Tortoise in the Western Mojave Recovery Unit:

- The density of tortoises continues to decline in the Western Mojave Recovery Unit
- The density of tortoises from 2015 to 2024 continues to fall below the density needed for population viability.

Change in Status for the Mojave Desert Tortoise in the Colorado Desert Recovery Unit:

- Many of the populations in this recovery unit have densities that are near the threshold for population viability.

Change in Status for the Mojave Desert Tortoise in the Northeastern Mojave Recovery Unit:

- Two of the three population with densities greater than needed for population viability declined to level below the minimum viability threshold.
- Three of the four populations in this recovery unit have densities below the minimum density needed for population viability.

Change in Status for the Mojave Desert Tortoise in the Eastern Mojave Recovery Unit:

- Both populations in this recovery unit have densities below the minimum density needed for population viability.

Change in Status for the Mojave Desert Tortoise in the Upper Virgin River Recovery Unit:

- The one population in this recovery unit is small and appears to have stable densities.

The Endangered Mojave Desert Tortoise: The Council believes that the Mojave desert tortoise meets the definition of an endangered species. In the FESA, Congress defined an “endangered species” as “any species which is in danger of extinction throughout all or a significant portion of its range...” In the California Endangered Species Act (CESA), the California legislature defined an “endangered species” as a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant, which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes (California Fish and Game Code § 2062). Because most of the populations of the Mojave desert tortoise were non-viable in 2014, most are declining, and the threats to the Mojave desert tortoise are numerous and have not been substantially reduced throughout the species’ range, the Council believes the Mojave desert tortoise should be designated as an endangered species by the USFWS and California Fish and Game Commission. Despite claims by USFWS (Averill-Murray and Field 2023) that a large number of individuals of a listed species and an increasing population trend in part of the range of the species prohibits it from meeting the definitions of endangered, we are reminded that the tenants of conservation biology include numerous factors when determining population viability. The number of individuals present is one of a myriad of factors (e.g., species distribution and density, survival strategy, sex ratio, recruitment, genetics, threats including climate change, etc.) used to determine population viability. In addition, a review of all the available data does not show an increasing population trend (please see Tables 1 and 3).

Literature Cited in Appendix A
Demographic Status and Trend of the Mojave Desert Tortoise
including Tortoises in the Western Mojave Recovery Unit

Allison L.J. and A.M. McLuckie. 2018. Population trends in Mojave desert tortoises (*Gopherus agassizii*). *Herpetological Conservation and Biology*. 2018 Aug 1. 13(2):433–452.
http://www.herpconbio.org/Volume_13/Issue_2/Allison_McLuckie_2018.pdf

or

<https://www.fws.gov/media/allison-and-mcluckie2018mojave-desert-tortoise-population-trends>

[USFWS] U.S. Fish and Wildlife Service. 1994a. Desert tortoise (Mojave population) Recovery Plan. U.S. Fish and Wildlife Service, Region 1, Portland, Oregon. 73 pages plus appendices. https://ecos.fws.gov/docs/recovery_plan/940628.pdf

[USFWS] U.S. Fish and Wildlife Service. 1994b. Endangered and threatened wildlife and plants; determination of critical habitat for the Mojave population of the desert tortoise. *Federal Register* 55(26):5820-5866. Washington, D.C.

[USFWS] U.S. Fish and Wildlife Service. 2011. Revised Recovery Plan for the Mojave Population of the Desert Tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, California and Nevada Region, Sacramento, California.

<https://www.fws.gov/sites/default/files/documents/USFWS.2011.RRP%20for%20the%20Mojave%20Desert%20Tortoise.pdf>

[USFWS] U.S. Fish and Wildlife Service. 2015. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2013 and 2014 Annual Reports. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. <https://www.fws.gov/sites/default/files/documents/USFWS.2015%20report.%20Rangewide%20monitoring%20report%202013-14.pdf>

[USFWS] U.S. Fish and Wildlife Service. 2016. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2015 and 2016 Annual Reporting. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. <https://www.fws.gov/sites/default/files/documents/USFWS.2016%20report.%20Rangewide%20monitoring%20report%202015-16.pdf>

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[USFWS] U.S. Fish and Wildlife Service. 2019. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2018 Annual Reporting. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. <https://www.fws.gov/sites/default/files/documents/USFWS.2019%20report.%20Rangewide%20monitoring%20report%202018.pdf>

[USFWS] U.S. Fish and Wildlife Service. 2020. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2019 Annual Reporting. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. 42 pages. https://www.fws.gov/sites/default/files/documents/2019_Rangewide%20Mojave%20Desert%20Tortoise%20Monitoring.pdf

[USFWS] U.S. Fish and Wildlife Service. 2022a. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2020 Annual Reporting. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. <https://www.fws.gov/sites/default/files/documents/USFWS.2022%20report.%20Rangewide%20monitoring%20report%202020.pdf>

[USFWS] U.S. Fish and Wildlife Service. 2022b. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2021 Annual Reporting. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Reno, Nevada. <https://www.fws.gov/sites/default/files/documents/USFWS.2022%20report.%20Rangewide%20monitoring%20report%202021.pdf>

[USFWS] U.S. Fish and Wildlife Service. 2025. Range-wide Monitoring of the Mojave Desert Tortoise (*Gopherus agassizii*): 2024 Annual Reporting. Report by the Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service, Las Vegas, Nevada.
<https://www.fws.gov/sites/default/files/documents/2025-08/2024-range-wide-mojave-desert-tortoise-monitoring-report.pdf>

EXHIBIT G



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Inland Deserts Region

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GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



October 21, 2025

Oliver Mujica, Contract Planner III

San Bernardino County

385 N. Arrowhead Avenue,

San Bernardino, CA 92415

Subject: Landers Hotel Project (Project)
Mitigated Negative Declaration (MND)
SCH# 2025090914

Dear Oliver Mujica:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration from San Bernardino County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As

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

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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

Proponent: Bellfield Developments, LLC

Objective: The objective of the Project is to construct a single-story hotel with associated structures, including a main lodge, a patio, a spa center, and a pavilion. The hotel will include: 35 hotel rooms; a main lodge that will have a restaurant, a bar, and a market; a patio with outdoor seating, a pool, a hot tub, and a spa. The spa will include a soaking pool, a hot tub, a shower, a sauna, and a pavilion area used for exercise classes and multipurpose meetings. Project activities include grading, foundation preparation, and building construction. The Project is estimated to build a total of 30,000 square feet.

Location: The Project is located in the unincorporated community of Landers, County of San Bernardino, State of California. The Project occurs at Assessor's Parcel Number 0630-031-05 and 0630-031-06 on 5.8 acres. The Project is located at the northeast corner of Bellfield Road and Chuchawalla Road at approximately latitude 34.2686 and longitude -116.4030.

Timeframe: The Project is anticipated to start in 2025 or 2026 and has a time frame of 12 months of construction.

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. Editorial comments or other suggestions may also be included to improve the document.

COMMENT #1: Desert Kit Fox (*Vulpes macrotis*) and American badger (*Taxidea taxus*)

Issue: Due to their similar life history, desert kit fox and American badger are hereby addressed together. The Project is within predicted habitat and could impact desert kit fox, a fur-bearing mammal protected by Title 14, section 460 and by Fish and

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Game Code section 4000. The Project is also within predicted habitat for American badger, which is a CDFW Species of Special Concern (SSC). However, the impact analysis conducted for the Project did not consider desert kit fox nor American badger.

Specific impact: Impacts to desert kit fox and American badger could occur during the construction of the Project. For example, the Project could result in the collapse of occupied burrows, permanent loss of foraging and nesting habitat, and/or direct mortality or injury.

Why impact would occur: According to the California Natural Diversity Database (CNDDDB), the Project is within highly suitable habitat for desert kit fox and American badger. Furthermore, ground squirrels and kangaroo rat species were observed on the Project site and are typical prey for desert kit fox and American badger.

Evidence impact would be significant: Desert kit foxes are considered uncommon to rare, and permanent residents of arid regions of southern California. Desert kit fox is addressed in Title 14 of the California Code of Regulations. California Code of Regulations, Title 14, section 460 states that "Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time". The desert kit fox and the American badger are also found within the FGC section 4000: "Fur-bearing mammals enumerated. The following are fur-bearing mammals: pine marten, fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver, badger, and muskrat".

American Badger are a CDFW SSC and have been experiencing serious population declines that, if continued, could qualify for State threatened or endangered status. Furthermore, the species is considered "rare" under the CEQA guidelines §15380 subds. (b)(2) due to its designation as a CDFW SSC and therefore impacts to the species may be considered significant.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends mitigation measure BIO-4 below for inclusion in the final MND to avoid and minimize impacts to desert kit fox and American badger:

BIO-4: Desert Kit Fox and American Badger (NEW)

No more than 30 days prior to the beginning of ground disturbance and/or Project activities, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present in the Project site. If potential burrows are located, they shall be monitored by the qualified biologist. If the burrow is determined to be active, the qualified biologist shall verify there are suitable burrows outside of the Project site prior to undertaking passive relocation actions. If no suitable burrows are located,

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artificial burrows shall be created at least fourteen days prior to passive relocation. The qualified biologist shall block the entrance of the active burrow with soil, sticks, and debris for 3-5 days to discourage the use of the burrow prior to Project activities. The entrance shall be blocked to an incrementally greater degree over the 3-5-day period. After the qualified biologist has determined there are no active burrows, the burrows shall be hand excavated to prevent re-use. No disturbance of active dens shall take place when juvenile desert kit fox and juvenile American badgers may be present and dependent on parental care. The qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be present.

COMMENT #2: Special Status Plants

Issue: The Project has the potential to result in permanent and temporary impacts to special-status plants, such as but not limited to: Providence Mountains milk-vetch (*Astragalus nutans*) (California Rare Plant Rank (CRPR) 4.3), white pygmy poppy (*Canbya candida*) (CRPR 4.2), Joshua tree poppy (*Eschscholzia andrauxii*) (CRPR 4.3), and crowned mullia (*Muilla coronata*) (CRPR 4.2).

Specific impact: The Project will require mass vegetation removal associated with grading and construction in habitats that are currently undeveloped. The impacts the Project could have on special status species include direct removal, modifying hydrology and rendering habitat unsuitable, and introduction or proliferation of invasive species thus increasing competition, and changes to habitat composition.

Why impact would occur: The field survey was conducted on June 21, 2023, when plants are unlikely to be in bloom and identifiable. Thus, it is most likely that special-status plant species that may be occupying the Project site were missed during field surveys.

Evidence impact would be significant: Special-status plants with a CNPS CRPR ranking of series 3 and 4 warrant the consideration of impacts and mitigation thereof under CEQA on the basis that these species are declining in abundance, hold limited taxonomic information, and/or hold other factors which require that they be tracked by CDFW through CNDDDB. Furthermore, special status plants with a CNPS CRPR ranking of series 1B and 2B meet the definition for CESA listing as rare, threatened, and/or endangered. The Project as described may result in direct take of special-status plants and may result in the loss of the habitats on which they depend.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends BIO-5 for inclusion in the final MND to avoid and minimize impacts to special-status plants.

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BIO-5: Special Status Plant Survey (New)

Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).

If any special-status plants are identified, the Project Proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plant(s) as determined by CDFW following Project impact analysis. If the Project has the potential to impact a state-listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

Additional Comments and/or Suggestions

COMMENT # 3: Western Joshua Tree (*Yucca brevifolia*)

The MND states that the Project site contains four western Joshua trees and recognizes that western Joshua trees are protected under CESA and as part of the Western Joshua Tree Conservation Act. The MND states that none of the western Joshua trees are located within the building area and no trees would be removed or otherwise disturbed. However, CDFW is concerned with encroachment onto the roots of western Joshua tree, which could result in take. California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Thus, CDFW recommends the inclusion of BIO-6 in the final MND to avoid and minimize impacts to western Joshua tree.

BIO-6: Western Joshua tree (New)

The western Joshua tree is a candidate threatened species under the California Endangered Species Act. If any western Joshua trees are to be relocated, removed, or otherwise taken, the Project Proponent shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section CDFW under §2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the Western Joshua Tree Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, removal, or take. (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch,

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

CDFW appreciates the inclusion of BIO-2 to avoid and minimize impacts to burrowing owl. CDFW only has a few suggestions to BIO-2 to clarify timeframes for pre-construction clearance surveys to follow the guidelines in CDFW's 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012).

BIO-2 (Revised)

A pre-construction clearance survey **according to the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012)** shall be conducted 14-30 days prior to any vegetation removal or ground disturbing activities, to confirm the presence/absence of burrowing owls and ensure impacts to any burrowing owls or occupied burrows do not occur. The clearance survey shall be conducted by a qualified biologist and cover all suitable habitat within the Project impact area, including adjacent suitable habitat within a 500-foot buffer (as accessible). Following completion of the clearance survey, the qualified biologist shall prepare and submit a final report to **CDFW** documenting the methods and results of the survey. If no burrowing owls or occupied burrows are detected, Project activities may begin, and no additional avoidance and minimization measures would be required. If an occupied burrow **or sign of burrowing owl** is found within the project impact area during preconstruction clearance surveys, **impacts to burrowing owl shall be fully and if impacts to burrowing owl are unavoidable, the Project Proponents should obtain an incidental take permit for burrowing owl from CDFW a burrowing owl exclusion plan shall be prepared and submitted to the California Department of Fish and Wildlife for approval prior to initiating Project activities that includes proposed mitigation for direct and permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced.** If an occupied burrow is found within adjacent habitat that may be indirectly impacted by project activities, the individual shall be buffered following the distances recommended by the Project biologist **and the 2012 Staff Report on Burrowing Owl Mitigation.** The biologist shall monitor the burrow, adjust the buffer area as needed, and shall have the authority to stop construction activities to prevent take.

COMMENT # 5: Fish and Game Code Section 1602 Resources

The Project may result in substantial impacts to an unnamed ephemeral desert stream located adjacent to the Project site. CDFW is concerned that construction activities may result in the placement of fill or other materials deleterious to fish and wildlife within the streambed. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake;

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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. The MND does not provide a measure to minimize the Project's impacts to streambeds. Thus, CDFW strongly recommends the adoption of BIO-7 below for inclusion in the final MND.

BIO-7: Lake and Streambed Alteration

If Project construction activities occur within a stream or associated habitat or may impact adjacent Fish and Game Code section 1602 resources, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alteration Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

COMMENT # 6: Nesting Birds

CDFW appreciates the MND's inclusion of BIO-1 to avoid and minimize impacts to nesting birds. However, in consideration that birds are known to nest outside of the typical nesting season, CDFW recommends pre-construction nesting bird surveys three days prior to construction. As such, CDFW recommends the below edits (edits are in **bold** and ~~strikethrough~~) to BIO-1 for incorporation in the final MND:

BIO-1

~~In the event that ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat that are associated with the Project are scheduled to occur within the avian nesting season (from February 1 through August 31),~~ **A** qualified biologist retained by the Project Applicant shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.

The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the Project Site during the clearance survey with a brief letter report indicating that no impact to active bird nests would occur before construction can proceed. If an active bird nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer around the active nest. The size of the no-disturbance buffer shall

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be determined by the wildlife biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. Any activities requiring the removal of a tree with an active bird nest shall halt until nesting activity ~~seasons ends~~, which ~~shall would~~ be determined by the qualified biologist.

The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. **No Project activities shall occur within the buffer unless nesting activities have been completed, nestlings have fledged, or the nest has failed, as determined by the qualified biologist.** Results of the pre-construction survey and any subsequent monitoring shall be provided to the County of San Bernardino, California Department of Fish and Wildlife, and other appropriate agencies.

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 Mitigated Negative Declaration to assist San Bernardino County in identifying and mitigating Project impacts on biological resources.

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

Sincerely,

DocuSigned by:

84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

References

California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation.

California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts Special-status Native Plant Populations and Natural Communities. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

Attachments

Attachment A: Mitigation Monitoring Reporting Plan

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**Attachment A
 Mitigation Monitoring and Reporting Plan**

Measure Number	Biological (BIO) Mitigation Measure	Implementation Schedule	Responsible Party
BIO-1	<p>A qualified biologist retained by the Project Applicant shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.</p> <p>The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the Project Site during the clearance survey with a brief letter report indicating that no impact to active bird nests would occur before construction can proceed. If an active bird nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer around the active nest. The size of the no-disturbance buffer shall be determined by the wildlife biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. Any activities requiring the removal of a tree with an active bird nest shall halt until nesting activity end, which shall be determined by the qualified biologist.</p> <p>The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not</p>	<p>Prior to initiation of Project Activities</p>	<p>Project Proponent and Qualified Biologist</p>

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	<p>adversely affected by the construction activity. No Project activities shall occur within the buffer unless nesting activities have been completed, nestlings have fledged, or the nest has failed, as determined by the qualified biologist. Results of the pre-construction survey and any subsequent monitoring shall be provided to the County of San Bernardino, California Department of Fish and Wildlife, and other appropriate agencies.</p>		
<p>BIO-2</p>	<p>A pre-construction clearance survey according to the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) shall be conducted prior to any vegetation removal or ground disturbing activities, to confirm the presence/absence of burrowing owls and ensure impacts to any burrowing owls or occupied burrows do not occur. The clearance survey shall be conducted by a qualified biologist and cover all suitable habitat within the Project impact area, including adjacent suitable habitat within a 500-foot buffer (as accessible). Following completion of the clearance survey, the qualified biologist shall prepare and submit a final report to CDFW documenting the methods and results of the survey. If no burrowing owls or occupied burrows are detected, Project activities may begin, and no additional avoidance and minimization measures would be required. If an occupied burrow or sign of burrowing owl is found within the project impact area during preconstruction clearance surveys, impacts to burrowing owl shall be fully and if impacts to burrowing owl are unavoidable, the Project Proponents should obtain an incidental take permit</p>	<p>Prior to initiation of Project Activities</p>	<p>Project Proponent and Qualified Biologist</p>

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	<p>for burrowing owl from CDFW. If an occupied burrow is found within adjacent habitat that may be indirectly impacted by project activities, the individual shall be buffered following the distances recommended by the Project biologist and the 2012 Staff Report on Burrowing Owl Mitigation. The biologist shall monitor the burrow, adjust the buffer area as needed, and shall have the authority to stop construction activities to prevent take.</p>		
<p>BIO-4</p>	<p>No more than 30 days prior to the beginning of ground disturbance and/or Project activities, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present in the Project site. If potential burrows are located, they shall be monitored by the qualified biologist. If the burrow is determined to be active, the qualified biologist shall verify there are suitable burrows outside of the Project site prior to undertaking passive relocation actions. If no suitable burrows are located, artificial burrows shall be created at least fourteen days prior to passive relocation. The qualified biologist shall block the entrance of the active burrow with soil, sticks, and debris for 3-5 days to discourage the use of the burrow prior to Project activities. The entrance shall be blocked to an incrementally greater degree over the 3-5-day period. After the qualified biologist has determined there are no active burrows, the burrows shall be hand excavated to prevent re-use. No disturbance of active dens shall take place when juvenile desert kit fox and juvenile American badgers may be</p>	<p>Prior to initiation of Project Activities</p>	<p>Project Proponent and Qualified Biologist</p>

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	<p>present and dependent on parental care. The qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be present.</p>		
BIO-5	<p>Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).</p> <p>If any special-status plants are identified, the Project Proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plant(s) as determined by CDFW following Project impact analysis. If the Project has the potential to impact a state-listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.</p>	<p>Prior to initiation of Project Activities</p>	<p>Project Proponent and Qualified Biologist</p>
BIO-6	<p>The western Joshua tree is a candidate threatened species under the California Endangered Species Act. If any western Joshua trees are to be relocated, removed, or otherwise taken, the Project Proponent shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section CDFW under §2081b of the California Endangered Species Act (CESA), or any other appropriate take</p>	<p>Prior to initiation of Project Activities</p>	<p>Project Proponent</p>

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<p>authorization under CESA or under the Western Joshua Tree Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, removal, or take. (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of western Joshua tree, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085 and §§ 1927-1927.12). Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from</p>		
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	<p>the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.</p>		
<p>BIO-7</p>	<p>If Project construction activities occur within a stream or associated habitat or may impact adjacent Fish and Game Code section 1602 resources, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alteration Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.</p>	<p>Prior to initiation of Project Activities</p>	<p>Project Proponent and Qualified Biologist</p>

EXHIBIT H



February 20, 2026

Belfield Developments LLC

Attn: Sam Friedman
3705 West Pic Blvd., Suite 890
Los Angeles, CA 90019

SUBJECT: Biological Resources Assessment Update for the Proposed Hotel Project Located in Landers, San Bernardino County, California

Introduction

This report contains the findings of ELMT Consulting’s (ELMT) biological resources assessment update for the proposed Landers Hotel facility located in the unincorporated community of Landers, San Bernardino County, California. The initial field investigation was conducted by biologists Jacob H. Lloyd Davies and Megan E. Peukert on June 21, 2023, to document baseline conditions and assess the potential for special-status¹ plant and wildlife species to occur within the project site that could pose a constraint to implementation of the proposed project. A follow up field investigation was conducted by biologist Travis J. McGill on February 15, 2026 to reconfirm existing site conditions and walk to the site to ensure 100 percent visual coverage.

Special attention was given to the suitability of the project site to support burrowing owl (*Athene cunicularia*), desert tortoise (*Gopherus agassizii*), Joshua tree (*Yucca brevifolia*), and other special-status plant and wildlife species identified by the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB), and other electronic databases as potentially occurring in the general vicinity of the project site. Additionally, the report also addresses resources protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC), federal Clean Water Act (CWA) regulated by the United States Army Corps of Engineers (Corps) and Regional Water Quality Control Board (Regional Board) respectively, and Section 1602 of the FGC administered by CDFW.

Project Location

The project site generally located north of State Route 62, east of the Marine Corps Air Ground Combat Center, west of State Route 247, and south of Interstate 40 in San Bernardino County, California. The site is depicted on the Landers quadrangle of the United States Geological Survey’s (USGS) 7.5-minute map series within Section 7 of Township 2 North, Range 6 East. Specifically, the project site is bounded to the west by Belfield Boulevard and is located north of Reche Road, west of Landers Lane, and south of Park Lane. The project site encompasses approximately 5.75 acres within Assessor’s Parcel Numbers 0630-031-05 and -06. Refer to Exhibits 1-3 in Attachment A.

¹ As used in this report, “special-status” refers to plant and wildlife species that are federally and State listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. In addition to the literature review, a general habitat assessment or field investigation of the project site was conducted to document existing conditions and assess the potential for special-status biological resources to occur within the project site.

Literature Review

Prior to conducting the field investigation, a literature review and records search was conducted for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the CDFW's QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and the United States Fish and Wildlife Service (USFWS) species listings.

All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred within the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Google Earth Pro historic aerial imagery (1985-2026);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey²;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS Endangered Species Profiles.

The literature review provided a baseline from which to inventory the biological resources potentially occurring within the project site. The CNDDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

Field Investigation

Following the literature review, biologist Jacob H. Lloyd Davies and Megan E. Peukert initially inventoried and evaluated the condition of the habitat on June 21, 2023. Biologist Travis J. McGill conducted an updated site visit to confirm existing site conditions on and within a 500-foot buffer, where applicable and had access, around the project site, including all "action areas", where applicable, on February 15, 2026. Plant communities and land cover types identified on aerial photographs during the literature review were verified

² A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

by walking straight-line transects spaced 10 meters apart throughout the project site. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field investigation. A summary of conditions during the survey is included below in *Table 1*.

Table 1: Survey Data

Survey Date	Surveyor	Time	Temperature (°F)	Cloud Cover	Wind Speed (mph)
02/15/2026	T. McGill	0630-1000	40-58	20%	0-3

General weather condition during the field investigation were conducive to detection of special-status species including desert tortoise and burrowing owl. The weather during the surveys consisted of partially cloudy to clear skies with minimal wind, and temperatures ranging from 40 to 58 degrees Fahrenheit (°F). Surveys are not accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90 °F.

The protocol survey for burrowing owl and desert tortoise requires a systematic survey of all areas that provide suitable habitat plus a 150-meter (approximately 500 feet) zone of influence (survey area) on all sides of suitable habitat, where applicable. A total of 5.75 acres of suitable habitat were surveyed.

Survey transects on the project site were generally oriented north to south and were conducted at a maximum of 10-meter (approximately 33 feet) intervals to ensure 100% visual coverage of all areas in suitable habitat on the project site and within the survey area. Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence. All burrows encountered were examined for shape, scat, pellets, white-wash, feathers, tracks, carcasses/skeletal remains, and prey remains. The location of all suitable habitat, potential special-status species' burrows, sign, and any specimens observed were recorded and mapped, with a hand-held GPS unit, if observed. Methods of detection included direct observation, aural detection, and signs of presence. Binoculars were periodically used to scan the site to observe distant birds and their activity around potential nesting habitat.

Soil Series Assessment

On-site and adjoining soils were researched prior to the field investigation using the USDA NRCS Soil Survey for San Bernardino County, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were classified in accordance with Sawyer, Keeler-Wolf and Evens (2009), delineated on an aerial photograph, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community and/or land cover type in acres.

Plants

Common plant species observed during the field investigation were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less-familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

Wildlife

Wildlife species detected during the field investigation by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are well standardized, scientific names are provided immediately following common names in this report (first reference only).

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program “My Waters” data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the project site.

Existing Site Conditions

The proposed project site is located in a rural area in the southern portion of the unincorporated community of Landers. Land in the vicinity of the site is primarily undeveloped with scattered residential parcels and a network of paved and unpaved roads throughout. The site is bounded to the north, south, and east by undeveloped vacant land; and is bound to the east by Belfield Boulevard; with residential development beyond in all directions. The project site itself supports undeveloped land supporting natural plant communities.

Topography and Soils

On-site elevation ranges from approximately 3,050 to 3,060 feet above mean sea level and generally slopes from south to north. Based on the NRCS USDA Web Soil Survey, soils underlying the project site have not been mapped in detail, but the surrounding area is mapped as being underlain by Cajon-Arizo soils.

Vegetation

The project site supports one (1) plant community: creosote bush scrub (refer to Exhibit 4, *Vegetation* in

Attachment A). Refer to Attachment B, *Site Photographs*, for representative site photographs.

The majority of the project site supports a creosote bush scrub plant community. Common species observed on-site include creosote (*Larrea tridentata*), western Joshua tree (*Yucca brevifolia*), Mediterranean grass (*Schismus barbatus*), Desert tea (*Ephedra californica*), pencil cholla (*Cylindropuntia leptocaulis*), silver cholla (*Cylindropuntia echinocarpa*), catclaw acacia (*Senegalia greggii*), mesquite mistletoe (*Phoradendron californicum*), desert woollystar (*Eriastrum eremicum*), coyote melon (*Cucurbita palmata*), devil's spineflower (*Chorizanthe rigida*), desert dandelion (*Malacothrix glabrata*), bladder pod (*Peritoma arborea*), brown-eyed primrose (*Chylismia claviformis*), and desert sand verbena (*Abronia villosa*).

Wildlife

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the project site. The discussion is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field investigation was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation. The project site provides limited habitat for wildlife species except those adapted to a high degree of anthropogenic disturbances and development.

Fish

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the project site. Therefore, no fish are expected to occur and are presumed absent from the project site.

Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the project site. Therefore, no amphibians are expected to occur on the project site and are presumed absent.

Reptiles

The project site and surrounding area provide suitable foraging and cover habitat for local reptile species adapted to the desert. No reptilian species were observed during the field investigation. Common reptilian species that could be expected to occur include western side-blotched lizard (*Uta stansburiana elegans*), Great Basin whiptail (*Aspidoscelis tigris tigris*), desert spiny lizard (*Sceloporus magister*), Great Basin fence lizard (*Sceloporus occidentalis longipes*), Great Basin gopher snake (*Pituophis catenifer deserticola*), southwestern speckled rattlesnake (*Crotalus mitchellii pyrrhus*).

Birds

The project site and surrounding area provide suitable foraging and nesting habitat for local bird species adapted to desert environments. Bird species detected during the field investigation included black-throated sparrow (*Amphispiza bilineata*), Bullock's oriole (*Icterus bullockii*), and verdin (*Auriparus flaviceps*). Other common avian species that could be expected to occur on site include mourning dove (*Zenaida macroura*) and turkey vulture (*Cathartes aura*).

Mammals

The project site and surrounding area provide suitable foraging and cover habitat for mammalian species adapted to conditions within the Mojave Desert. Mammalian species detected during the field investigation include California ground squirrel (*Otospermophilus beecheyi*), coyote (*Canis latrans*), kangaroo rat (*Dipodomys* sp.), and domestic cat (*Felis catus*).

Nesting Birds

No active nests were observed on-site during the updated field investigation. The project site and surrounding area, including structures, provide suitable nesting opportunities for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments. No raptors are expected to nest on-site due to lack of suitable nesting opportunities.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests, or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both anthropogenic disturbance and natural fluctuations in resources.

According to the San Bernardino County General Plan, the project site has not been identified as occurring within a Wildlife Corridor or Linkage. As designated by the San Bernardino County General Plan Open Space Element, the nearest major open space area to the site is located approximately 6.1 miles to the west within the San Bernardino Mountains. The site is separated from nearby open spaces by existing development and roadways, and undeveloped open space, and there are no riparian corridors or creeks connecting the project site to these areas.

However, Pipes Wash, which occurs immediate east of the site, serves as a seasonal migratory corridor for local wildlife species migrating between northwest limits of the San Bernardino Mountains and the Bed Mountains and Bullion Mountains to the north. The area surrounding nearby portions of Pipes Wash is primarily composed of undeveloped land that supports natural plant communities, with scattered road and residential developments throughout. No impacts to Pipes Wash are expected to occur from project implementation.

The project site provides local wildlife movement opportunities for wildlife species moving through the immediate area; however, surrounding residential developments reduce wildlife movement opportunities. As such, implementation of the proposed project is not expected to have a significant impact to wildlife

movement opportunities or prevent local wildlife movement through the area since there is ample habitat adjacent to the project site to support wildlife movement opportunities.

Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into “waters of the United States” pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented on the project site. Based on this review, a riverine feature is mapped as occurring approximately 400 feet east of site boundaries, associated with Pipes Wash. During the field investigation, a tributary of Pipes Wash was mapped as occurring approximately 50 feet to the southeast of the site, outside of the proposed project footprint (refer to Exhibit 5, *Jurisdictional Areas*). This tributary is an ephemeral drainage that only receives flows from direct precipitation during and immediately following storm events. No surface water was observed within the offsite tributary during the field investigation.

The proposed project is not expected to impact the adjacent ephemeral drainage feature and regulatory approval from the Corps, Regional Board, or CDFW will not be required. However, if it is later determined that impacts to the adjacent drainage feature will occur from project implementation, a formal jurisdictional delineation will need to be prepared to calculate potential impacts to the drainage feature.

Special-Status Biological Resources

The CNDDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Landers, Goat Mountain, Yucca Valley North, and Joshua Tree North USGS 7.5-minute quadrangles. Four quadrangles were queried due to the proximity of the site to quadrangle boundaries and regional topography. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified twenty-four (24) special-status plant species, sixteen (16) special-status wildlife species, and no special-status plant communities as having potential to occur within the Landers, Goat Mountain, Yucca Valley North, and Joshua Tree North USGS 7.5-minute quadrangles. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity of the project site is presented in Attachment C: *Potentially Occurring Special-Status Biological Resources*.

Special-Status Plants

According to the CNDDDB and CNPS, twenty-four (24) special-status plant species have been recorded in

the Landers, Goat Mountain, Yucca Valley North, and Joshua Tree North quadrangles (refer to Attachment C). The majority of the site supports undisturbed native plant communities. Western Joshua tree was the only special-status plant species observed onsite. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, and proximity of the site to known occurrences, it was determined that the undeveloped portions of project site have a low potential to support Joshua tree poppy (*Eschscholzia andrauxii*), Providence Mountains milk-vetch (*Astragalus nutans*), white pygmy-poppy (*Canbya candida*), and crowned muilla (*Muilla coronata*).

It was further determined that the project site does not have the potential to support the remainder of special-status plant species known to occur in the vicinity of the site and all are presumed to be absent.

Besides western Joshua tree, the aforementioned special-status plant species are not federally, or state listed as threatened or endangered. They are designated as either CNPS Rare Plant Rank 4.2 or 4.3 species. CNPS Rare Plant Rank 4 species are of limited distribution or infrequent throughout a broader area in California, with 4.3 species considered to not be very threatened and 4.2 species considered to be moderately threatened. Since the site provides limited habitat for these species and no direct observations were made, it is unlikely that either of these species, if found onsite, would contribute meaningfully to the continued conservation of these species. However, to ensure the project does not result in direct take of special-status plants nor a loss of the habitats on which they depend, a special-status plant survey is recommended prior to project implementation, and during the appropriate season. The aforementioned species, Joshua tree poppy, Providence Mountain milk-vetch, white pygmy-poppy, and crowned muilla, all flower in April. Therefore, focused botanical surveys should be conducted during this month to ensure that each species can be properly identified during the field investigation.

If any special-status plants are identified, the project proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the project proponent shall mitigate the loss of the plant(s) as determined by CDFW following project impact analysis. If the project has the potential to impact a state-listed species, the Project Proponent should apply for CESA Incidental Take Permit (ITP) with CDFW.

The life history and listing of western Joshua tree are further discussed below.

Western Joshua Tree

The California Fish and Game Commission (Commission) designated the western Joshua tree as a candidate for listing under the California Endangered Species Act (CESA) in October 2020. This action afforded the western Joshua tree the same CESA protections as listed species, which means that removal of the desert trees was subject to fines and criminal penalties unless authorized by a “take” permit issued by the CDFW. Such permits were difficult to obtain, and when issued would authorize removal only in limited circumstances. The new law which became effective July 1, 2023, streamlines the western Joshua Tree take permit process and broadens the purposes for which a permit may be issued. A western Joshua tree may now be removed for any purpose, so long as a permit is obtained and the removal is fully mitigated, or alternatively, an in-lieu mitigation fee is paid. The project site is located within a designated Reduced Fee Mitigation Area for Joshua trees in San Bernardino County. Applicable in-lieu mitigation fees would be determined in accordance with current County requirements at the time of permitting. The table below summarizes the new rules for the area where the project site is located:

Location	Mitigation Fees
The project site is not located within the “Reduced Mitigation Fee Area”: the area bounded on the east and west by Interstate 5 and Interstate 15, respectively, and on the north and south by Highway 58 and Highways 138 and 18, respectively.	Full mitigation, or in-lieu fee as follows: <ul style="list-style-type: none"> • \$2,609 per tree > 5 meters tall • \$521.75 per tree 1 to 5 meters tall • \$354.75 per tree < 1 meter tall

Two (2) western Joshua trees, 1 to 5 meters in height, was observed on the project site during the field investigation. In addition, seven (7) western Joshua trees less than 1 meter in height were observed in association with the one western Joshua tree. In total, nine (9) western Joshua trees were observed onsite. Impacts to the on-site Joshua trees, including encroachment onto the roots of western Joshua tree, which could result in take, will require a mitigation fee to be paid into the western Joshua tree mitigation tree fund. A formal western Joshua tree census will need to be conducted.

If any western Joshua trees are to be relocated, removed, or otherwise taken, the Project Proponent shall obtain an Incidental Take Permit (ITP) from CDFW under Section CDFW under 52081b of CESA, or any other appropriate take authorization under CESA or under the Western Joshua Tree Conservation Act (Fish & G. Code, SS 1927-1927.12), prior to the relocation, removal, or take.

Special-Status Wildlife

According to the CNDDDB, sixteen (16) special-status wildlife species have been reported in the Landers, Goat Mountain, Yucca Valley North, and Joshua Tree North quadrangles (refer to Attachment C). No special-status wildlife species were observed during the field investigation. Based on habitat requirements for specific species and the availability and quality of on-site habitats, and proximity to known occurrences, it was determined that the proposed project site has a high potential to support loggerhead shrike (*Lanius ludovicianus*) and LeConte’s thrasher (*Toxostoma lecontei*); a moderate potential to support Cooper’s hawk (*Astur cooperii*); and a low potential to support burrowing owl, desert tortoise, and American badger (*Taxidea taxus*). Additionally, the project site was determined to have a low potential to support desert kit fox (*Vulpes macrotis*); however, this species does not have a designated listing status, nor is it protected as a Species of Special Concern within the state. It was further determined that the project site does not have the potential to support the remainder of special-status wildlife species known to occur in the vicinity of the site and all are presumed to be absent.

In order to ensure impacts to special-status avian species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to special-status avian species will be less than significant and no mitigation will be required.

Due to regional significance and listing status, the potential occurrence of burrowing owl, desert tortoise, LeConte’s thrasher, desert kit fox, and American badger are discussed in further detail below.

Burrowing Owl

Burrowing owl is currently designated as a Candidate Species for Listing under the California Endangered

Species Act (CESA). It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently-sloping areas characterized by sparse vegetation and bare ground (Haug and Didiuk 1993; Dechant et al. 1999). Burrowing owls are dependent upon the presence of burrowing mammals (such as ground squirrels) whose burrows are used for roosting and nesting (Haug and Didiuk 1993). The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drainpipes, stand-pipes, and dry culverts. Burrowing mammals may burrow beneath rocks and debris or large, heavy objects such as abandoned cars, concrete blocks, or concrete pads. They also require open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators.

No burrowing owls or recent sign (i.e., pellets, feathers, castings, or whitewash) was observed during the field investigation. The project site is vegetated with a variety of low-growing plant species that allow for line-of-sight observation favored by burrowing owls. However, no suitable burrows (>4 inches) for roosting and nesting were observed onsite. Therefore, the project site was determined to have a low potential to support burrowing owl. A pre-construction clearance survey is recommended to be conducted prior to project implementation.

Desert Tortoise

Desert tortoise is currently listed as state Endangered under CESA and federally Threatened under the Endangered Species Act (ESA). The Mojave population of the desert tortoise inhabits areas north and west of the Colorado River in the Mojave Desert of California, Nevada, Arizona, and southwestern Utah, and in the Sonoran Desert in California. Throughout the majority of the Mojave Desert, desert tortoises occur most commonly on gentle sloping soils characterized by an even mix of sand and gravel and sparsely vegetated low-growing vegetation where there is abundant inter-shrub space. Typical habitat for the Mojave desert tortoise has been characterized as Mojavean desert scrub below 5,500 feet in elevation with a high diversity of perennial and ephemeral plants. The dominant shrub commonly associated with desert tortoise habitat is creosote bush; however, other shrubs including burrobush (*Ambrosia dumosa*), Mojave yucca, cheesebush (*Ambrosia salsola*), and Mojave prickly pear (*Opuntia mojavensis*) also provide suitable habitat. The desert tortoise spends 95 percent of its life underground and will opportunistically utilize burrows of various lengths, deep caves, rock and caliche crevices, or overhangs for cover. Therefore, moderately friable soil is required to allow for burrow construction and ensure that burrows do not collapse.

No live desert tortoises, suitable burrows, or other sign were observed during the field investigation. The Creosote bush scrub plant community supported by the project site and adjacent open space have the potential to provide suitable foraging and burrowing habitat for desert tortoise. However, adjacent land uses and routine anthropogenic disturbance from light vehicles and off-highway recreational vehicles has reduced the potential for desert tortoise to occur. Therefore, the project site was determined to have a low potential to support desert tortoise. A pre-construction clearance survey is recommended to be conducted prior to project implementation.

LeConte's Thrasher

LeConte's thrasher is designated by the CDFW as a species of special concern. It is covered under the

MSHCP. It is a year-round resident of southern California. This species is typically found in sparsely vegetated desert flats, dunes, alluvial fans, or gently rolling hills with a high proportion of saltbush (*Atriplex* spp.) or cholla (*Cylindropuntia* spp.) but may still utilize areas without these plants. Water is rarely present, and leaf litter under shrubs is required for insect buildup. This species primarily nests in thorny shrubs and cholla. The general nesting season extends from mid-February to late June.

According to CNDDDB records, LeConte's thrasher has been documented approximately 0.3 miles south and 0.91 miles southwest of the project site. The species was not observed during the field investigation; however, conditions onsite provide suitable foraging and nesting habitat. A pre-construction nesting bird survey is recommended to be conducted prior to project implementation to ensure that no impacts occur to this species.

Desert Kit Fox

The desert kit fox is not currently state or federally listed as endangered or threatened, nor is it listed by the state as a California Species of Special Concern. However, the desert kit fox is protected by Title 14, section 460 and by Fish and Game Code section 4000.

It inhabits scrub, chaparral, and grassland habitats with varying vegetation densities and availability of sparse ground for foraging. The smallest fox species in North America, they are well-adapted to hot, dry conditions and can survive without fresh water. They are primarily nocturnal and sometimes crepuscular and utilize dens to escape high and low temperatures. The desert kit fox is capable of digging its own burrow but will opportunistically occupy burrows of other species. It will often utilize several burrows in a short period, especially in the summer months. Home ranges can vary widely from one to twelve square miles and individuals can travel upwards of nine miles per night in search of prey. The desert kit fox is a generalized omnivore, and its diet varies seasonally and geographically depending on prey availability. Its diet includes ground squirrels, kangaroo rats, mice, black-tailed jackrabbits, cottontail rabbits, ground-nesting birds, insects, fish, carrion, and fruiting vegetation and grasses. Breeding takes place between winter and spring.

Due to the project site's proximity to adjacent residential development, the site is unlikely to provide suitable burrowing habitat for desert kit fox. However, prey species utilized by this species were detected onsite, and the site's proximity to Pipes Wash, which provides wildlife movement opportunities, may support foraging activities. Therefore, out of an abundance of caution, a pre-construction clearance survey for desert kit fox, conducted concurrently with a survey for American badger, is recommended prior to the initiation of construction activities.

American Badgers

The American badger is currently listed as a California Species of Special Concern. It is typically associated with grassland habitats and other habitat types that support open areas and grasslands, including parklands, farms, prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey, and is occasionally found in open chaparral (with less than 50% plant cover) and riparian zones. They are primarily nocturnal but may shift to crepuscular and diurnal foraging behaviors when human development and disturbance are present, or if a female is caring for young. The American badger preys on a variety of species but is primarily a fossorial carnivore. Its diet includes gophers, ground squirrels, woodrats, skunks, kangaroo rats, mice, snakes, lizards, ground nesting birds,

amphibians, fish, and carrion. A notable foraging behavior of the American badger is hunting in tandem with one or more coyotes, due to the opposite flight responses elicited in most fossorial prey species. Breeding occurs in the late summer and early fall.

Due to the project site's proximity to adjacent residential development, the site is unlikely to provide suitable burrowing habitat for American badger. However, prey species utilized by this species were detected onsite, and the site's proximity to Pipes Wash, which provides wildlife movement opportunities, may support foraging activities. Therefore, out of an abundance of caution, a pre-construction clearance survey for American badger, conducted concurrently with a survey for desert kit fox, is recommended prior to the initiation of construction activities.

Critical Habitat

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a Clean Water Act Permit from the United States Army Corps of Engineers). If there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located within federally designated Critical Habitat. Further, the nearest Critical Habitat designations are located approximately 15 miles west of the project site for Cushenbury buckwheat and Parish's daisy. Refer to Exhibit 6, *Critical Habitat*, in Attachment A. Therefore, no impacts to federally designated Critical Habitat will occur from implementation of the proposed project.

San Bernardino County Development Code

Certain desert plant species are regulated pursuant to Section 88.01.060 of the San Bernardino County Development Code and Section 80073 of the California Desert Native Plant Act. Chapter 3, Section 80072 states that the following native plants, or any parts thereof, may not be harvested except for scientific or educational purposes under a permit issued by the commissioner of the county in which the native plants are growing:

- (a) All species of Burseraceae family (elephant tree)
- (b) *Carnegiea gigantea* (saguaro cactus)
- (c) *Ferocactus acanthodes* (barrel cactus)
- (d) *Castela emoryi* (crucifixion thorn)
- (e) *Dudleya saxosa* (panamint dudleya)
- (f) *Pinus longaeva* (bristlecone pine)

(g) *Washingtonia filifera* (fan palm)

Section 80073, within the same code, states the following native plants*, or any part thereof, may not be harvested except under a permit issued by the commissioner or the sheriff of the county in which the native plants are growing:

- (a) All species of the family Agavaceae (century plants, nolinias, yuccas).
- (b) All species of the family Cactaceae (cacti), except for the plants listed in subdivisions (b) and (c) of Section 80072 which may be harvested under a permit obtained pursuant to that section.
- (c) All species of the family Fouquieriaceae (ocotillo, candlewood).
- (d) All species of the genus *Prosopis* (mesquites).
- (e) All species of the genus *Cercidium* (palos verdes).
- (f) *Acacia greggii* (catclaw).
- (g) *Atriplex hymenelytra* (desert-holly).
- (h) *Dalea spinosa* (smoke tree).
- (i) *Olneya tesota* (desert ironwood), including both dead and live desert ironwood.

Based on the results of the field investigation, desert native plant species western Joshua Tree, pencil cholla, silver cholla are present on-site. If this species is expected to be impacted by project implementation, respective Tree or Plant Removal Permits will be required for each individual prior to ground disturbance in association with Section 88.01.060 of the County of San Bernardino Development Code.

Conclusion

Based on the literature review and field survey, and existing site conditions discussed in this report, implementation of the project will have no significant impacts on federally or State listed species known to occur in the general vicinity of the project site. Additionally, the project will have no effect on designated Critical Habitat, or regional wildlife corridors/linkage because none exists within the area. No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. The only surveys recommended include pre-construction clearance surveys for desert tortoise and burrowing owl. With completion of the recommendations provided below, no impacts to year-round, seasonal, or special-status avian residents or special-status species will occur from implementation of the proposed project.

Recommendations

Western Joshua Tree Census and Take Permit

A western Joshua Tree Census and Western Joshua Tree Incidental Take Permit will need to be prepared and processed through CDFW prior to project implementation. Mitigation for impacts to the onsite Joshua trees will be completed using the mitigation fee structure for projects in the “standard fee” area. Processing of the western Joshua Tree Incidental Take Permit and payment of the mitigation fee will reduce impacts to Western Joshua Tree to less than significant.

Pre-Construction Desert Tortoise Survey

To ensure that desert tortoise remain absent from the project site, a pre-construction clearance survey shall be conducted by an Authorized Desert Tortoise Biologist immediately prior to installation of temporary exclusion fencing around the proposed impact area. The survey shall follow USFWS (2019) tortoise survey

protocol to confirm the absence of desert tortoise within the project site and a 500-foot buffer. Pedestrian transects shall be spaced at 10-meter (33-foot) intervals throughout the action area. Any suitable desert tortoise burrows observed during the clearance survey shall be thoroughly inspected for the presence of desert tortoise or evidence of recent use. If desert tortoise are detected onsite, work shall cease in the vicinity of the observation, and appropriate authorization shall be obtained prior to handling or relocation. Because the species is federally and state-listed, any handling would require appropriate authorization from the USFWS and CDFW, as applicable. Should the project result in take of the species, an incidental take shall be required.

Pre-Construction Burrowing Owl Clearance Survey

To ensure burrowing owl remain absent from the project site, a pre-construction burrowing owl clearance survey shall be conducted in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation. Two surveys shall be conducted, no less than 14 days prior to ground disturbing activities and the second within 24 hours immediately before ground disturbing activities. The clearance survey shall be conducted by a qualified biologist and cover all suitable habitat within the project impact area, including adjacent suitable habitat within a 500-foot buffer (as accessible). If no burrowing owls or occupied burrows are detected, project activities may begin, and no additional avoidance and minimization measures would be required. If an occupied burrow or sign of burrowing owl is found within the project impact area during preconstruction clearance surveys, impacts to burrowing owl shall be fully evaluated and if impacts to burrowing owl are unavoidable, the Project Proponents should obtain an incidental take permit for burrowing owl from CDFW. If an occupied burrow is found within adjacent habitat that may be indirectly impacted by project activities, the individual shall be buffered following the distances recommended by the project biologist and the 2012 Staff Report on Burrowing Owl Mitigation. The biologist shall monitor the burrow, adjust the buffer area as needed, and shall have the authority to stop construction activities to prevent take.

Pre-Construction Desert Kit Fox and American Badger Clearance Survey

No more than 30 days prior to the beginning of ground disturbance and/or project activities, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present in the project site.

The biologist will walk transects in suitable habitat on and within 150 meters (500 feet) of the project impact zone, where applicable. Walking transects will be spaced approximately 20 meters (65 feet) apart or less to ensure 100% visual coverage of all areas. Suitable burrows/sites will be thoroughly examined for signs of presence. All burrows encountered will be examined for sign (i.e., scat, tracks, and prey remains) indicating occupancy. The locations of remnant burrows and active burrows will be documented using a hand-held GPS unit, if found.

If potential burrows are located, they shall be monitored by the qualified biologist. If the burrow is determined to be active, the qualified biologist shall verify there are suitable burrows outside of the project site prior to undertaking passive relocation actions. If no suitable burrows are located, artificial burrows shall be created at least fourteen days prior to passive relocation. The qualified biologist shall block the entrance of the active burrow with soil, sticks, and debris for 3-5 days to discourage the use of the burrow prior to project activities. The entrance shall be blocked to an incrementally greater degree over the 3-5-

day period. After the qualified biologist has determined there are no active burrows, the burrows shall be hand excavated to prevent re-use. No disturbance of active dens shall take place when juvenile desert kit fox and juvenile American badgers may be present and dependent on parental care. The qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be present.

Special-Status Plant Clearance Survey

Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct a special-status plant clearance survey within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).

With the exception of western Joshua tree, none of the special-status plant species known to occur in the area are federally or State listed as Endangered or Threatened. They are only listed as CNPS rare plant rank species, and therefore, impacts, if present would not rise to the level of significance under CEQA.

Desert Native Plant Species

As stipulated by the County, special-status plants (as listed in the SBCC Section 88.01.060 (et al.), Desert Native Plant Protection, within the project site will be salvaged and/or propagules will be relocated to an appropriate location within the project site or adjacent area that will not be disturbed by future activities. It is ELMT's professional opinion that transplantation is appropriate for the healthy, and there is no need to collect seeds. The project applicant will be required to obtain a Tree or Plant Removal Permit from the County of San Bernardino.

Migratory Bird Treaty Act and Fish and Game Code

Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests, or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season.

A pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the

construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Please do not hesitate to contact Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions this report.

Sincerely,



Travis J. McGill
Director

Attachments:

- A. *Project Exhibits*
- B. *Site Photographs*
- C. *Potentially Occurring Special-Status Biological Resources*
- D. *Regulations*

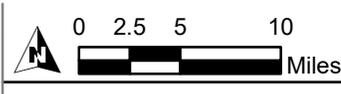
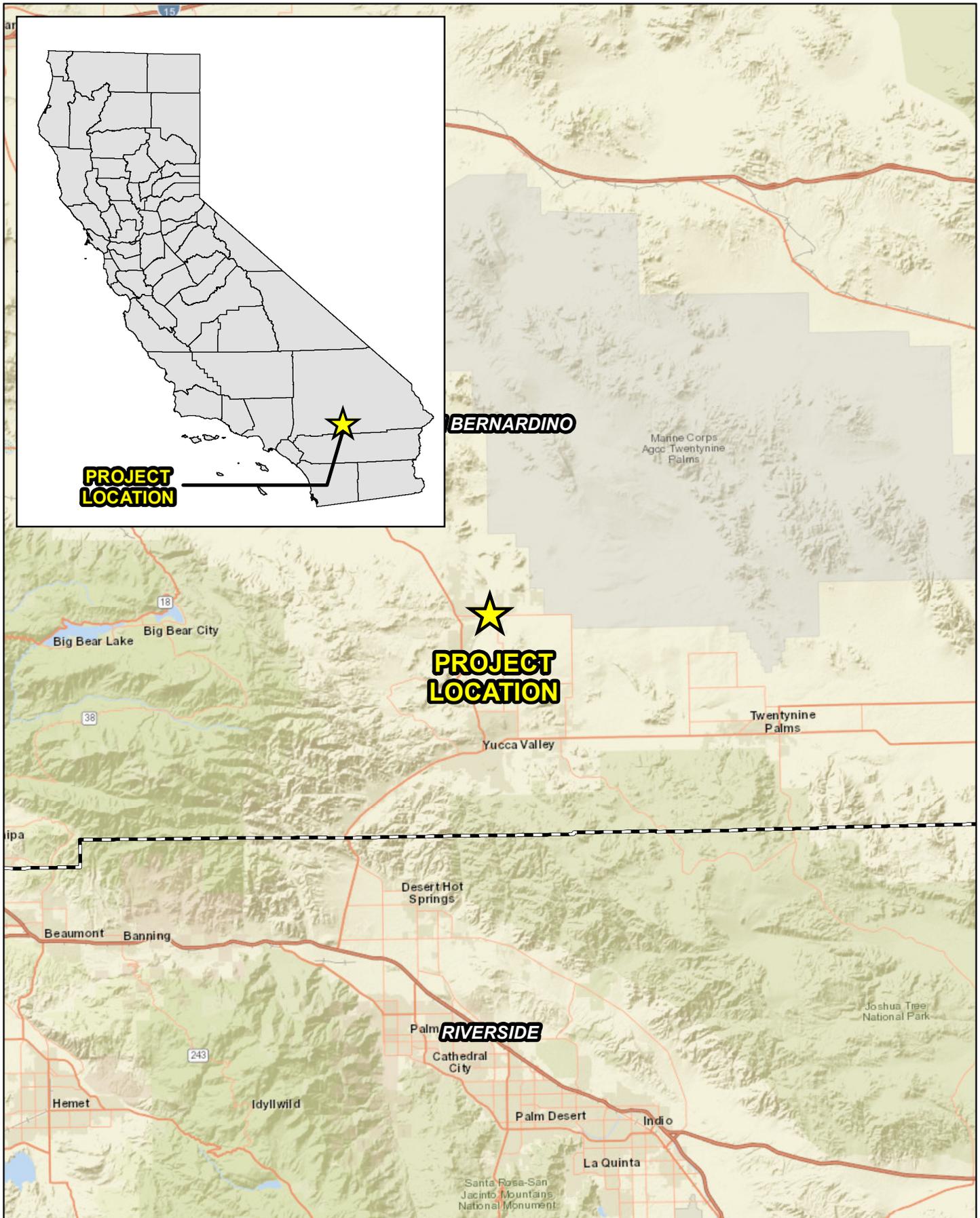
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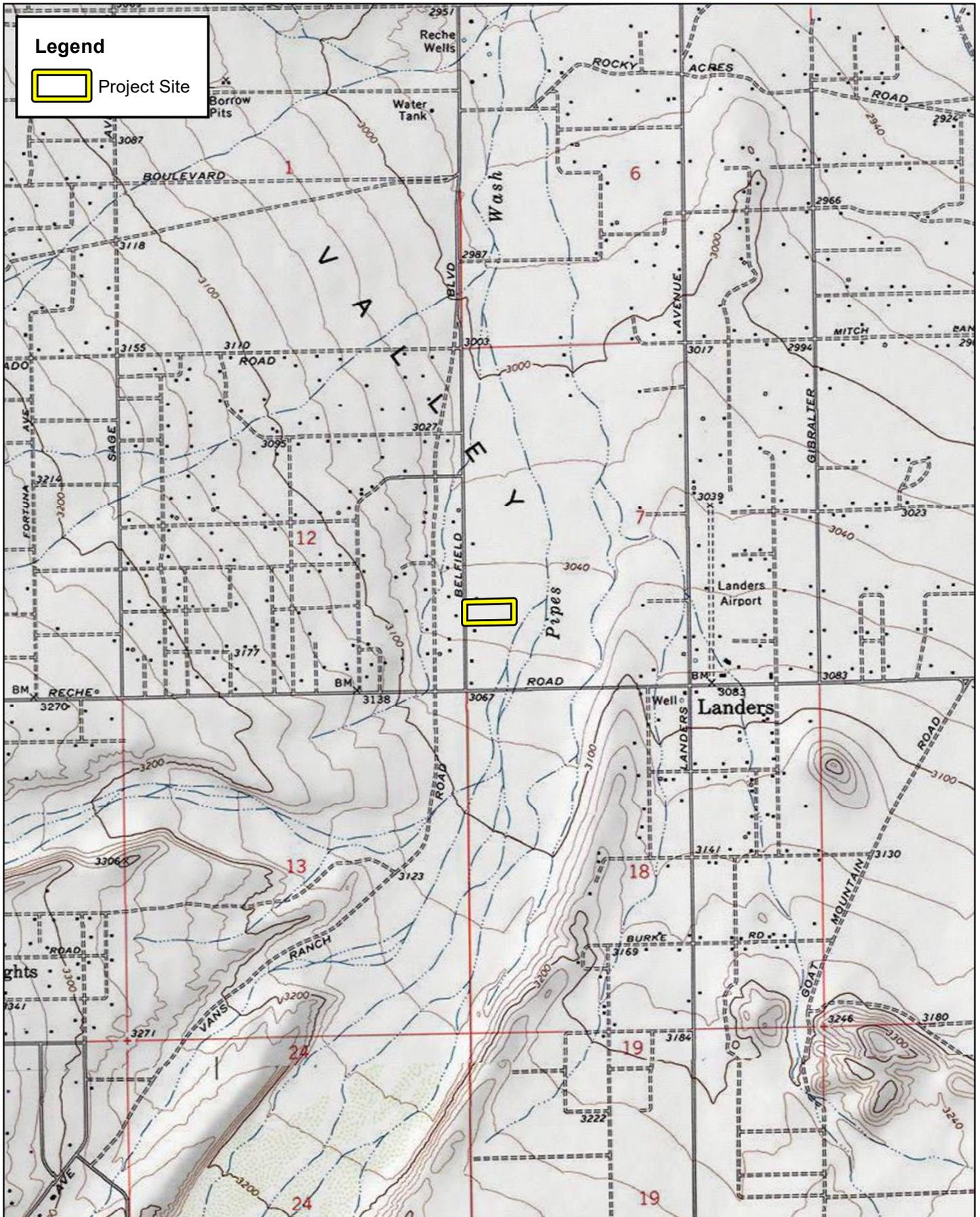
Attachment A

Project Exhibits



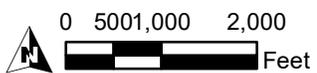
Source: World Street Map, San Bernardino County

LANDERS HOTEL
 BIOLOGICAL RESOURCES ASSESSMENT
Regional Vicinity



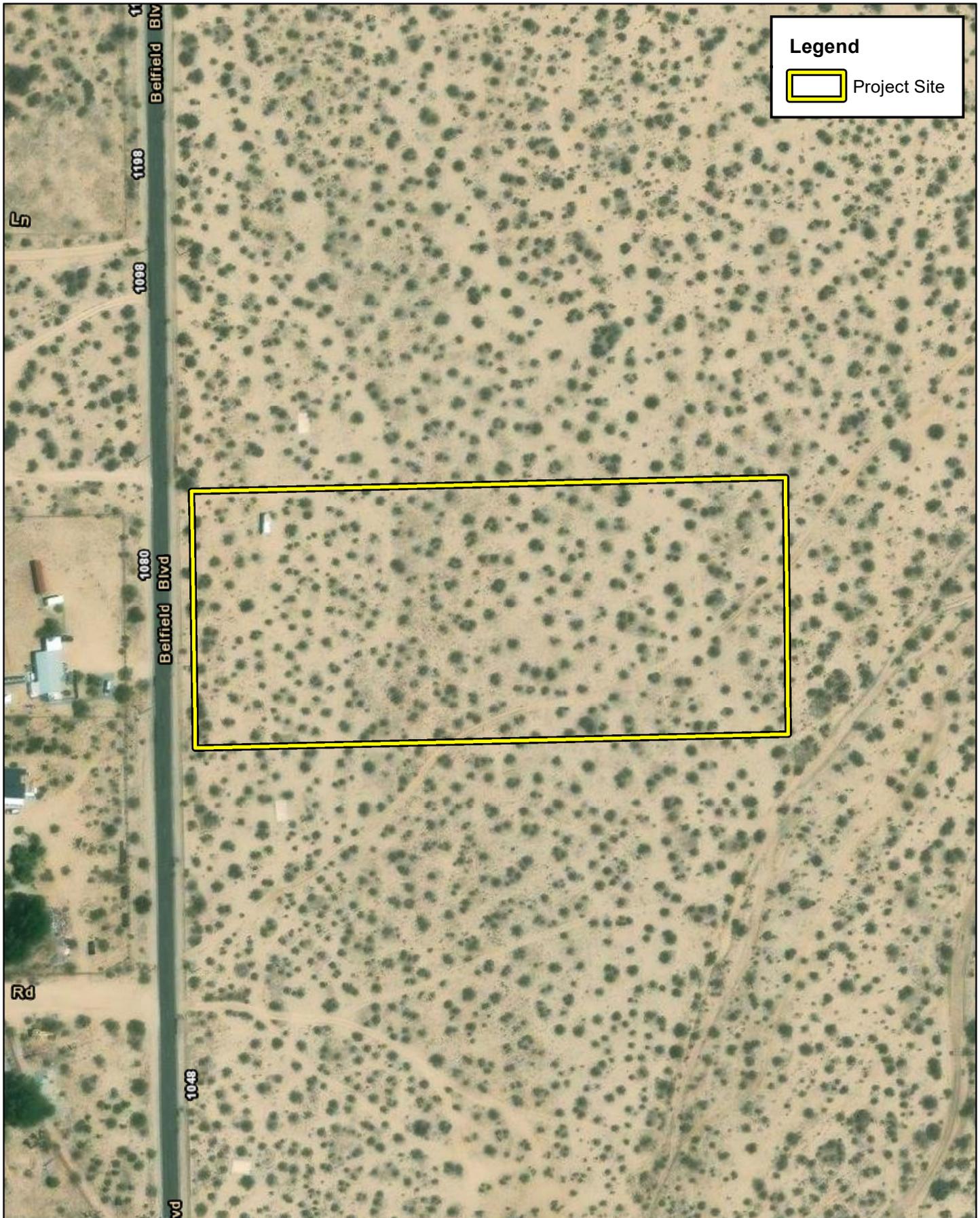
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Project Site



Source: USA Topographic Map, San Bernardino County

LANDERS HOTEL
 BIOLOGICAL RESOURCES ASSESSMENT
Site Vicinity



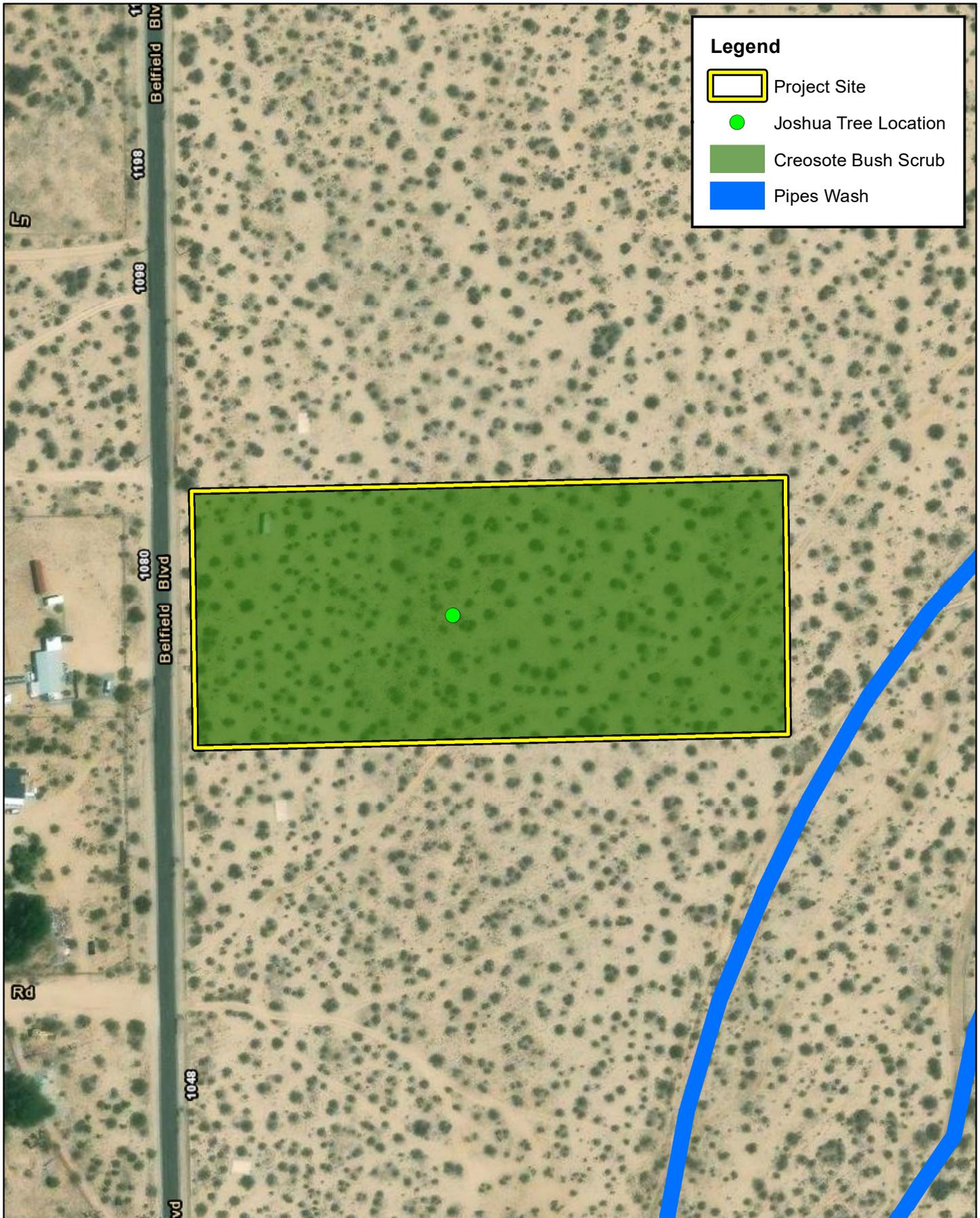
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 Project Site



Source: ESRI Aerial Imagery, San Bernardino County

LANDERS HOTEL
BIOLOGICAL RESOURCES ASSESSMENT
Project Site



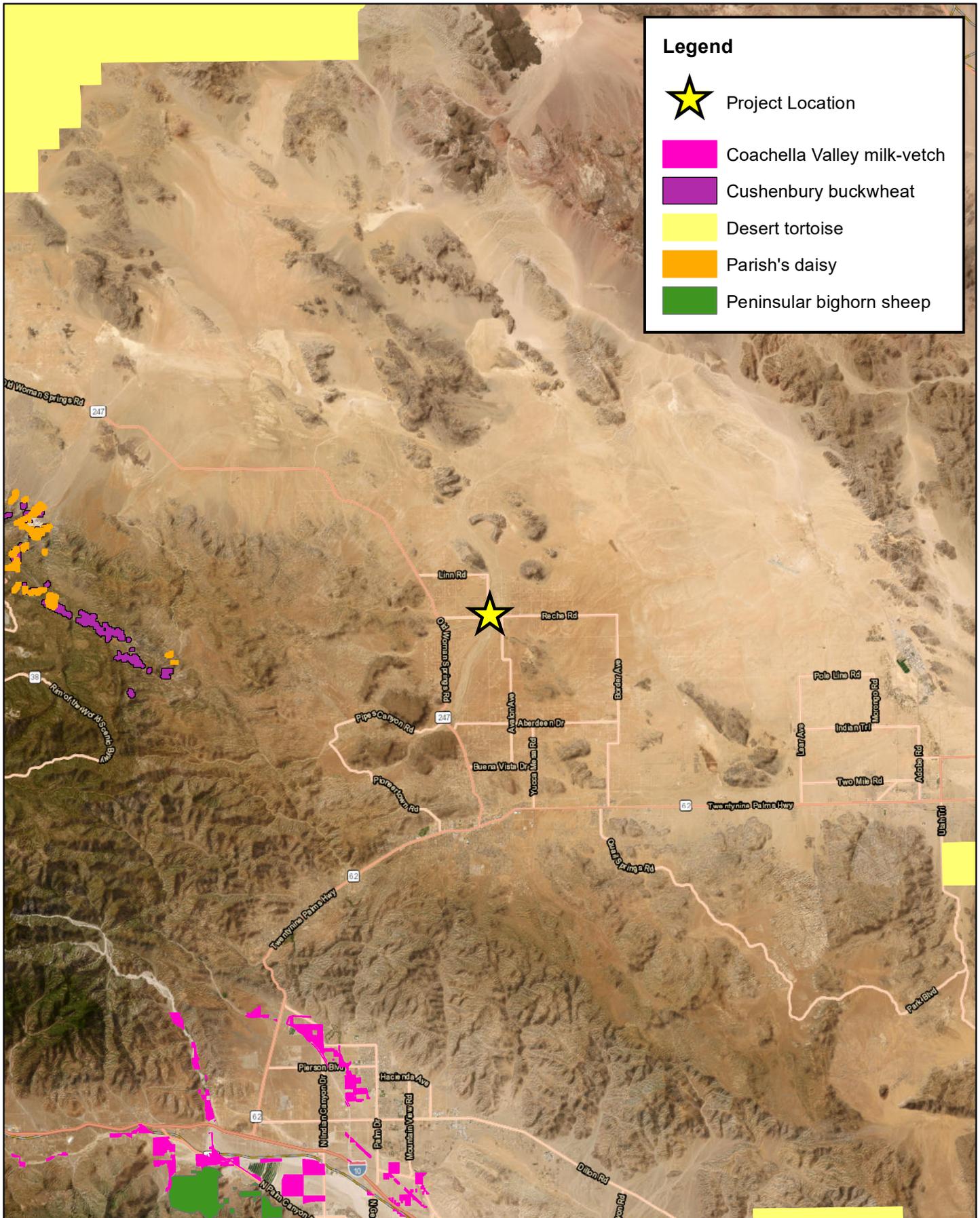
Legend

- Project Site
- Joshua Tree Location
- Creosote Bush Scrub
- Pipes Wash



Source: ESRI Aerial Imagery, San Bernardino County

LANDERS HOTEL
 BIOLOGICAL RESOURCES ASSESSMENT
Vegetation



Legend

-  Project Location
-  Coachella Valley milk-vetch
-  Cushenbury buckwheat
-  Desert tortoise
-  Parish's daisy
-  Peninsular bighorn sheep



Source: ESRI Aerial Imagery, USFWS Critical Habitat, San Bernardino County

LANDERS HOTEL
 BIOLOGICAL RESOURCES ASSESSMENT
Critical Habitat

Attachment B

Site Photographs



Photograph 1: From the northwest corner of the project site looking south along the western boundary and Belfield Boulevard.



Photograph 2: From the northwest corner of the project site looking east through the northern boundary.



Photograph 3: From the northeast corner of the project site looking west along the northern boundary.



Photograph 4: From the northeast corner of the project site looking south along the eastern boundary.



Photograph 5: From the southeast corner of the project site looking north along the eastern boundary.



Photograph 6: From the southeast corner of the project site looking west along the southern boundary.



Photograph 7: From the southwest corner of the project site looking east along the southern boundary.



Photograph 8: From the southwest corner of the project site looking north along the western boundary and Belfield Boulevard.



Photograph 9: The western Joshua tree onsite, with small one around it.



Photograph 10: Western bank of the adjacent drainage feature outside of the project footprint.



Photograph 11: Looking south in the adjacent drainage outside of the project footprint.

Attachment C

Potentially Occurring Special-Status Biological Resources

Table C-1: Potentially Occurring Special-Status Biological Resources

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
WILDLIFE SPECIES				
<i>Aquila chrysaetos</i> golden eagle	Fed: None CA: FP WL	Occurs in rolling foothill, sage-juniper flats, desert, and mountainous habitats. Requires open terrain for hunting including grasslands, deserts, savannahs, and early successional stages of forest and shrub habitats. Nests on cliffs and escarpments in rugged canyons and in large trees in open areas. Prefers rolling foothills, mountain terrain, cliffs, rock outcrops, and wide arid plateaus deeply cut by streams and canyons.	No	Presumed Absent There is minimal suitable foraging habitat present within or adjacent to the project site. However, the project site is unlikely to provide meaningful foraging value for this species.
<i>Astur cooperii</i> Cooper's hawk	Fed: None CA: WL	Generally found in cismontane woodland riparian forest riparian woodland upper montane coniferous forest. Woodland, chiefly of open, interrupted or marginal type. Nests sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains. Also, live oaks.	No	Moderate There is suitable habitat present within or adjacent to the project site.
<i>Athene cunicularia</i> burrowing owl	Fed: None CA: Candidate Endangered SSC	Prefers habitat with short, sparse vegetation with few shrubs and well-drained soils in grassland, shrub steppe, and desert habitats. Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	Low Suitable foraging habitat is present within and surrounding the project site. Although burrowing owls have been suitable burrows found onsite nor within the 500-foot buffer area.
<i>Chaetodipus fallax pallidus</i> pallid San Diego pocket mouse	Fed: None CA: None	Common resident of sandy herbaceous areas, usually in association with rocks or coarse gravel in southwestern California. Occurs mainly in arid coastal and desert border areas. Habitats include coastal scrub, chamise-redshank chaparral, mixed chaparral, sagebrush, desert wash, desert scrub, desert succulent shrub, pinyon-juniper, and annual grassland.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Falco mexicanus</i> prairie falcon	Fed: None CA: WL	Distributed from annual grasslands to alpine meadows, but primarily associated with grasslands, savannahs, rangeland, agricultural fields, and desert scrub areas. Requires open terrains for foraging and nests on cliffs, escarpments, and rock outcrops.	No	Presumed Absent There is minimal suitable foraging habitat present within or adjacent to the project site. However, the project site is unlikely to provide meaningful foraging value for this species.

<i>Scientific Name</i> Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Gopherus agassizii</i> desert tortoise	Fed: THR CA: END	Occurs in desert scrub, desert wash, and Joshua tree habitats with friable, sandy, well-drained soils for nest and burrow construction. Highest densities occur in creosote bush scrub with extensive annual wildflower blooms and succulents with little to no non-native plant species.	No	Low Suitable foraging habitat is present within and surrounding the project site. No suitable burrows found onsite.
<i>Lanius ludovicianus</i> loggerhead shrike	Fed: None CA: SSC	Prefers open habitats with bare ground, scattered shrubs, and areas with low or sparse herbaceous cover including open-canopied valley foothill hardwood, riparian, pinyon-juniper, desert riparian, creosote bush scrub, and Joshua tree woodland. Requires suitable perches including trees, posts, fences, utility lines, or other perches.	No	High Suitable foraging and nesting habitat are present within and surrounding the project site.
<i>Lasiurus xanthinus</i> western yellow bat	Fed: None CA: SSC	Most commonly found in riparian woodland habitats consisting of sycamore, cottonwood and oak. Can also be found in desert environments and are closely associated with palms.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Ovis canadensis nelsoni</i> desert bighorn sheep	Fed: None CA: FP	Prefers areas on or near mountainous terrain that are visually open, as well as steep and rocky. Alluvial fans and washes in flatter terrain is also used for foraging, water, and connectivity between mountainous areas. Tend to avoid dense vegetation and higher elevations that support chaparral.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Paranomada californica</i> California cuckoo bee	Fed: None CA: None	Known only from two locations in San Bernardino County; the type locality near Yucca Valley (exact location unknown), and a 1971 collection from 9.5 miles NW of Pioneertown, on Burns Canyon Rd. It is a cleptoparasite (nest parasite) of other solitary, ground nesting bees, as evidenced by the lack of pollen-collecting structures on the female. Cleptoparasitic Nomadinae do not excavate their own nests or collect pollen for their larvae. Instead, the females enter the nests of pollen-collecting species and lay their eggs in the open, unfinished cells while the host females are absent. <i>Exomalopsis verbesinae</i> is likely a host species, as the type specimens of <i>P. californica</i> were collected flying in the same immediate vicinity.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Phrynosoma blainvillii</i> coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. The key elements of such habitats are loose, fine soils with a high sand fraction. an abundance of native ants or other insects. and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Spizella breweri</i> Brewers sparrow	Fed: None CA: None	Live in shrublands year-round. Most often found in sagebrush shrublands with short vegetation in spring and summer. May also occur in openings in pinyon-juniper woodlands or in other mountain shrub communities. Typically nest in taller, denser shrubs with less bare ground. Common in desert shrublands dominated by saltbush shrubs and creosote.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Taxidea taxus</i> American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site. Though the project site occurs in an area
<i>Toxostoma bendirei</i> Bendires thrasher	Fed: None CA: SSC	Prefers relatively open grassland, shrubland, or woodland with scattered trees or shrubs for breeding. Generally found in brushy habitats in deserts or grasslands, and Joshua tree stands.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Toxostoma lecontei</i> Le Contes thrasher	Fed: None CA: SSC	Occurs primarily in desert washes and flats with scattered shrubs and large areas of open, sandy terrain in desert wash, desert scrub, alkali desert scrub, and desert succulent shrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus. Rarely found on rocky soils, hillsides, riparian, or on agricultural lands.	No	High Suitable foraging and nesting habitat are present within or adjacent to the project site.
<i>Uma scoparia</i> Mojave fringe-toed lizard	Fed: None CA: SSC	Restricted to sparsely vegetated, windblown sand in dunes, flats, riverbanks and washes. It requires fine, loose sand for burrowing and lays its eggs in subsurface burrows. Vegetation is typically scant and often consists of creosote bush scrub or other scrub.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
PLANT SPECIES				
<i>Astragalus bernardinus</i> San Bernardino milk-vetch	Fed: None CA: None CNPS: 1B.2	Grows in carbonate (often), granitic (often) areas within Joshua tree "woodland" and pinyon and juniper woodland habitats. Found at elevations ranging from 2,955 to 6,560 feet in the San Bernardino Mountains and Mojave Desert. Blooming period is from April to June.	No	Low There is minimal suitable habitat present within or adjacent to the project site.
<i>Astragalus nutans</i> Providence Mountains milk-vetch	Fed: None CA: None CNPS: 4.3	Found in desert wash Joshua tree woodland Mojavean desert scrub pinon & juniper woodlands Sonoran Desert scrub. Joshua tree woodland, mojavean desert scrub, pinyon and juniper woodland, Sonoran Desert scrub. Sandy or gravelly flats and stony washes in the foothills of desert mountains. Occurs at elevations ranging from 450-1,950 m.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Berberis fremontii</i> Fremont barberry	Fed: None CA: None CNPS: 2B.3	Found in Joshua tree woodland pinon & juniper woodlands. Pinyon and juniper woodland, joshua tree woodland. Typically occurs on granitic substrates. Occurs at elevations ranging from 1,140-1,770 m.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Boecheera dispar</i> pinyon rockcress	Fed: None CA: None CNPS: 2B.3	Grows within granitic, gravelly soils within Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland habitats. Found at elevations ranging from 3,935 to 8,335 feet. Blooming period is from March to June.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Camissonia kernensis</i> <i>ssp. kernensis</i> Kern County evening-primrose	Fed: None CA: None CNPS: 4.3	Found in chaparral Joshua tree woodland pinon & juniper woodlands. Chaparral, Joshua tree woodland, pinyon and juniper woodland. Sandy or gravelly granitic soils. Occurs at elevations ranging from 790-2,130 m.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Canbya candida</i> white pygmy-poppy	Fed: None CA: None CNPS: 4.2	Occurs on gravelly, sandy, granitic soils in Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland. Found at elevations ranging from 2,297 to 5,249 feet above mean sea level (msl). Blooming period is from March to June.	No	Low There is minimal suitable habitat present within or adjacent to the project site.
<i>Cymopterus multinervatus</i> purple-nerve cymopterus	Fed: None CA: None CNPS: 2B.2	Grows in sandy or gravelly soils within Mojavean desert scrub and pinyon and juniper woodland habitats. Found at elevations ranging from 2,590 to 5,905 feet. Blooming period is from March to April.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Erigeron parishii</i> Parish's daisy	Fed: THR CA: None CNPS: 1B.1	Occurs usually in carbonate soils and sometimes granitic soils within Mojavean desert scrub and pinyon and juniper woodland. Found at elevations ranging from 2,625 to 6,562 feet. Blooming period is from May to August.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Eschscholzia androuxii</i> Joshua Tree poppy	Fed: None CA: None CNPS: 4.3	Grows in desert washes, flats, and slopes. sandy, gravelly and/or rocky within Joshua tree woodland and Mojavean desert scrub habitats. Found at elevations ranging from 1,919 to 5,528 feet. Blooming period is from February to June.	No	Low There is suitable habitat present within and surrounding the project site. This species has been reported as occurring in the vicinity.
<i>Euphorbia abramsiana</i> Abrams spurge	Fed: None CA: None CNPS: 2B.2	Found in Mojavean desert scrub Sonoran Desert scrub. Typically occurs on sandy substrates. Occurs at elevations ranging from -45-1,445 m.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Euphorbia vallis-mortae</i> Death Valley sandmat	Fed: None CA: None CNPS: 4.2	Occurs in gravelly/sandy habitat in Mojavean desert scrub. Found at elevations ranging from 755-4,790 feet above msl. Blooming period is from May to October.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Funastrum utahense</i> Utah vine milkweed	Fed: None CA: None CNPS: 4.2	Occurs in sandy or gravelly soil in Mojavean desert scrub and Sonoran Desert scrub. Found at elevations ranging from 328 to 4,708 feet. Blooming period typically ranges from April to June but can begin as early as March and end as late as October.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Galium angustifolium</i> <i>ssp. gracillimum</i> slender bedstraw	Fed: None CA: None CNPS: 4.2	Grows on rocky, granitic soils within Joshua tree woodland and Sonoran Desert scrub habitats. Found at elevations ranging from 427 to 5,085 feet. Blooming period is from April to June.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Grusonia parishii</i> Parish's club-cholla	Fed: None CA: None CNPS: 2B.2	Found in Joshua tree woodland Mojavean desert scrub Sonoran Desert scrub. Mojavean desert scrub, Sonoran Desert scrub, Joshua tree woodland. Sandy or rocky sites. Occurs at elevations ranging from 840-1,600 m.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Linanthus bernardinus</i> Pioneertown linanthus	Fed: None CA: None CNPS: 1B.2	Found in Joshua tree woodland pinon & juniper woodlands. Joshua tree woodland, pinyon and juniper woodland. Occurs at elevations ranging from 1,120-1,345 m.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Linanthus maculatus ssp. maculatus</i> Little San Bernardino Mtns. linanthus	Fed: None CA: None CNPS: 1B.2	Preferred habitats include desert dunes, Joshua tree woodland, Mojavean desert scrub, and Sonoran Desert scrub in sandy soils. Found at elevations ranging from 640 to 6,808 feet. Blooming period is from March to May.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Lycium torreyi</i> Torrey's box-thorn	Fed: None CA: None CNPS: 4.2	Found in sandy, rocky, washes, streambanks and desert valleys in association with Mojavean and Sonoran Desert scrub habitats. Found at elevations ranging from 130 to 3,575 feet. Blooming period is from March to May.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Monardella robisonii</i> Robison's monardella	Fed: None CA: None CNPS: 1B.3	Occurs in pinyon and juniper woodland. Found at elevations ranging from 2,001 to 4,921 feet. Blooming period is from February to October.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Muilla coronata</i> crowned muilla	Fed: None CA: None CNPS: 4.2	Grows within chenopod scrub, Joshua tree woodland, Mojavean desert scrub, and pinyon and juniper woodland habitats. Found at elevations ranging from 2,200 to 6,430 feet. Blooming period is from March to April (May).	No	Low Suitable habitat is present within and adjacent to the project site. This species has been documented within the vicinity.
<i>Penstemon clevelandii</i> <i>var. mohavensis</i> Mojave beardtongue	Fed: None CA: None CNPS: 1B.2	Found in Mojavean desert scrub pinon & juniper woodlands. Mojavean desert scrub, pinyon and juniper woodland. Typically occurs on granitic substrates. Occurs at elevations ranging from 925-1,620 m.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Petalonyx thurberi ssp. gilmanii</i> Death Valley sandpaper-plant	Fed: None CA: None CNPS: 1B.3	Found in desert dunes desert wash Mojavean desert scrub. Desert dunes, Mojavean desert scrub. Dry washes and slopes. Occurs at elevations ranging from 45-1,525 m.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	Status	Habitat	Observed On-site	Potential to Occur
<i>Saltugilia latimeri</i> Latimers woodland-gilia	Fed: None CA: None CNPS: 1B.2	Habitats include chaparral, Mojavean desert scrub, pinyon and juniper woodland. Prefers rocky or sandy, often granitic soils. Found at elevations ranging from 1,312 to 6,234 feet. Blooming period is from March to June.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Streptanthus campestris</i> southern jewelflower	Fed: None CA: None CNPS: 1B.3	Occurs in open, rocky areas in chaparral, lower montane coniferous forest, and pinyon-juniper woodland. Found at elevations ranging from 1,969 to 9,154 feet above msl. Blooming period is from May to July.	No	Presumed Absent There is no suitable habitat present within or adjacent to the project site.
<i>Yucca brevifolia</i> western Joshua tree	Fed: None CA: Candidate Threatened CNPS: CBR	Native to the Mojave Desert of southeastern California, southern Nevada, southwestern Utah, and northwestern Arizona. Typically found in desert scrub and woodland communities on well-drained, sandy or rocky soils. Elevation range is 1,312 to 5,906 feet. Blooms from March to June.	Yes	Present Suitable habitat is present within and surrounding the project site.

U.S. Fish and Wildlife Service

(Fed) - Federal

END- Federal Endangered
THR- Federal Threatened
PTHR- Proposed Federal Threatened

California Department of Fish and

Wildlife (CA) - California

END- California Endangered
THR- California Threatened
CE- Candidate for listing under the California Endangered Species Act
FP- California Fully Protected
SSC- Species of Special Concern
WL- Watch List

California Native Plant Society (CNPS)

California Rare Plant Rank

1B Plants Rare, Threatened, or Endangered in California and Elsewhere
2B Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
3 Plants About Which More Information is Needed – A Review List
4 Plants of Limited Distribution – A Watch List

CNPS Threat Ranks

0.1- Seriously threatened in California
0.2- Moderately threatened in California
0.3- Not very threatened in California

Attachment D

Regulations

Special status species are native species that have been afforded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.

Federal Regulations

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits “take” of threatened or endangered species. “Take” under the ESA is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an ESA listed species and which may require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the U.S. Army Corps of Engineers (Corps)).

If USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered “take.” This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds and many relatively common species.

State Regulations

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines “endangered” and “rare” species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, “endangered” species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while “rare” species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act (CESA)

In addition to federal laws, the state of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in “take” of individuals (defined in CESA as; “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) are regulated by CDFW. Habitat degradation or modification is not included in the definition of “take” under CESA. Nonetheless, CDFW has interpreted “take” to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the

absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

Fish and Game Code

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Code makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Native Plant Protection Act

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the state of California. The act requires all state agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under FESA or CESA are defined as follows:

California Rare Plant Rank

- 1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere
- 1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

- 2A- Plants Presumed Extirpated in California, But More Common Elsewhere
- 2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 3- Plants about Which More Information is Needed - A Review List
- 4- Plants of Limited Distribution - A Watch List

Threat Ranks

- .1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- .2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- .3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFG regulates activities under the Fish and Game Code Section 1600-1616, and the Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Federal Regulations

Section 404 of the Clean Water Act

In accordance with the Revised Definition of “Waters of the United States”; Conforming (September 8, 2023), “waters of the United States” are defined as follows:

(a) ***Waters of the United States*** means:

(1) Waters which are:

- (i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (ii) The territorial seas; or
- (iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under [paragraph \(a\)\(5\)](#) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:

- (i) Waters identified in [paragraph \(a\)\(1\)](#) of this section; or
- (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section

(b) The following are not “waters of the United States” even where they otherwise meet the terms of [paragraphs \(a\)\(2\)](#) through [\(5\)](#) of this section:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted

cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;

(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;

(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (*e.g.*, gullies, small washes) characterized by low volume, infrequent, or short duration flow.

(c) In this section, the following definitions apply:

(1) **Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) **Adjacent** means having a continuous surface connection

(3) **High tide line** means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(4) **Ordinary high water mark** means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(5) **Tidal waters** means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

Section 401 of the Clean Water Act

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

State Regulations

Fish and Game Code

Fish and Game Code Sections 1600 et. seq. establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

Fish and Game Code Section 1602 requires any person, state, or local governmental agency or public utility to notify the CDFW before beginning any activity that will do one or more of the following:

- (1) substantially obstruct or divert the natural flow of a river, stream, or lake;
- (2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake;
or
- (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW's regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, the CDFW takes jurisdiction to the top of bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. A Section 1602 Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur.

Porter Cologne Act

The California *Porter-Cologne Water Quality Control Act* gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Act has become an important tool in the post SWANCC and Rapanos regulatory environment, with respect to the state’s authority over isolated and insignificant waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although “waste” is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include fill discharged into water bodies.

EXHIBIT I

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database):

San Bernardino County General Plan, 2007; Submitted Project Materials; Add-in Studies here Biological Resources Assessment (August 2023) and Biological Resources Assessment Update (February 2026) in Appendix B1 and B2, respectively.

- a) **Less Than Significant with Mitigation Incorporated.** The Project Site is currently a vacant lot located within a rural area of the unincorporated Landers community. Based on the supplemental Biological Resources Assessment memorandum (see Appendix B1, Biological Resources Assessment, ELMT Consulting, August 25, 2023; and Appendix B2, Biological Resources Assessment Update, ELMT Consulting, February 20, 2026) prepared for the Project, approximately 24 special-status plant species and 44-16 special status wildlife species were identified as special status species having potential to occur within the same USGS 7.5-minute quadrangles as the Project Site (i.e., Landers, Goat Mountain, Yucca Valley North, and Joshua Tree North). No special status plant communities were identified to potentially occur within these quadrangles. It was determined that the undeveloped Project Site would have a low potential to support the following CNPS Rare Plant Rank 4 plant species: Providence Mountains milk-vetch (*Astragalus nutans*), white pygmy-poppy (*Canbya candida*), Joshua tree poppy (*Eschscholzia andrauxii*), and crowned muillia (*Muilla coronatae*). Western Joshua trees are listed as a candidate for threatened status-listing under the California Endangered Species Act (CESA) and are protected under the Western Joshua Tree Conservation Act (WJTCA; Fish and Game Code Sections 1927-1927.12), and four-Nine Western Joshua trees (two between 1 to 5 meters in height and seven less than 1 meter in height) were observed on-site during an updated field investigation conducted on February 15, 2026. However, no trees would be removed under the Project. While the Project has been designed to avoid tree removal, the Project may cause ground disturbance or encroachment onto the root zones of western Joshua tree and may constitute take under CESA. If any western Joshua trees are to be relocated, removed, or otherwise taken, which includes through root encroachment, the Project Applicant is required to obtain an Incidental Take Permit from CDFW under CESA Section 2081(b), or comply with all applicable WJTCA permitting and mitigation requirements, prior to any ground disturbance (see paragraph "D" of Mitigation Measure BIO-3, below).

The Project Site would also have a high potential to support loggerhead shrike (*Lanius ludovicianus*) and LeConte's thrasher (*Toxostoma lecontei*), a California Species of Special Concern (SSC); a moderate potential to support Cooper's hawk (*Astur cooperii*); and a low potential to support western burrowing owl (*Athene cunicularia hypuqaea*), currently designated as a Candidate for Listing under CESA and afforded the same protections as a listed species; Mojave desert tortoise (*Gopherus agassizii*), which was officially uplisted to Endangered status under CESA effective July 15, 2025, and remains listed as Threatened under the federal Endangered Species Act (ESA); American badger (*Taxidea taxus*), a California SSC; and desert kit fox (*Vulpes macrotis*), a fur-bearing mammal protected under Fish and Game Code Section 4000 and California Code of Regulations, Title 14, Section 460-and desert tortoise (*Gopherus agassizii*). As a result, activities during Project construction and operations could potentially impact any existing critical-suitable and/or occupied habitats of these special-status avian species. Golden eagle (*Aquila chrysaetos*) and prairie falcon (*Falco mexicanus*) have been documented within the broader vicinity of the Project Site; however, the Project Site does not provide nesting habitat for either species and is unlikely to represent a

substantial foraging area given the limited extent of suitable prey habitat on-site. Impacts to these species are considered less than significant and would be addressed by **Mitigation Measure BIO-1** to the extent either species nests in the vicinity during construction. Construction and operational activities associated with the Project, including the generation of food waste, water features, artificial lighting, and structures, have the potential to attract predators, such as common ravens (*Corvus corax*) and coyotes (*Canis latrans*), which are known predators of juvenile desert tortoise. Increased vehicle trips associated with Project operations could also expand traffic mortality risk along Belfield Boulevard. However, given the low potential for desert tortoise to occur on the Project Site due to existing manmade disturbance and the low habitat quality of the developed Project Site, the probability of significant indirect impacts to listed species at this location is low, and these indirect impacts are considered less than significant.

~~-**Mitigation Measure BIO-1** would require a pre-construction clearance survey to be conducted and subsequent monitoring of active nests. **Mitigation Measure BIO-2** would require a protocol-level pre-construction clearance survey for western burrowing owl. **Mitigation Measure BIO-3** would require pre-construction clearance surveys for desert tortoise, desert kit fox, and American badger; focused botanical surveys for special-status plants; take authorization measures for western Joshua trees; and notification to CDFW regarding adjacent drainage features. Further, to ensure that the burrowing owl and desert tortoise are absent from the Project Site during construction, **Mitigation Measures BIO-2** and **BIO-3** would require pre-construction clearance surveys to be conducted for each wildlife species and subsequent actions to follow if they are present. Incorporation of **Mitigation Measures BIO-1** through **BIO-3** would reduce impacts to biological resources to less than significant levels.~~

Mitigation Measures:

BIO-1 ~~In the event that ground-disturbing activities or removal of any trees, shrubs, or any other potential nesting habitat that are associated with the Project are scheduled to occur within the avian nesting season (from February 1 through August 31), a~~ qualified biologist retained by the Project Applicant shall conduct a pre-construction clearance survey for nesting birds within three days prior to any ground disturbing activities.

The biologist conducting the clearance survey shall document the negative results if no active bird nests are observed on the Project Site during the clearance survey with a brief letter report indicating that no impact to active bird nests would occur before construction can proceed. If an active bird nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer around the active nest. The size of the no-disturbance buffer shall be determined by the wildlife biologist and shall depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. Any activities requiring the removal of a tree with

an active bird nest shall halt until nesting activity ~~ends~~seasons, which ~~would~~shall be determined by the qualified biologist.

The biologist shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. No Project activities shall occur within the buffer unless nesting activities have been completed, nestlings have fledged, or the nest has failed, as determined by the qualified biologist. Results of the pre-construction survey and any subsequent monitoring shall be provided to the County of San Bernardino, California Department of Fish and Wildlife, and other appropriate agencies.

BIO-2

Two pre-construction clearance surveys in accordance with the CDFW's 2012 Staff Report on Burrowing Owl Mitigation shall be conducted to confirm the presence/absence of burrowing owls and ensure impacts to any burrowing owls or occupied burrows do not occur: the first no less than 14 days prior to any vegetation removal or ground-disturbing activities, and the second within 24 hours immediately before the commencement of ground-disturbing activities.~~A pre-construction clearance survey shall be conducted 14-30 days prior to any vegetation removal or ground-disturbing activities to confirm the presence/absence of burrowing owls and ensure impacts to any burrowing owls or occupied burrows do not occur.~~ The ~~clearance~~ surveys shall be conducted by a qualified biologist and cover all suitable habitat within the Project impact area, including adjacent suitable habitat within a 500-foot buffer (as accessible). Following completion of ~~both~~the clearance surveys, the qualified biologist shall prepare and submit a final report to CDFW documenting the methods and results of the surveys. If no burrowing owls or occupied burrows are detected during either survey, Project activities may begin, and no additional avoidance and minimization measures would be required. If an occupied burrow or sign of burrowing owl is found within the project impact area during pre-construction clearance surveys, impacts to burrowing owl shall be fully avoided; and if impacts to burrowing owl are unavoidable, the Project Applicant shall obtain an Incidental Take Permit for burrowing owl from CDFW prior to initiating Project activities~~a burrowing owl exclusion plan shall be prepared and submitted to the California Department of Fish and Wildlife for approval prior to initiating Project activities that includes proposed mitigation for direct and permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced.~~ If an occupied burrow is found within adjacent habitat that may be indirectly impacted by project activities, the individual shall be buffered following the distances recommended by the Project biologist and the 2012 Staff Report on Burrowing Owl Mitigation. The biologist shall monitor the burrow, adjust the buffer area as needed, and shall have the authority to stop construction activities to prevent take.

BIO-3

Special-Status Species and Habitat Avoidance and Minimization. Pre-construction clearance surveys required under paragraphs A and B of this measure, and under Mitigation Measure BIO-2, may be conducted concurrently by the qualified biologist, provided all applicable protocol requirements for each species are met.

A. Desert tortoise. A pre-construction clearance survey shall be conducted by a USFWS- and CDFW-authorized Desert Tortoise Biologist immediately prior to installation of temporary exclusion fencing around the proposed impact area 30 days prior to any vegetation removal or ground disturbing activities_ to confirm the presence/absence of desert tortoises. The clearance survey shall be conducted by a qualified biologist and cover all suitable habitat within the Project impact area, including any adjacent suitable habitat that is present within a 500-foot buffer following applicable USFWS protocol. Following completion of the clearance survey, the qualified biologist shall prepare and submit a final report documenting the methods and results of the survey to CDFW and USFWS. If no desert tortoises are detected, Project activities may begin, and no additional measures would be required. If desert tortoises are found to be present within the Project impact area during pre-construction clearance surveys, coordination between the Project Applicant, and the CDFW/alifornia Department of Fish, and USFWS is required to determine appropriate minimization and mitigation measures to offset Project related impacts to this species, including obtaining appropriate take authorization prior to any handling or relocation.

B. Desert kit fox and American Badger. No more than 30 days prior to the beginning of ground disturbance, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present within the Project footprint and within a 500-foot buffer. The biologist shall walk transects spaced approximately 20 meters (65 feet) apart or less to ensure 100 percent visual coverage of all areas. Suitable burrows/sites will be thoroughly examined for signs of presence, and all burrows encountered will be examined for sign (i.e., scat, tracks, and prey remains) indicating occupancy. If active burrows are located, the qualified biologist shall first verify that there are suitable burrows outside of the Project footprint prior to undertaking passive relocation actions. If no suitable offsite burrows are available, artificial burrows shall be constructed at least 14 days prior to passive relocation. Passive relocation shall consist of blocking the burrow entrance with soil, sticks, and debris incrementally over a 3-to-5-day period to progressively discourage occupancy. After the qualified biologist has confirmed the burrow is vacant, the burrow shall be hand-excavated to prevent re-entry prior to the initiation of ground disturbance. No disturbance of active dens shall take place when juveniles may be present and dependent on parental care. The qualified biologist shall determine appropriate

buffers and maintain connectivity to adjacent habitat should natal burrows be identified.

C. Special-Status Plants. Prior to Project implementation, and during the appropriate blooming season (April), a qualified biologist shall conduct botanical field surveys within the Project area following CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (or latest protocols if superseded). If any special-status plants are identified, the Project Applicant shall avoid the plants with an appropriate buffer. If complete avoidance is not feasible, the Project Applicant shall mitigate the loss as determined by CDFW, including applying for a CESA Incidental Take Permit from CDFW if a state-listed species may be impacted.

D. Western Joshua tree. Prior to any ground disturbance, the Project Applicant shall complete a formal western Joshua tree census and submit it to CDFW for approval. The census shall include photographs and categorize all western Joshua trees on the Project Site by size class: (a) less than one meter in height; (b) one meter or greater but less than five meters in height; and (c) five meters or greater in height. Each stem or trunk arising from the ground shall be counted as an individual tree for mitigation purposes, regardless of proximity to another stem or whether the tree is living or dead. If any western Joshua trees are to be relocated, removed, or otherwise taken (including through root zone encroachment), the Project Applicant shall obtain an Incidental Take Permit from the CDFW under CESA, or comply with any other appropriate take authorization under the Western Joshua Tree Conservation Act, prior to any relocation, removal, or other take, and pay the requisite in-lieu mitigation fees in accordance with then-current fee schedules established by CDFW.

A.E. Lake and Streambed Alteration. If Project construction activities occur within a stream or associated habitat or may impact adjacent Fish and Game Code section 1602 resources (such as the ephemeral tributary to Pipes Wash located approximately 50 feet southeast of the Project Site boundary), the Project Applicant shall provide written notification to CDFW pursuant to Fish and Game Code Section 1602 prior to initiating those activities. If CDFW determines that the Project may substantially affect fish and wildlife resources, CDFW shall issue a Streambed Alteration Agreement that shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code Section 1602 resources.

- b) **No-Less than Significant Impact.** The existing Project Site is vacant and undeveloped. According to the Open Space and Conservation Element of the County's General Plan, there are no designated river, riparian, or similar resources within the Project Site or its immediate 's—vicinity. The updated Biological Resources Assessment

~~memorandum (Appendix B2) dated February 20, 2026, also noted confirmed that there are no riparian habitats and special-status natural communities that have the potential to occur on the Project Site-site. The Project Site supports a single vegetation community (creosote bush scrub), which does not qualify as a sensitive natural community under CDFW's List of Sensitive Natural Communities.~~

~~However, an ephemeral tributary of Pipes Wash is located approximately 50 feet southeast of the Project Site boundary, outside of the proposed Project footprint. Pipes Wash itself is located approximately 400 feet east of the Project Site boundary. No direct impacts to Pipes Wash or the adjacent ephemeral tributary are proposed as part of the Project, and construction activities would be confined to the Project Site. Standard best management practices (BMPs) will be implemented during Project construction to prevent indirect impacts, such as sedimentation or debris discharge, from reaching the adjacent drainage feature. The Project is not expected to directly impact this adjacent drainage feature. As a Project-level regulatory compliance condition, should it be determined during Project implementation that construction activities may affect the ephemeral tributary or other Fish and Game Code Section 1602 resources, the Project Applicant shall provide written notification to CDFW pursuant to Fish and Game Code Section 1602 prior to initiating those activities (see Mitigation Measure BIO-3 paragraph "E"). As such, there are no local plans or policies related to riparian habitat or other sensitive natural communities. Therefore, the Project would not adversely affect riparian habitat or other sensitive natural communities, and ~~no~~ a less than significant impact would occur.~~

Mitigation Measures: No mitigation measures are required

- c) **No Impact.** According to the USFWS National Wetlands Inventory Mapper, there are no mapped wetlands within the Project Site.¹⁶ ~~This finding was reconfirmed by the updated Biological Resources Assessment (Appendix B2) dated February 20, 2026. The ephemeral drainage feature located approximately 50 feet southeast of the Project Site boundary, a tributary of Pipes Wash, is not a mapped wetland and was not identified as a jurisdictional wetland during field investigations conducted on June 21, 2023, and reconfirmed on February 15, 2026. No surface water was observed within this feature during either field investigation.~~ As such, no impact would result pertaining to state or federally protected wetlands.

Mitigation Measures: No mitigation measures are required.

- d) **Less than Significant Impact.** As discussed in **Appendix B2, Biological Resources Assessment Update**, although there are no wildlife corridors identified ~~within on-site~~, the ~~Project Site, the~~ Pipes Wash serves as a seasonal migratory corridor for local wildlife species, ~~including desert tortoise (based on regional survey data from the Morongo Basin)~~ and occurs immediately east of the Project Site. While the existing residential uses adjacent to the Project Site have reduced wildlife movement opportunities for local wildlife, there is ample habitat adjacent to the Project Site to support wildlife movement.

¹⁶ United States Fish and Wildlife, "National Wetlands Inventory," Available online at: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>. Accessed May 23, 2023; ~~reconfirmed February 22, 2026.~~

~~There was a~~ No surface water or wildlife activity was observed within the segment of the Pipes Wash closest to the Project Site during field investigations conducted in June 2023 and reconfirmed in February 2026. In addition, construction activities and improvements associated with the Project would be constrained to the Project Site and would avoid direct impacts to Pipes Wash. Standard BMPs will be implemented during Project construction to prevent indirect impacts, such as sedimentation or debris discharge, from reaching Pipes Wash or the adjacent ephemeral tributary.

The Desert Renewable Energy Conservation Plan (DRECP), adopted in 2016 by BLM and CDFW, identifies linkage habitats supporting desert tortoise population connectivity in the Mojave Desert region. Based on a review of the plan, the DRECP's linkage mapping in this area follows Pipes Wash, which is located east of and outside of the Project footprint. The Project Site is bounded to the west by Belfield Boulevard, beyond which scattered residential parcels are interspersed with undeveloped desert land. The land to the north, south, and east of the Project Site is predominantly undeveloped desert scrub, with Pipes Wash and contiguous BLM lands lying immediately to the east. While scattered residential development in the broader Landers community has reduced wildlife movement opportunities across the wider landscape, the undeveloped lands surrounding the Project Site on three sides, and particularly Pipes Wash to the east, retain the capacity to support local and regional wildlife movement. The functional linkage corridor in this location follows Pipes Wash and the contiguous BLM lands to the east of the Project Site, both of which would remain undisturbed and would retain their potential to function as a wildlife movement corridor following Project implementation. The Project footprint does not encompass Pipes Wash or its immediate banks, and no grading, filling, or vegetation removal would occur within the wash.

Since the functional linkage corridor is preserved, the Project's disturbance footprint of approximately 5.8 acres also represents a de minimis contribution compared to the scale of desert tortoise home ranges and the corridor widths needed to sustain regional population connectivity. The addition of this single commercial Project would not materially reduce the functionality of the regional linkage corridor in this area. Accordingly, the Project's contribution to cumulative impacts on regional wildlife movement and habitat connectivity is considered less than significant.

Should Project implementation determine that grading or drainage improvements may affect the ephemeral tributary of Pipes Wash located approximately 50 feet southeast of the Project Site, the Project Applicant shall provide written notification to CDFW pursuant to Fish and Game Code Section 1602, as required by Mitigation Measure BIO-3 (paragraph "E"). As such, impact to the Pipes Wash is unlikely to occur from Project implementation. Thus, the Project would result in ~~a~~ less than significant impacts to migratory wildlife movement opportunities.

Mitigation Measures: No mitigation measures are required.

- e) **Less than Significant ~~No~~ Impact.** Local policies and ordinances protecting native plants have been put in place by the County of San Bernardino. Section 88.01.060 of Chapter 88.01 (Plant Protection and Management) of the County Code (Chapter 88.01, Plant Protection and Management) provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide

for the conservation and wise use of desert resources. The desert native plants specified in the County Code include, but are not limited to, all Joshua trees. Pursuant to Section 88.01.060, a Tree or Plant Removal Permit shall be obtained from the County for each Joshua tree or other protected native plant species impacted by Project implementation.

As stated above, four-nine western Joshua trees (two between 1 to 5 meters in height and seven less than 1 meter in height) were observed within the Project Site during the updated field investigation that took place on February 15, 2026, compared to four trees documented in the original 2023 survey. The Project would has been designed to not include avoid the removal of any on-site trees, and the existing western Joshua trees are intended to would be preserved. However, because ground disturbance or encroachment into root zones may constitute take both CESA, which affords western Joshua tree the full protections of a listed species as a candidate for threatened status, and the WJTCA, which independently prohibits take of western Joshua trees, potential impacts are considered less than significant rather than no impact. Prior to any ground disturbance, the Project Applicant shall complete a formal western Joshua tree census categorized by size class and submit it to CDFW for approval, as required under Mitigation Measure BIO-3 (paragraph "D"), to establish the scope of any required Tree or Plant Removal Permits under Section 88.01.060 of the County Code and any applicable take authorization obligations. If construction results in root encroachment, the Project Applicant shall comply with the WJTCA and the requirements of Mitigation Measure BIO-3 (paragraph "D") to obtain all necessary take authorization from CDFW and pay the requisite in-lieu fees in accordance with then-current fee schedules established by CDFW. Furthermore, no other plant species protected under the County Code were observed or identified on-site. With respect to special-status plants with low potential to occur on-site, focused botanical surveys during the appropriate blooming season are required under Mitigation Measure BIO-3 (see paragraph "C") to ensure compliance with applicable state protections prior to Project implementation. Thus, the Project would not conflict with the County's local ordinances protecting desert native plants, and impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

- f) **No Impact.** According to CDFW and USFWS~~the California Department of Fish and Wildlife Service~~, the Project Site is not located within a Natural Community Conservation Plan (NCCP).¹⁷ Additionally, the Project Site is not located within the ~~sole~~ Habitat Conservation Plan (HCP) ~~area inapplicable to~~ San Bernardino County, ~~which is or~~ the Upper Santa Ana River Wash HCP~~abitat Conservation Plan~~.¹⁸ A review of the San Bernardino County General Plan Conservation and Open Space Element confirmed that no wildlife connectivity elements or designated wildlife corridors have been identified in the Landers region or surrounding area.

¹⁷ California Department of Fish and Wildlife, "NCCP Plan Summaries." Available online at: <https://wildlife.ca.gov/Conservation/Planning/NCCP/Plans>, accessed on September 13, 2023; reconfirmed February 23, 2026.

¹⁸ San Bernardino Valley Water Conservation District, *Upper Santa Ana River Wash Habitat Conservation Plan*. Available online at: <https://www.sbvwd.org/wp-content/uploads/2023/06/Final-2022-Wash-Plan-Annual-Report-05.31.2023.pdf>, accessed on September 13 2023; reconfirmed February 23, 2026.

Furthermore, the Project Site is located on privately owned commercial land within the Landers community and is not situated within a BLM and CDFW DRECP Conservation Area, Natural Conservation Area, or Development Focus Area. As further discussed under threshold (d) above, the DRECP's functional linkage mapping in this area follows Pipes Wash, which is located east of and outside of the Project footprint. The Project would not conflict with the provisions of the DRECP or any other adopted habitat conservation plan.

With respect to the updated Biological Resources Assessment's reference to LeConte's thrasher being "covered under the MSHCP," this reference is to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which does not extend to the Project Site located in San Bernardino County. No MSHCP obligations apply to this Project. Therefore, no impact would occur.

Mitigation Measures: No mitigation measures are required.

Therefore, less than significant adverse impacts are identified or anticipated with incorporation of mitigation measures BIO 1 through BIO-3.

EXHIBIT J

“The Landing” hotel project moves forward with mixed community reactions at Monday Landers meeting



Robert Haydon  • November 20, 2024 Last Updated: November 20, 2024



2:32 / 2:32

Belfield Hall was a packed house for a community meeting for residents to learn more about the planned hotel, restaurant, bar, market, spa and observatory.

Sam Friedman and Ben Toffey are the owners of the lot and say that the hotel is planned to be a quiet one, with a focus on dark skies – two reasons he says they love Landers in the first place. The development will be situated on a 5.7 acre parcel of land near Belfield Boulevard and Reche Road. The lot is commercially zoned and the pair says that in the last year the project has been picking up steam with San Bernardino County, as far as permitting goes.

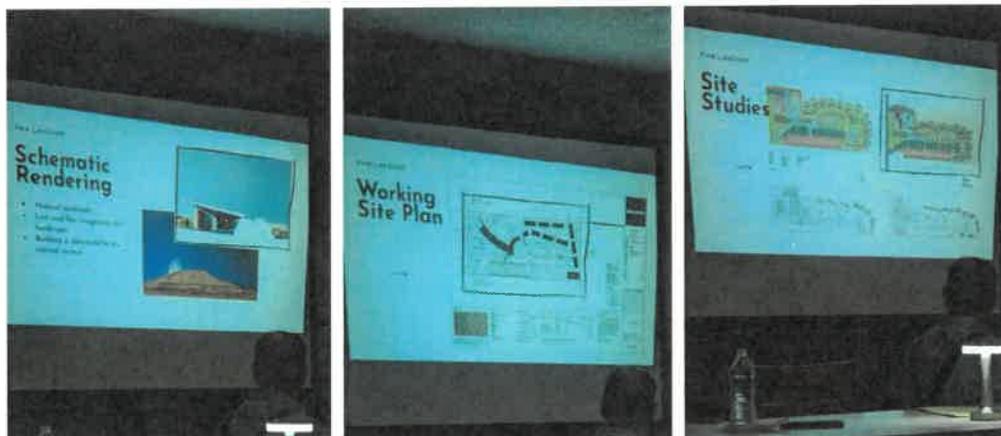
That means the hotel development could break ground next year and possibly open in two.

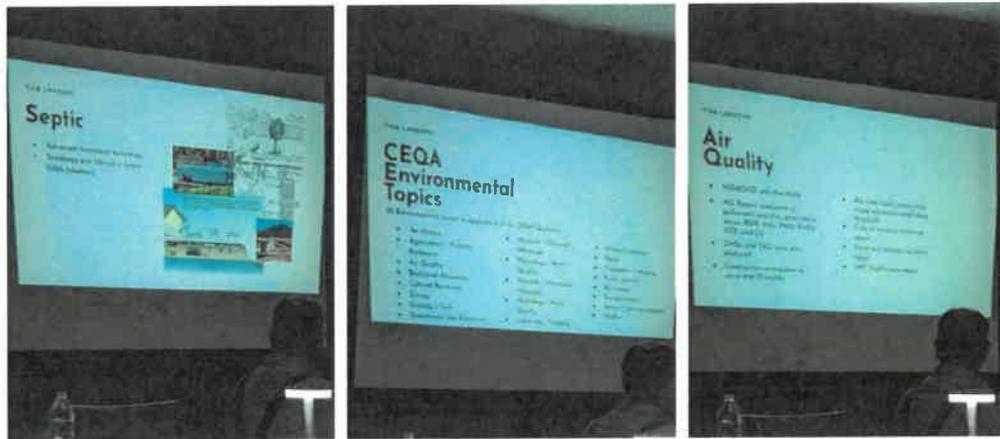
The group included “CEQA Specialist” Jessica Krushner, who is the CEO and Managing Principal of Los Angeles based Impact Scinces. She is working with the team on preparing an environmental report for the hotel. CEQA stands for the California Environmental Quailty Act which governs what developments can do in the Golden State when it comes to environmental impact.

They came prepared with a presentation that addressed what are becoming common questions with developments here in the hi-desert, specifically regarding environmental and neighborhood impact for starters. During the presentation, many of the features of the planned hotel were presented as being “built for the community” – such as a marketplace that Sam and Ben say priced and stocked with locals in mind.

Ben Toffey: “As a Landroid, I drive into Yucca Valley a lot and I know how exhausting that is for a lot of people here. We want to provide groceries to the community.”

Questions about fresh and waste water were handled by West of West Studio Director Jon Rieke, who outlined the seepage pit they are exploring with the county and clarified that they will be piping water in from the Bighorn Desert View Water Agency.





The presentation of the project lasted about 25 mins, followed by the question and answer period which was facilitated through Landers Community Association Board Vice President Mike Lipsitz. He collected questions on cards from the audience who was then given a chance to follow-up on the answers from the group. Questions about dark skies were addressed: the group says Landers has some of the best astronomers in the world living there and their hotel will include an observatory and the buildings will comply with dark sky directives.

Other questions regarding the potential noise of a hotel and the feasibility of running a higher-end hotel in Landers were posed to the group. John is a direct neighbor of the planned project and said that it didn't fall in line with what Landers residents need, saying that some residents in the Landers area live in their cars and below the poverty line.

John: "For people that say they live here, you don't seem to understand. This is a place that has very low income. So when you guys are talking about a supermarket, some place that has specialty items. It's basically a playground for the rich and it's not a place for people like us to go to and enjoy."

Ben Toffey: "We're talking \$2 coffee, bagels that are \$3. Ice cream that is \$3. Wait and see and I guarantee you the market will be a worthy spot. It's not going to be fancy."



Sam Friedman addressed the packed Belfield Hall on Monday night.

In other examples of these types of community meetings – which aren't required to start development – community members aren't shy about letting developers know their opinions of the project. During Monday's meeting, support or opposition wasn't as clearly defined. After a fairly even-handed Q&A period, Chris Gubler of Gubler's Orchids spent several minutes telling the crowd that he was in support of the project.

Chris Gubler: "You know, whether we can afford to stay there or not, it's their risk. I just want to tell the group that I've been looking at this and listening, and I support the project. It conforms to the law, they bought that land and they can build on that land and they have that right to build on that land."

With that – the Q&A period ended, but not before longtime Landers resident Judy Laffoon challenged some in the audience to show their bonafides just as they did to the developers.

Judy Laffoon: "It was brought up that you've never seen them (developers Sam Friedman and Ben Toffey). I've never seen you before today. I've lived here for 30 years!"

The project is moving forward with the county, and the group is asking for feedback on their website where you can learn more about it: www.belfieldlanding.com

The next meeting is tentatively planned for early 2025.



Landers Community Association VP Mike Lipsitz moderated.



Chris Gubler of Gubler Orchids addressed the crowd and voiced his support.



Landers Community Association President Roxanna Shamay tried to keep discussion on topic.



Previously reported:

Landers hears proposal for new hotel

By Stacy Moore Hi-Desert Star
Nov 21, 2024



Sam Friedman, left, and Ben Toffey answer questions about their proposed partners. By Stacy Moore Hi-Desert Star

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LANDERS — About 70 people gathered in Belfield Hall to hear Sam Friedman and Ben Toffey present their plans for a hotel called The Landing Monday night. Some were supportive and others opposed; Friedman said groundbreaking won't be for at least another year and he and Toffey are happy to take local suggestions.

The 5.7-acre property where the hotel is proposed is on Belfield Boulevard north of Reche Road. It's zoned for commercial business and Friedman said they are applying for a minor use permit from the county to build.

"We want to up front say that we are not trying to change Landers at all. We're doing quite the opposite, we want to showcase Landers for the reasons we love Landers, for its dark skies and natural beauty," Friedman said.

Toffey and Friedman said they both live in Landers and want to open a hotel with 35 rooms and a lodge with a bar, restaurant and market.

"The point of this lodge is to be a gathering space for the community," Toffey said.

The hotel would have an onsen — a spa Toffey said was based on Japanese community spas. "This is not going to be a typical American private spa with treatment rooms. It's actually a place for the public to come and enjoy," he said.

The two men said they plan to offer local discounts at the restaurant and spa and offer shopping for locals at the market.

"As a Landero, I drive into Yucca Valley a lot and I know how exhausting that is," Toffey said. "We want to provide groceries for the community."

They also envision building an observatory.

They told the audience they want to hire locally during construction and to staff the hotel.

Some of the listeners questioned their motives. Jon Delouz, who lives across Belfield Boulevard from the land where the hotel would go, said Toffey and Friedman were proposing “a playground for the rich” in a poverty-stricken community.

“For guys who say you live here, you don’t know much about it,” Delouz said.

He predicted the market would sell upscale items for high prices, comparing it to Desierto Alto in Yucca Valley.

“I guarantee our market is going to be a worthy spot. It’s not going to be fancy,” Toffey replied.

“We can completely understand your point. There’s people who are below the poverty line and you’re right, this is not for them,” Friedman added.

“There’s children sleeping in cars out there!” Delouz said.

A woman asked if they would accept electronic benefit transfer cards from people on welfare. Delouz went on to ask how much they would charge for a plate of food or a night in the hotel. Friedman said they are still working on details and have years before they will open.

In answer to other questions, Friedman said they will use water from Bighorn-Desert Water Agency and are in discussions about the size of pipes needed.

“This won’t happen if there’s not enough water and they can’t serve us,” he

said.

Chris Gubler, owner of Gubler Orchids in Landers, stood up to support the project.

“I’ve been here a long, long time, doing a lot of good things for this town and change is always inevitable,” Gubler said. “If somebody was to ask me how much I was charging for my orchids, you’re talking about my business. If you don’t want to spend the money, then don’t buy them.”

Gubler said the project would bring a better infrastructure to Landers and was going on land zoned for commercial developments. “Thirty-five rooms isn’t the Hilton, you know,” he told the room.

“I support the project. It conforms to the law. They bought that land and they have the right to build on that land.”

Another local asked Toffey and Friedman if they were inspired by a desire to make money, and warned everyone would be skeptical if they said they weren't.

“We’ve been out in Landers for five-plus years, have been fans of the Integratron, have been hiking on Goat Mountain,” Friedman said.

He told the audience they were inspired by George’s Sky Room, a hotel in Landers in the 1950s and ’60s.

“People thought Landers was beautiful and interesting and we want to continue that. We want to be part of the community,” he said.

[“Preferences.”](#)

In the end, he said, they don't expect to break ground until at least 2026. The process for the permit and mitigated negative declaration for environmental impacts is ongoing with the county.

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THE LANDING

A Lodge at the base of Goat Mountain



The Landing is a desert lodge in the dark sky community of Landers, CA. It offers locals and visitors an otherworldly experience, rich in astronomical history, natural beauty, and inspired cuisine.

Our amenities provide a quiet place to reset. Unwind by the mineral pool, brave the clay sweat lodge, explore our desert onsen, or learn about comets in our state-of-the-art observatory. The restaurant and market provide thoughtful food to both locals and visitors.

INFORMATION

LOCATION
Belfield Blvd, Landers, CA

CONTACT US
Have questions or ideas?
Reach out at info@belfieldlanding.com

WEBSITE
Belfieldlanding.com

LANDERS FILE



LANDERS HOMESTEAD VALLEY ASSOCIATION

The Landing Community Outreach Meeting Mon., Nov. 18, 2024 at Belfield Hall

Please add your name. Include your email to stay informed about this and other community issues.

Name	Include email to be added to Association list
Betty Demay	None
TERESA HARLEY	TERESAKATE53@OUTLOOK.COM
Adrienne Bishop	
Tom Romano	
Chris Hudson	casadechris@hotmail.com
Judith Lafford	
Olga Creveling	
Tom Purcell	
Michelle & Dawn Zumbsten	
Kim White	
Beth Pfarrer	
Sharon Conkle	
Sam Friedman	
Ben Totley	
Heidi & Andy Cicero	
LARRY JAEGER	desertlarry@sbcglobal.com
Ed Jordanville	
Kimberly Vale Z	
John C. McDonald	
CHRIS BARKER	CJBCLASSIC@GMAIL.COM
MARINA CHAVEZ	CHAVEZPHOTOGRAPHYS

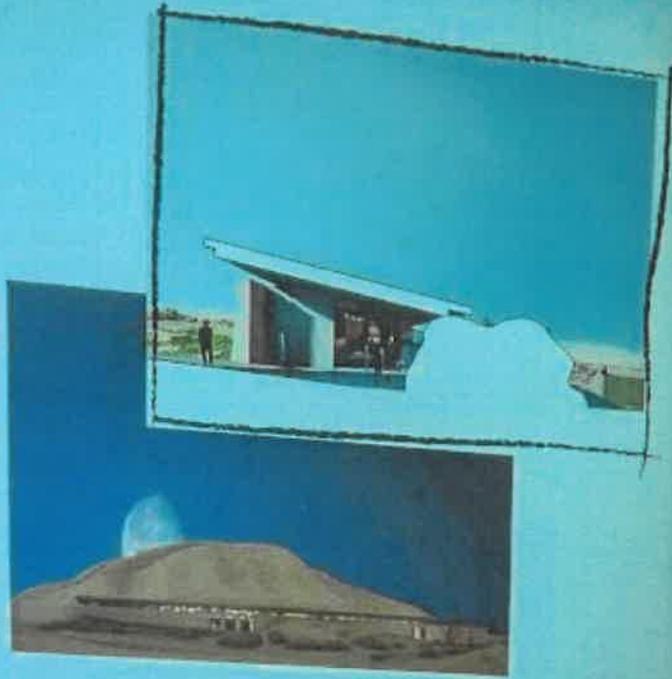
@GMAIL



THE LANDING

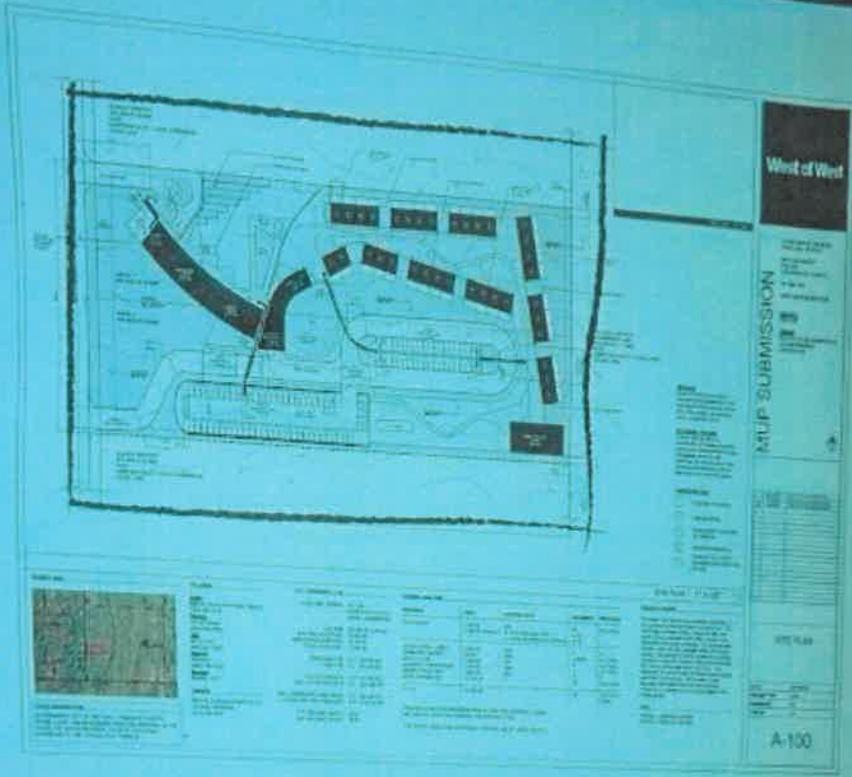
Schematic Rendering

- Natural materials
- Low and flat, integrated with landscape.
- Building is deferential to it's natural context.



THE LANDING

Working Site Plan



Site Studies



Septic

- Advanced treatment technology.
- Seedpage pits (deep) vs. Leach fields (shallow).

Advanced treatment system incorporates a treatment step between the separator and final disposal of effluent. Pump, filter, and float are used to control the flow of wastewater from one component of the system to the next.

Labels in diagrams include: CONCRETE, PUMP, AERATION TANK, SEWER LINE, and E.P.T.

CEQA Environmental Topics

20 Environmental factors in Appendix G of the CEQA Guidelines

- Aesthetics
- Agriculture / Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology / Soils
- Greenhouse Gas Emissions
- Hazards / Hazardous Materials
- Hydrology / Water Quality
- Hazards / Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral resources
- Noise
- Population / Housing
- Public services
- Recreation
- Transportation
- Utilities / Services systems
- Wildfire

Air Quality

- MDAQMD sets thresholds
- AQ Report evaluated six pollutants and their potential to occur: ROG, NO_x, PM₁₀, PM_{2.5}, SO₂, and CO
- GHGs and TACs were also analyzed
- Construction anticipated to occur over 12 months
- AQ study found construction would not exceed established thresholds
- Cultural resources technical report.
- Noise and vibration technical report.
- VMT (Traffic) assessment.





Land Use Services Department Planning

Mark Wardlaw
Director

Marlene Ambriz
Assistant Director

Susan O'Strander
Assistant Director

September 16, 2024

PROJECT NOTIFICATION: LANDERS HOTEL PROJECT

Dear Landers Homestead Valley Resident:

As a follow-up to community concerns raised at the Landers Homestead Valley Community Association meeting on September 9, 2024, this Project Notification has been sent to provide additional information regarding the proposed Landers Hotel project. This Project Notification is also being sent to those residents in proximity to the proposed project who were not present at the community meeting.

The Planning Division has received a Minor Use Permit (PROJ-2023-00146) application to construct and operate a commercial plaza consisting of a hotel and commercial retail buildings. The project site is comprised of two (2) parcels containing a total of approximately 5.7 acres located on the east side of Belfield Boulevard, approximately 900 feet north of Reche Road, (APN: 0630-031-05 and 06). Currently, the proposed project includes:

- 35-Unit Hotel (450 square feet per guest room)
- 3,300 square foot restaurant
- 850 square foot food market
- 3,300 square foot lodge
- 2,200 square foot health club
- 1,000 square foot laundry/engineering room
- 3,600 square foot shade structure
- Covered parking areas (100 parking spaces)

For your information, the current preliminary Site Plan for the proposed project is attached. At this time, the Planning Division is reviewing the proposed project for compliance with the development standards of the San Bernardino County Development Code and consistency with the goals and policies of the Countywide Plan and Homestead Valley Communities Action Guide.

The project site is located within the Rural Commercial (CR) zoning district. The CR district allows retail trade and personal services, repair services, lodging services, recreation and entertainment services, transportation services, and other similar uses as described in the Development Code, Chapter 82.05 (Commercial Land Use Zoning Districts) available online at https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanbermcty_ca/0-0-0-167997.

After completion of the internal policy compliance review process and appropriate revisions (if any) have been made to the proposal, you will be notified as the project progresses through the permitting process. At this time, we anticipate:

1. Notification of the availability of an Initial Study/Mitigated Negative Declaration released for public review and comment pursuant to the requirements of the California Environmental Quality Act.
2. Notification of the public hearing date, time and location for the consideration and action by the decision maker.

Should you have any questions about the application or permit process, please contact the Project Planner, Oliver Mujica via email at Oliver.Mujica@lus.sbcounty.gov or (909) 387-4002.

BOARD OF SUPERVISORS

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Luther Snoke
Chief Executive Officer

EXHIBIT K

Mujica, Oliver

From: theresa weir <theresaweir@gmail.com>
Sent: Saturday, September 28, 2024 8:42 AM
To: Mujica, Oliver
Subject: County Minor Use Permit Project Number: PROJ-2023-00146

You don't often get email from theresaweir@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Hello! I'm writing to let you know I'm one of many concerned neighbors against this potential development. My home is 800 feet away, but there are several other people who are closer, some under 300 feet, who never received communication from the development company. This is basically a rural residential area. I'm not against this kind of development, but this seems a very bad location for such a project. My biggest concern is that it will fail and we will be stuck looking at an abandoned structure. I have a lot of other concerns such as water and noise traffic and light pollution, but I'm sure other neighbors have already listed them fully. I'd love it if you could give this more consideration and possibly elevate it to whatever level needed to put it on pause in order to invite discussion between the people behind the project and the local residents.

Thank you so much for your consideration!

Theresa Weir 57654 Reche Road, Landers, CA

Topic:

County Minor Use Permit Project Number: PROJ-2023-00146

Owner/Developer: **BELFIELD DEVELOPMENTS LLC**

3705 W PICO BLVD 890 LOS ANGELES, CA 90019

Notes from meeting: The developer is required to notify residents within a 300-foot radius. Two property owners in this radius were in attendance and reported that they had received no communication to date.

Mujica, Oliver

From: Stephanie Kern <skern@sprynet.com>
Sent: Wednesday, September 25, 2024 4:48 PM
To: Mujica, Oliver
Subject: ABOUT THE HOTEL PROJECT BEING PROPOSED FOR LANDERS

You don't often get email from skern@sprynet.com. [Learn why this is important](#)

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Dear Mr. Mujica,

Our community is very concerned about this project. It is a very large operation in a very small community. I am concerned that they are bypassing needed review with a Minority Permit. It should have full impact studies for the community, environmental impact, traffic, water usage and more.

This is NOT small and will definitely change the character of the entire (residential!!!) neighborhood that it is in.

Please elevate it to controversial status. This needs to be thoroughly vetted.

I would love to see more hotel type rentals, but in a tasteful, community oriented and respectful manner.

Thank you for your consideration and your help.

Regards,

Stephanie Kern

Mujica, Oliver

From: Ralph Megna <ralphmegna@me.com>
Sent: Tuesday, September 24, 2024 1:41 AM
To: Mujica, Oliver
Cc: Supervisor Rowe; friedmse@gmail.com; Landers Community Association; jonathan@westowest.com
Subject: Comments on Minor Use Permit Application PROJ-2023-00146 (District 3)
Attachments: Landers-MUP-Comments-Megna.pdf

[You don't often get email from ralphmegna@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Please find attached my comment letter regarding the development of a commercial plaza consisting of a hotel and commercial retail buildings located on Belfield Blvd. in the unincorporated community of Landers.

Let me note that I went to a meeting of the Landers Community Association on Monday night, September 23rd, held specifically to discuss this project. For Landers, there was very large number of people - probably 60-70 or more in attendance. The prevailing sentiment did not support the development.

While I am neither in favor or against the proposed project, I have a number of concerns arising from being 1) A Landers resident; 2) A citizen astronomer with an observatory in Landers; and 3) A commercial real estate developer with 45 years of experience. I have captured some of those concerns in the attached four-page letter.

Please include me in any future notifications regarding this project.

By email cc this communication is being copied to the Landers Community Association, Third District Supervisor Dawn Rowe, Architect/Applicant Jonathan Rieke, and Developer Sam Friedman.

Ralph Megna
58564 Fancher Road
Landers, California
909.519.9775

RALPH MEGNA

September 23, 2024

Mr. Oliver Mujica
Land Use Services Department
Planning Division
385 North Arrowhead Avenue
San Bernardino, California 92415

By Email: Oliver.Mujica@lus.sbcounty.gov

Subject: Minor Use Permit Application PROJ-2023-00146

Dear Mr. Mujica,

I am in receipt of various documents related to the development of a commercial plaza consisting of a hotel and commercial retail buildings located on Belfield Blvd. in the unincorporated community of Landers. I understand there is an open comment period and you are the reviewing Project Planner. I would like to comment on the application.

For over 23 years, I have been a leader and active member of a group of amateur astronomers who, during that time, have constructed roughly fifty code-compliant telescope observatories at several sites in the Landers area, representing a huge investment in time, effort and money. In fact, one of these sites - the Goat Mountain Astronomical Research Station (GMARS) - is widely recognized as the most ambitious amateur-run astronomical facility on Planet Earth. Both it, and a sister site - the Center for Solar System Studies (CS3) - have been awarded observatory code numbers by the International Astronomical Union (IAU), and data collection at both sites has been used in numerous peer-reviewed scientific papers and by agencies such as NASA.

I provide this background as preface for the first part of my comments regarding this proposed project. Developments such as the Subject are often over-lighted, far in excess of local or county exterior lighting regulations, and significantly damage the very quality that attracted many of us to Landers - clear, dark night skies. I think it is fair to say that the responsible regulatory authorities have neither the resources nor the inclination to police this aspect of the development code.

I am aware that the Applicant's submittal includes an A-100 sheet that has this language: "Exterior lighting will be a combination of building-mounted lighting and distributed low-voltage trail lighting along the site pathways. All fixtures will be fully shielded such that they emit no light above the horizontal plane."

While it is laudable that the Applicant is being pro-active on this issue, I would plead with the County to include specific lighting limitations and controls in its conditions of approval. These should address not just the design and installation of appropriate and compliant lighting, but its long term operation and maintenance, whoever the owner.

If you need a standards reference for the nighttime lighting restrictions, let me recommend those promulgated by the RASC Dark-Sky Protection Program; they can be found here:
https://darksky.org/app/uploads/bsk-pdf-manager/RASC-GOL_2018_51.pdf

* * *

The second part of my comments are based on my 45 years of commercial development experience, with signature authority for nearly half a billion dollars (that's billion, with a "b") in vertical construction and infrastructure. I have spent many millions of dollars on architecture, engineering and planning during my career. While semi-retired, I continue to advise high-value clients through my firm, The Jamieson Group (www.jamiesongroup.us).

In short, this project mystifies me. I cannot imagine what market conditions or economics its proponents think support what will likely be an \$9 to \$12 million investment at this location. Worse, the proposed site plan makes absolutely no sense whatsoever; it contains few elements that suggest that its architects/planners have any clue how to do sustainable development in the middle of the Mojave Desert. This is understandable, given that previous projects designed by West of West have been located in Seattle, Portland, San Francisco, Los Angeles, Austin and New York.

I'll include as an attachment to this letter a brief critique of this project from a space use program perspective. But those are elements that are the domain of the private developer; if he or she wants to do stuff that is moronic, it isn't your duty to stop them. Let me focus here on the project aspects you should control through the policy compliance process:

Any desert development needs to begin with a clear plan for managing two critical resources: Power and water (including waste and storm water). When it comes to power, I find no mention anywhere in the Applicant's documents of the inclusion of solar arrays or PV systems. This absence is notable in two ways: 1) It suggests the Applicant is ignorant of how "thin" and fragile the local electrical grid is, and its uncertain capacity to support the proposed project without augmentation. 2) If there are solar arrays planned for the site, they are nowhere noted on the site plan (side note: your official summary mentions "covered parking areas" but the A-100 sheet has no captions to that effect). Obviously, the presence of large solar arrays and the provision for adequate power that does not strain the existing level of service should be a plan review consideration.

As for water, the comments of the Bighorn-Desert View Water Agency are enlightening. There isn't much evidence that the project proponents have thoroughly analyzed their water needs, including fire flows, and the capacity of the local water district to serve them. Such an analysis should be required prior to approval of any development conditions.

The same letter from the water agency also makes reference to sewage treatment requirements. Again, there is little to suggest the project developer has a plan to deal with the significant peak effluent flows associated with a lodging project that also includes a restaurant and health club. In my experience with similar desert projects (like mobile home parks), the usual approach is to employ a packaged onsite septic treatment system. But don't see a structure/location for sheltering such a system, unless it is the 1000 sf space designated for engineering. If that's it, then it is a pretty stupid decision to put equipment handling raw sewage right next to the lodge and health club. It is usually located in an isolated support structure away from the common public use areas. And if a leach field is involved, it is not noted on the plans (nor is there an obvious place to put it). This leads directly to another concern...

The proposed project is in an arroyo. It is not clear the Applicant has looked up the definition of an arroyo, or has any knowledge of the micro-burst thunderstorms we regularly experience in the Mojave, along with their attendant flash flooding. But I am particularly concerned about the impact of the large amount of effluent generated by a lodging/restaurant project and its injection into the porous sand in what is a natural watercourse. Again, this needs a full soils analysis and exploration of engineering trade-offs in the CEQA assessment before any approvals are issued.

At a recent meeting of the Landers Community Association, several attendees expressed concern about vehicles coming-and-going from the proposed project. My take is that the traffic impact will be modest, BUT a trip generation study by a reputable engineering firm is needed to confirm that.

More related to the site: Is there an inventory of the existing vegetation - especially Joshua Trees - and a plan for its retention or relocation or replacement? Also, is there any impact on endangered species? Taken together with traffic, waste and stormwater, and utility services, it is not clear to me that a mitigated negative CEQA declaration will suffice.

Finally - and perhaps most importantly - it is unclear what, if any, controls will be on this development when it fails and it is sold for nickels on the dollar. I believe the Landers community should be rightfully concerned about what happens to the site if the current players are no longer involved. It is not difficult to imagine various outcomes ranging from the relatively benign impact of abandoned buildings vandalized and covered with graffiti, to a nightmare scenario where a new owner solicits a contract with the state or county to use the former "boutique hotel" facility to provide transitional housing for newly released sex offenders.

I believe that it is imperative that the County insist, as part of the MUP approval, on covenants, conditions and restrictions (CC&Rs) - recorded against the property and running with the land - that strictly limit any future adaptation or change of use. It would also be nice if the CC&Rs addressed operational issues such as night lighting, outdoor event staging, and upkeep in the event of closure, either full or partial. The CC&R document should be drafted to permit enforcement, in court, by impacted third parties.

Thank you for the opportunity to comment on this proposed project. Please add me to your list for notifications on future actions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ralph Megna". The signature is fluid and cursive, with a large initial "R" and "M".

Ralph Megna
Landers, California

cc: Landers Community Association (by email)
Dawn Rowe, Third District Supervisor (by email)
Jonathan Rieke, Applicant (by email)
Sam Friedman, Developer (by email)

A Few Thoughts on the Use Program for Minor Use Permit Application PROJ-2023-00146

The proposed project site plan doesn't seem to be responsive to any desert environmental factors - such as solar exposure/angle or prevailing winds - in a manner that would support sustainability or even economically sensible operation. Its layout, structure configuration and orientation might be appropriate in an urban/suburban setting such as Seattle or Portland, but makes absolutely no sense in Landers.

The entire project use program is a noble fantasy that demonstrates remarkably little real-world development acumen. Let me break it down for you:

- The 3,300 sf restaurant is insane, unless they are planning on relocating La Copine. Here is the math: Let's say 900 sf of the restaurant area is kitchen, storage and restrooms. That leaves 2400 sf for dining (not including the outdoor space). That is roughly 25 to 35 tables seating 100 to 140 people. Even if the hotel were fully occupied, and if ALL the guests chose to eat onsite and ALL at the same time, there would be empty seats. There is no economic justification for a 3,300 sf restaurant; at max, this might be a 2000 sf cafe use, plus patio.
- Add to that another 3,300 sf for a "lodge" - what is the purpose of all that space? Is there bar with the associated need for a liquor license? If so, what would be it days and hours of operation?
- What exactly makes sense about a market open to the public from only 7 AM to 3 PM? Is this a typo or does someone actually have a rationale for something so dumb?
- And a 2,200 sf health club? Seriously? For a 35 unit hotel, 500 to 600 sf would be plenty.

Now, let's talk about 35 hotel units grouped in twos and threes, spread out over the site. This arrangement requires long, unsheltered walks in the desert sun (or under a cold winter sky) to reach the restaurant or market for a large number of the guests. Worse, it creates an economically inefficient ratio of building envelope/systems to occupied space. A rational developer would cluster the units to shorten walking distances and reduce construction costs. If it were me, I'd assess whether it made sense to do two-story development, to allow compact usage of the site (more open space), shorten water and electric service lines, and allow efficient stacking of systems such as plumbing. It would also create opportunities for high-value features such as second-floor balconies with scenic views.

The parking areas are oddly located with curious geometries, and for the most part, are not very convenient for the guests. Also, there is no mention of provisions for EV charging, something that ought to be a no-brainer for attracting guests to a remote location.

There are strange materials choices, such as the thousands of square feet of outdoor wood decking. I know of a resort in Borrego Springs that uses wooden walkways and the desert sun beats the crap out of them. They are a maintenance and trip-and-fall nightmare. And, the substitution of composite materials for real wood won't make it any better.

On sustainability, there is no description of landscaping that might provide relief from the desert environment, or irrigation using gray water from the complex.

How is the developer going to control dust and sand blown by the NW prevailing winds into the exposed pool/hot tub area? This is going to be a constant maintenance issue, to say nothing of an unpleasant experience for guests.

I could go on-and-on, but the bottom line is: This project is desperately under-thought by people who pretty clearly don't know much about desert development, lodging design, the hospitality industry, or market demand in the Landers area.

Mujica, Oliver

From: Marina West <mwest@bdvwa.org>
Sent: Monday, September 23, 2024 6:37 PM
To: Liang, Aron; Mujica, Oliver
Subject: Re: Bighorn-Desert View Water Agency: Inquiry Proj. 2023-00146

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Ok, thank you.

Oliver, can we discuss my questions below ?

Please let me know, Marina

This email has been sent from my phone, it is solely responsible for grammar and spelling errors.. I give up....

From: Liang, Aron <Aron.Liang@lus.sbcounty.gov>
Sent: Monday, September 23, 2024 6:33:50 PM
To: Marina West <mwest@bdvwa.org>; Mujica, Oliver <Oliver.Mujica@lus.sbcounty.gov>
Subject: RE: Bighorn-Desert View Water Agency: Inquiry Proj. 2023-00146

Hi Marina, I'm including Oliver Mujica, the Project Planner. The land use application is still being evaluated for code compliance.

From: Marina West <mwest@bdvwa.org>
Sent: Monday, September 23, 2024 3:14 PM
To: Liang, Aron <Aron.Liang@lus.sbcounty.gov>
Subject: RE: Bighorn-Desert View Water Agency: Inquiry Proj. 2023-00146

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Hi Aron,

Wondering if you can give me a status on this project. I'm told the "county is fast tracking" it but I don't know what that means. This developer has yet to answer our three basic questions: meter service(s) size/number, Fire Flow requirements, and sewage disposal method. Have these decisions been made by LUS/CoSB Fire, etc yet?

There is another community meeting tonight so if I had more information from LUS that might help me communicate impact on the water agency more accurately.

Marina

From: Marina West
Sent: Thursday, September 12, 2024 1:59 PM
To: Aron.Liang@lus.sbcounty.gov
Subject: RE: Bighorn-Desert View Water Agency: Inquiry Proj. 2023-00146

Hi Aron,

A correction to information below. I found my W1 letter. This is APN 0630-031-05 and -06.

I'm still interested in the current status of the project and if any decisions are pending which would affect the Agency. My last correspondence with developer was Oct. 2022 when he received the W1 letter.

Marina

From: Marina West
Sent: Thursday, September 12, 2024 1:33 PM
To: Aron.Liang@lus.sbcounty.gov
Subject: Bighorn-Desert View Water Agency: Inquiry Proj. 2023-00146

Good afternoon Mr. Liang,

I am following up on a meeting that was held at the Landers Homestead Valley Association on Monday, September 9th regarding CoSB Proj. 2023-00146. My guess is this is associated with APN 0630-031-07.

Did the Agency provide a W-1 letter for this project file? I can't seem to find one under that assumed APN. I vaguely recall one or two brief conversations with the property owner/agent some long, long time ago but now not actually sure we got to a request for W1.

It is a parcel that we "can serve" BUT, we have a number of issues to iron out. We do not yet know the Fire Flow requirement, water meter size (and number of meters needed), and most importantly the sewage disposal requirements. If a traditional septic tank cannot be used then this poses significant challenges for the developer. Should the CoSB require advanced sewage treatment then there is currently no sewer in our service area. The applicant would be required to execute on a number of significant hurdles including an application to LAFCO to activate sewer authority....etc.

Can you please provide me with some additional information. The neighbors are now starting to ask questions. I had presumed the developer would have been at that meeting on Monday evening but I'm told they were not in attendance.

Sincerely,

Marina



Marina D. West, PG

General Manager

Bighorn-Desert View Water Agency

p: (760) 364-2315

f: (760) 364-3412

a: 622 S Jemez Trail, Yucca Valley CA, 92284-1440

w: www.bdwa.org e: Mwest@bdvwa.org

Mujica, Oliver

From: Manon Laplante <laplante.manon@gmail.com>
Sent: Tuesday, September 24, 2024 11:38 AM
To: Mujica, Oliver
Subject: Landers hotel project concerns

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Hello Mr Mujica,

My name is Manon Laplante and I am both a full-time resident of Landers and a member of the Landers Association. Last night we had a meeting where we had the opportunity to ask questions and share concerns about the Landers hotel project.

The developer did not come to our meeting so it felt like there was little interest on his/their part to be involved with our community, meet us, face our questions and concerns, which did not reflect greatly on them. However the place was packed with concerned local residents, which speaks volume.

We are a rural community with beautiful skies and equally beautiful outdoor lighting regulations put in place by your organization to protect those beautiful skies, which reflects the value you place on the special environment we have chosen to live in and shows it is worth protecting.

Most people do their very best to live in harmony with the wildlife and understand that overbuilding/ bringing more traffic to this area would have a negative impact on nature and said wildlife.

People have come here to live a life connected to nature, surrounded by beautiful views, skies, wildlife and enjoy space and peace and quiet of just a special place.

In recent years however it seems that many have become interested in using our land, our beautiful skies and all that the desert has to offer for basic capitalistic gains, which has affected the fabric of our community. Neighbors have been replaced by Airbnb's and people who do not get involved or often do not even show much care for the spoken and unspoken laws of being in this area. I, and my friends, neighbors and the vast majority of the many people who came to the meeting tonight share the very concerns and experiences I have.

This project represents so much of what could go wrong with our environment.

1- Size of lot versus size of project

The size of the project versus the size of the land itself seems to suggest a "cramping" of a lot of elements, including a 100-car parking and 35 units, on a piece of land that does not seem to freely accommodate such a heavy plan. Please think of the impact of so much on so little space.

2- Sewage

The developer has not provided his plan for sewage to the water department, which leaves everyone wondering why at this late stage... Would there even be space for the piping and leach field on a property that is already filled with various structures.

3- Noise pollution

A hotel with 35 units will make noise. Period. This is the nature of people gathering and people gathering in a place where they seem to become "overwhelmed" by a sense of freedom, feeling as though they are in the middle of nowhere and can therefore do what they please with little concern for the environment.. I have personally experienced this with Aribnb guests who have no awareness or care for nearby residents. And yet, we do live here, full time, trying to maintain peace in our community.

4- Light pollution

As mentioned before, we are immensely grateful to your organization for the outdoor lighting regulations, and while everyone is doing their best to respect this, adding a new 35 units hotel with a restaurant, a food market, a health club and a laundry room would have a lot of light to the area, regardless of the fact that all the outdoor light were actually pointing down. I think that it would have a huge impact on the skies and on the various observatories we are so lucky to have in our area. Nothing should ever put those at risk, especially projects driven by money more than concerned with preservation and protection.

5- Increased traffic

The project asks for 100-car parking space. This is huge, not only for such a small lot, but for Landers itself. Most of us don't feel we have the infrastructure to accommodate such added traffic to the area. We feel it may also have repercussions on the safety of the roads.

6- Trash

How much trash would a 35-unit hotel that includes facilities such as a restaurant, a gym and so forth? How much trash do we think is acceptable to add to an area we are trying to protect and preserve? How much trash do some "unconscious/ uncaring" tourists produce in a week? How much is that multiplied by 35 units or 100 cars?

7-Quality of life of nearby residents

While the lot itself is commercially zoned, it is bordered/ surrounded by all residential lots.

I am lucky enough to not live next door to that proposed project, but do feel greatly for those who do. These people have chosen a house in a particular area, on a particular road to live a particular lifestyle that includes peace, space, views, dark skies, quiet nights... Building this kind of structure next to them will immediately change their life for the worse. Looking out their window they will no longer see the vastness, the beauty or the wildlife, but rather a congested, overcrowded, over lighted lot, with an amount of noise and activity that is not in alignment with life out here in general and certainly not with the life and experience they wanted for themselves when they purchased their homes.

And then the quality of life of all of us, actual residents, nearby or farther, would greatly be affected by all the negative impacts mentioned above, to name a few as we can be sure that problems would arise just based on the nature of the life we live out here versus the goals and visions held by the developers. Who is to say they will not market themselves as the "fun/ party getaway under the stars"? It has been challenging for many to keep a single Airbnb in their neighborhood from not playing music excessively loud and holding parties nightly. Do we think this would actually get easier when 35 units would get occupied?

8- Lastly, thinking on a longer term.

Have you given thoughts on establishing some CC and R's for a place like this?

Is there anything guaranteeing us that if the project was in fact going through but ended up failing, the subsequent owners would be held to a certain standard or behavior/ ways allowed and not allowed to use the land? We are surrounded by empty Airbnb's by now, which seems to indicate something about "visitors". In the real possibility that the project would fail, is that place free to be taken in any direction by anyone who is attempting to find a way to make money out of it?

Tonight, over 90% of the people present were against the project. That speaks volume. And that is for all the reasons mentioned above and for a need to protect our place that is attracting more and more investors whose values rarely align with the ones of actual residents.

We are a caring and active community and have chosen to make Landers our home, for what it is and has been. Please do not take that away from us for some developer who most likely does not understand our lifestyle and values. The cost to our quality of life and our environment is too high.

I hope you hear me as I know I represent the very strong majority of my cherished community.

Thank you for your consideration,

Manon Laplante

Mujica, Oliver

From: Karen Perry <itsearchma@yahoo.com>
Sent: Wednesday, September 25, 2024 8:00 AM
To: Mujica, Oliver
Subject: I support hotel in Landers

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I live in nearby Flamingo Heights and have watched this area flourish with tourists and new businesses. A hotel is useful, provides jobs, and reduces needs for AB&Bs which will enhance our real estate for affordable housing.

Thank you for your time

[Yahoo Mail: Search, Organize, Conquer](#)

Mujica, Oliver

From: Jon Delouz <eyedelouz@gmail.com>
Sent: Monday, September 30, 2024 8:00 AM
To: Mujica, Oliver
Subject: Resident living across from Controversial Project- Landers Hotel PROJ-2023-00146

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Dear Oliver Mujica,

I am the resident that resides directly across the road from the proposed Landers Hotel Project. This letter is regarding my deep concern to the impact the project will have on the environment of our rural community. There are many aspects of the project that I am concerned are not being taken into consideration such as the effects on infrastructure. Concerning water- the amount of use in this fragile desert environment, fire mitigation as it pertains to flow in emergency situations, and sewage disposal as the project is sitting along a wash that feeds many residents well systems. These concerns would require a very costly and disruptive build out that would see to getting water over to the lot, which currently has no water, and expanding the pipe system for the demand of such a large facility housing a hotel, restaurant, spa, laundry service and all bathroom facilities.

Aside from water concerns, we know that there has not been a full traffic study done on Belfield and Reche which is already a busy street used by commuters, public transit and local residents. This very busy street is not properly paved to facilitate that increase of traffic as well as already having problems with car accidents due to people speeding down the straightaway. The addition of the hotel residents with a 100 parking spots would increase the maintenance of the road upkeep as well as potentially cause more frequent accidents with guests unfamiliar and intoxicated travelling from venues down the hill in Yucca Valley. Will there need to be a stop light put in at Reche and Belfield Blvd.? Will streets have to be widened? Will there be a need for the hotel to put sidewalks along their project as well as our side of the street? Is there going to be a need to install ADA accessibility as well as an actual bus stop for public transit?

This is aside from taking into consideration the effects to noise and light pollution. We and most other Landers residents chose this far from Yucca Valley rural community to find peace and quiet. There is already a high density of AirBnBs in this and surrounding communities. We live a few hundred meters from a neighboring rental that frequently has very loud and intoxicated guests that are completely unaware of how sound travels very well in the desert. Many times we can actually hear every word of their conversations. There is also the question of addition to light pollution. This area is one of the dark sky regions that are declining in the world, so much so that the County of San Bernardino put in place strict light regulations for all residents. It seems impossible that a project with multiple units, a restaurant and spa could not possibly create much light pollution for concern of their guests ability to move about the compound. Not to mention the guest traffic at all hours of the night using their brights to drive down the unlit desert roads. Will there be a need for a sign like all other hotels that guide their guests to the facility? The other night, my wife and I watched a comet fall through the sky with a bright plume on both sides as it headed to burn out over towards the national

park. That will become impossible with the increase of light pollution and the negligence towards the Dark Skies Ordinance put in by the county.

As you might be aware of, there is the Homestead Valley Plan which has a clause about "Community Character". This pertaining to as the community grows and there is development, that it serves the needs of the community and preserves the rural character of the community by maintaining low density residential development that serves the needs of the local residents. As well as acknowledge the service and infrastructure capacity and limitations to the area. Particularly roads and water to serve future development. This project does not serve our community because Landers residences do not have the need or the means to patronize the proposed project. Where the per capita income is \$31,606, the individuals below poverty level is 31.3% and the average worker earnings is \$17.12 an hour. Landers is filled with many low-income residents who need support, not this development made for tourists with expendable income. While there are many other failed projects that have been built in Joshua Tree and Yucca Valley that have many vacant rooms and AirBnBs that are suffering in the state of supply and demand. I'm sure I don't need to mention the wildlife corridor that will be affected by this project. We have families of quail, coyote, mountain lion and even desert tortoise that use our street very frequently.

Just so you know a little of my backstory for context, My wife and I moved to Landers 5 years ago before the pandemic. We are very active members of the community who were responsible for completely revamping the Morongo Basin Historical Society to its current state. We also took the time and energy required to reconfigure the Landers Thrift and Trading Post at Belfield Hall which much of the proceeds support the Landers Association. I was actually at the Giant Rock cleanup effort today helping remove trash and graffiti from the area for Public Lands Day. We are locals that serve the community, give to the community. Not individuals just coming in to make a profit on resources from a community we are not even full time residents of.

We know the lot is zoned commercial. We know it can be used for a business that is in line with the community's values and actually is something useful to the community, but this project goes completely against these values. Myself and my wife are opposed to the proposed project that we have had to do all the research digging up anything about since the county has failed to send notice to anyone affected within 300 feet of the project. We are only 30 feet or less from it and I and all my neighbors within that distance have not gotten any official notification which makes the project look like a deal made without us being in the conversation and the project being kept in the shadows.

Thank you for taking the time to read my concerns.

Please reach out with all information you have on the state of the project and its future.

Thank you,
Jon Delouz
(213)703-1253

Mujica, Oliver

From: Jane Fawke <laragna.web@gmail.com>
Sent: Wednesday, September 25, 2024 12:54 PM
To: Mujica, Oliver
Subject: Landers hotel.

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Sir,

Please label this project "Controversial".

It has absolutely no merit. The whole Morongo Valley is experiencing a downward turn in both hotel and airbnb visits; so why allow another huge development like this? Water is being wasted on these futile projects; and if a hold isn't put on them; the full time residents will experience huge water bills to pay for them. Reche road is dangerous enough at night without added hotel traffic and noise.

Enough.

Thank you for your attention.

Jane "Spider" Fawke

Mujica, Oliver

From: Jacobine Van der Meer <jacobinevandermeer@yahoo.com>
Sent: Monday, September 30, 2024 3:50 PM
To: Mujica, Oliver
Subject: Regarding PROJ-2023-00146

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Dear Mr. Mujica,

As a Landers resident of 20 years I am very concerned about the proposed project on APN: 0630-031-05 and 06 to build a hotel in our rural community. This project is less than half a mile from my full time residency.

My concerns are the following:

.A change in character and a degradation of our quality of life in our peaceful community, since this project will bring more tourists/ visitors and therefore more traffic and disturbance. Fragile flora and fauna will be adversely affected as well. Once something like this project is realized it will likely attract more development to the area. We have all witnessed this in other rural areas as well.

. In our recent community meeting the concern was raised that in case this project is indeed build and fails, there are currently no protections in place to regulate a possible future owner's intent which could be an enterprise which could have an even more negative impact than a hotel.

. Marina West of Bighorn Desert View water Company explained to the community what the project developer's responsibilities are regarding water, sewage treatment, water pressure/ flow fire department requirements. Are the developers aware of the high costs they would have to pay to realize all this? Marina West has not received any further communication from the developers since 2023 regarding these responsibilities.

. Unfortunately the developers/ owners of the property were not in attendance at our main community meeting regarding this project, which makes me feel like they do not really want to be involved in working with us on what would be beneficial for our community which in the long run would be beneficial to them as well. Two residents who live within a 300 feet radius mentioned that they were not notified.

I very much hope you will take these concerns into consideration regarding this project

Thank you kindly for your time.

Sincerely,

Jacobine van der Meer

Mujica, Oliver

From: Irena Segarich Delouz <isegarich@gmail.com>
Sent: Monday, September 30, 2024 8:00 AM
To: Mujica, Oliver
Subject: Subject: Concerns Regarding Controversial Landers Hotel- PROJECT-2023-00146

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Dear Mr. Oliver Mujica

I am writing to express my concerns about the possible hotel development you are potentially going to approve for the site across the street from my home in Landers at 1074 Belfield Blvd.

While I understand that change is going to happen regardless because it is zoned commercial, I am worried about the impact this type of development will have on the unique character and quality of life in our quiet, rural area. Specifically, my concerns are as follows:

- **Increased traffic and noise:** Our rural community has roads that have been designed for limited community traffic. Our street Belfield Blvd. is not paved like more permanent roads in Yucca Valley. So they will require much more maintenance because they are regularly crumbling. A hotel will increase this and disrupt this quiet environment creating heavier traffic, with increased noise and light pollution where there are no street lights. There will be a massive influx of activity, both during the excessive construction needed for new infrastructure and once the hotel is operational with a 100 car parking lot.
- **Water scarcity:** As you are likely aware, Landers is located in a desert region where water is a limited resource. A hotel with increased water usage could place additional strain on our already fragile water supply. There is the community's concern about water waste disposal creating a toxic situation for the adjoining wash that feeds many residences wells. With the rise in California wildfires lately, to which we are not immune, we have concern for the amount of additional water needed for a hotel / restaurant / spa's fire mitigation needs. Not to mention a strain on our already overburdened emergency services. It takes them a long time to arrive out here anytime there has been an emergency situation.
- **Light pollution:** Given the rural nature of Landers, our community enjoys exceptionally dark skies that allow for stargazing. The potential for light pollution from a hotel development is a significant concern for residents and especially us that live across the street. I am aware of the County's Dark Sky Ordinance and I do not believe the hotel project could possibly fall in line within this. It's to large a complex to not create light pollution for the welfare of guest's safety who will also be driving into the complex at all hours with their car brights on.

I urge you to carefully consider the impact on the Landers community. We chose to live in Landers for its quiet, natural environment, and I would ask that these factors be thoughtfully weighed in your project proposal permit decision.

Thank you for your time and understanding. I look forward to any insights you can provide about how these concerns will be addressed.

Sincerely,

Irena Delouz

1074 Belfield Blvd, Landers 92285

Mujica, Oliver

From: heidi cicero <3chickenz@gmail.com>
Sent: Monday, September 30, 2024 3:01 PM
To: Wardlaw, Mark; Espino, Alcelma; Ambriz, Marlene; O'Strander, Susan; Mujica, Oliver
Cc: Supervisor Rowe
Subject: Landers Hotel PROJ (PROJ-2023-00146)

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TO: San Bernardino County Land Use Services Department

ATTN: Oliver Mujica

My name is Heidi Cicero. My husband Andy Cicero and I own a home in Landers at 57623 Lone Tree Ln. Recently we were made aware of an emergency meeting at The Landers Homestead Valley Community Association which we attended about The Hotel Project (PROJ 2023-00146). Upon arrival we found out the proposed Commercial Plaza is across the street from our house. It had been stated in the meeting that Residents living close by had already been notified 30 days prior to the meeting. This is not true. To this day we have yet to receive any official notification of the Proposed project, nor have any of our neighbors in the area. We have serious concerns about this Urban Development going into our residential neighborhood. The High Intensity and Density of this Project exceeds the allowance under The Rural Commercial land use in this area. This Project is more suited for areas near the main commercial zones near Highways. Here are just a few of our concerns:

- a) Excessive density and intensity for a CR land use zone.
- b) Light Pollution
- c) Noise pollution,
- d) Water use and Sanitation
- e) Sanitation and septic overflow into wash located on property flowing into residents wells,
- f) Trash
- g) Dangerous Traffic
- h) Road is not capable of supporting the increased intensity of use.
- i) No Sidewalks to provide safe passage for pedestrians,
- j) Wildlife impact. Habitat terrain and all wildlife affected by high density development,
- k) Disturbance of the peace.

Guests can come and go 24 hours a day from the establishment unlike the other already existing businesses on the street that close at 5pm. Most importantly it is clear that this project is not for the community. We do not want this on our quiet street. The locals here will not be able to afford to take advantage of a Spa Day or the facilities. Nor be able to shop at their store, or even be able to afford to eat at the proposed Restaurant. And then what happens when this project fails and our community has one more run down establishment. Are CC and R's being considered in the proposal contract so in the future

we are not housing sex offenders across the street from our homes. Please consider our concerns as residents and as citizens of our beloved Landers community.

At the meeting we received the flyer from the SBD Land Use Services Department that provided the details of this project. We are sending our concerns to each of you that were on the flyer.

Respectfully

Heidi and Andy Cicero
(818) 517-7465

Mujica, Oliver

From: Heather D <heather.dunsmoor@gmail.com>
Sent: Wednesday, September 25, 2024 4:56 PM
To: Mujica, Oliver
Subject: Landers hotel project

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Hi Mr. Mujica,

I was unfortunately unable to fit this week's very last-minute community meeting about the "Landers hotel project" into my schedule but as a full time Landers resident since 2018 I do have some concerns.

Our tiny town has no stop lights, only a handful of stop signs, no street lights, no grocery store, no gas station, no police force, no fire station, and no sewage treatment facilities. It's safe to say most who live here came here because it is so untouched & want to keep it that way.

I can't imagine a world where our little desert town with zero resources could accommodate a densely packed hotel facility with 35 rooms, a restaurant larger than 99% of the homes here, and parking for 100 vehicles. The only reason anyone comes here for vacation is to escape the city and enjoy dark skies, silence, and big open spaces. No one is coming to Landers to rent a hotel room in close quarters to strangers when they could rent a private house on acreage for half the price. That being said, even local airbnbs are struggling right now. We don't have (nor do we want) the level of tourism to support a hotel. Which begs the question of what will happen to this facility when it inevitably falls into disrepair? Who will be responsible for patching the many potholes this consistent traffic would bring to Belfield? Is Belfield wide enough? Who would work there when only 15% of homes here are occupied by residents? What happens if there is a fire? A shooting? A rattlesnake bite? The water table in that strip is quite shallow - where will the sewage go?

I do understand this section of Belfield is zoned commercial and I think that's something we probably need to change now that there are so many occupied residential homes in the immediate vicinity. But regardless of current zoning, the density of this project is of great concern. Commercial or not, no one here wants to see 90% of a lot stripped down, paved over, and built-up.

As an avid astrophotographer our dark night skies are one of the most attractive qualities of our community for me (and for the few vacationers we do have I'm sure). The traffic and lights this kind of project would bring would ruin the very things people come here to enjoy.

I don't feel like a project of this size and density is a good fit for our small town without so much as a gas station, much less a fire station. I hope the county and/or people behind this project will reconsider.

Thanks for your time,

Mujica, Oliver

From: David Catching <davidcatching@gmail.com>
Sent: Monday, September 30, 2024 3:57 PM
To: david catching
Cc: Mujica, Oliver; landers.lca@gmail.com
Subject: Re: NO to Landers Hotel on Belfield

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Oliver Mujica
Project Planner
San Bernardino County
oliver.mujica@lus.sbcounty.gov

Dear Mr. Mujica,

I am writing to express my strong opposition to the proposed Landers Hotel on Belfield, between Linn Rd and Reche. Our small community is overwhelmed by a continual influx of massive developments that disregard the wishes and needs of local residents. These projects often seem driven by the profit motives of developers rather than the well-being of our community, disrupting the peace and quiet that we cherish and threatening the natural environment we strive to protect.

The notion of "progress" cannot solely equate to paving over paradise. Our region is blessed with natural beauty, and we must prioritize its preservation. Environmental factors are at stake, and we must ensure that remote areas remain untouched so future generations can experience the tranquility and wonder of nature.

The overwhelming majority of residents oppose developments like the Landers Hotel. While some may argue that these projects are vital for economic growth, there are numerous non-invasive methods to bolster our local economy without damaging our environment. For instance, promoting nature-based tourism can generate revenue while preserving the beauty and serenity of our area.

Furthermore, the alarming disappearance of our night skies is a critical concern. Light pollution poses serious health risks, including disruptions to sleep patterns and mental health, while also harming nocturnal wildlife and disrupting natural behaviors. Designations for dark sky areas are not static and can be revoked with increasing development and artificial lighting. If we truly care about our community's future, we must ask: whose interests are being served?

I urge you to consider the long-term impact of the proposed Landers Hotel and the broader implications of such developments on our community's quality of life, health, and environmental integrity. Let us seek a path forward that genuinely reflects the values of our community and protects the unique characteristics that draw us all here.

Thank you for your attention to this matter. I hope you will stand with our community in opposing this project and advocating for sustainable development that respects our natural resources and the voices of your constituents.

Sincerely,
david catching
Landers resident

cc: Landers Community Association

david catching , rancho de la luna recording studio's humble host , rancho de la luna mezcal president ,
rancho de la luna records president

On Sep 30, 2024, at 3:00 PM, bee dee <beesting2012@gmail.com> wrote:

Oliver Mujica
Project Planner
San Bernardino County
oliver.mujica@lus.sbcounty.gov

Dear Mr. Mujica,

I am writing to express my strong opposition to the proposed Landers Hotel on Belfield, between Linn Rd and Reche. Our small community is overwhelmed by a continual influx of massive developments that disregard the wishes and needs of local residents. These projects often seem driven by the profit motives of developers rather than the well-being of our community, disrupting the peace and quiet that we cherish and threatening the natural environment we strive to protect.

The notion of "progress" cannot solely equate to paving over paradise. Our region is blessed with natural beauty, and we must prioritize its preservation. Environmental factors are at stake, and we must ensure that remote areas remain untouched so future generations can experience the tranquility and wonder of nature.

The overwhelming majority of residents oppose developments like the Landers Hotel. While some may argue that these projects are vital for economic growth, there are numerous non-invasive methods to bolster our local economy without damaging our environment. For instance, promoting nature-based tourism can generate revenue while preserving the beauty and serenity of our area.

Furthermore, the alarming disappearance of our night skies is a critical concern. Light pollution poses serious health risks, including disruptions to sleep patterns and mental health, while also harming nocturnal wildlife and disrupting natural behaviors. Designations for dark sky areas are not static and can be revoked with increasing development and artificial lighting. If we truly care about our community's future, we must ask: whose interests are being served?

I urge you to consider the long-term impact of the proposed Landers Hotel and the broader implications of such developments on our community's quality of life, health, and environmental integrity. Let us seek a path forward that genuinely reflects the values of our community and protects the unique characteristics that draw us all here.

Thank you for your attention to this matter. I hope you will stand with our community in opposing this project and advocating for sustainable development that respects our natural resources and the voices of your constituents.

Sincerely,
Brandy D.
Landers resident

cc: Landers Community Association

Mujica, Oliver

From: dan moran <danmoran519@gmail.com>
Sent: Wednesday, September 25, 2024 7:17 PM
To: Mujica, Oliver
Subject: Proposed Landers Hotel Project # PROJ-2023-00146

You don't often get email from danmoran519@gmail.com. [Learn why this is important](#)

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Hello I have been in Landers since 2000.i don't believe a hotel would benefit our rual community. People live here for a reason not to be intruded on. we don't need a influx of people everyday that don't have our best interest at heart..we love our dark night skies and stars we don't need a Giant light pollution dome in our town .PLUS we need to conserve water for our locals to live on not give it to people that don't live here. I am clearly against this and I will be protesting if necessary publicly. Please listen to our residents. thanks

Mujica, Oliver

From: Cordelia Reynolds <reynolds.cordelia@gmail.com>
Sent: Thursday, September 26, 2024 6:21 PM
To: Mujica, Oliver
Subject: Landers Hotel Proj. My concerns. What to do with all that sewage?

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Good Morning Oliver,

I will say that it should be considered by you, the project manager, that approving a development that is not feasible given the lack of planning for how to handle sewage should be of major concern to you. The structures are large and the number of hotel rooms are large for the amount of water and sewage demands they would have on property that is loose sand and considered in very close proximity to a wash. Where is the treatment facility for poop planned? It is not noted anywhere on your site plan. Can an application be approved without a plan for how to handle such a huge amount of sewage? I'd love to know if it can be or not.

From the motivation and mobilization of Landers residents coming together this development I would definitely qualify as controversial for my community. It seems the developers are only interested in meeting business owners and not the community as a whole. I know you don't control who they want to meet with. But it should be noted by you that they are not prepared or ready to present this application or answer any questions directly from the Landers community at this time that seeks their audience.

I hope that you do consider my community members concerns and read every email.

I greatly appreciate your time. And consideration of my email. Thank you!

--

Cordelia Reynolds
reynolds.cordelia@gmail.com | 917-287-8312
"What you seek is seeking you" - Rumi

--

Cordelia Reynolds
reynolds.cordelia@gmail.com | 917-287-8312
"What you seek is seeking you" - Rumi

Mujica, Oliver

From: bee dee <beesting2012@gmail.com>
Sent: Monday, September 30, 2024 3:00 PM
To: Mujica, Oliver
Cc: landers.lca@gmail.com
Subject: NO to Landers Hotel on Belfield

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Oliver Mujica
Project Planner
San Bernardino County
oliver.mujica@lus.sbcounty.gov

Dear Mr. Mujica,

I am writing to express my strong opposition to the proposed Landers Hotel on Belfield, between Linn Rd and Reche. Our small community is overwhelmed by a continual influx of massive developments that disregard the wishes and needs of local residents. These projects often seem driven by the profit motives of developers rather than the well-being of our community, disrupting the peace and quiet that we cherish and threatening the natural environment we strive to protect.

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The overwhelming majority of residents oppose developments like the Landers Hotel. While some may argue that these projects are vital for economic growth, there are numerous non-invasive methods to bolster our local economy without damaging our environment. For instance, promoting nature-based tourism can generate revenue while preserving the beauty and serenity of our area.

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I urge you to consider the long-term impact of the proposed Landers Hotel and the broader implications of such developments on our community's quality of life, health, and environmental integrity. Let us seek a path forward that genuinely reflects the values of our community and protects the unique characteristics that draw us all here.

Thank you for your attention to this matter. I hope you will stand with our community in opposing this project and advocating for sustainable development that respects our natural resources and the voices of your constituents.

Sincerely,
Brandy D.
Landers resident

cc: Landers Community Association

Mujica, Oliver

From: Barbie Sommars <bsommars@gmail.com>
Sent: Wednesday, September 25, 2024 7:34 AM
To: Mujica, Oliver
Subject: Landers Hotel PROJ-2023-00146

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Dear Mr. Mujica,

I'm a Landers resident in close proximity to the proposed Landers Hotel. I'm writing to express my concern about this project and the impact on the rural community.

I realize change is inevitable, especially on commercially zoned land but I'd like to be a part of the conversation as to what happens in my community.

I was reviewing the [Homestead Valley Community Plan](#), effective April 12, 2007 and a few things caught my eye that appear this project is not in line with our community plan. Notably the density and the idea that commercial development in Landers should serve the Landers community (rather than tourists). "COMMUNITY CHARACTER The Homestead Valley Plan area will continue to experience growth as the desert region continues to develop. The rural nature and availability of vacant land will continue to attract development to the Plan area. As the Plan area develops it will be important to ensure that the rural features of the area are preserved and that adequate services and infrastructure are provided. Relating to community character, the public has identified the following issues and concerns to be reflected and addressed in the community plan: A. Protect and preserve the rural character of the community by maintaining primarily low-density residential development and commercial development that serves the needs of local residents. B. Acknowledge the service and infrastructure capacity and limitations of the area, particularly roads and water to serve future development."

The Landers Hotel seems out of character to me and I am opposed.

Thank you for your consideration.

Sincerely,

Barbara Sommars

Mujica, Oliver

From: Aimee Buyea <aimee.buyea@gmail.com>
Sent: Wednesday, September 25, 2024 3:27 PM
To: Mujica, Oliver
Subject: Landers resident opposes Landers Hotel

[You don't often get email from aimee.buyea@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Hello,

Writing to share my concern over the proposed new hotel in Belfield Blvd. I've been a homeowner and resident in Landers for 8 years and cherish the open land, dark skies and community we have. I am concerned this hotel will harm out delicate ecosystem, use too much water from our aqueduct that will cost residents money if it runs low and we need to outsource water. I am also concerned about increased light pollution, increased traffic on already dangerous roads and more litter as no construction project is ever clean. Please consider our communities concerns.

Much appreciated,
Aimee Buyea

EXHIBIT L

Mujica, Oliver

From: Cordelia Reynolds <reynolds.cordelia@gmail.com>
Sent: Monday, February 23, 2026 6:00 PM
To: Mujica, Oliver
Cc: Community Updates
Subject: PROJ-2023-00146

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Dear Mr Mujica,

I am writing to formally give my support for the hotel development known as The Landing, Proj-2023-00146 located in Landers.

I understand that could be considered a controversial topic within our community, and even within my own household there are differing opinions. Still, I want to share the reasons why I believe this project would be beneficial to Landers and my community.

We live in a remote area with very limited resources. Our firehouse is not functioning, and emergency services often cannot reach us in time. If this project has the potential to improve emergency responses or bring additional support to our area, that alone is reason enough to support it.

Additionally, Landers has very few local employers. This project would create much-needed jobs for residents and strengthen our local economy.

It is also important to acknowledge that the land in question is already commercially zoned. From a practical standpoint, that means the owners have the right to develop it as lodging. Given that reality, I appreciate that the individuals behind this project have made a genuine effort to connect with our community and consider our needs.

On a more selfish note I personally want a local cafe I can enjoy and use as a gathering space to see friends. We don't have many options being so rural. I believe this project could be a great gathering space for locals and a way to share the beauty of Landers with the World.

For these reasons, I support moving forward with the project.

Best regards,
Cordelia Reynolds
Treasurer of Landers Homestead Valley Assoc
Landers resident.

Mujica, Oliver

From: Mike Lipsitz <mikelipsitz@gmail.com>
Sent: Thursday, February 26, 2026 7:19 AM
To: Mujica, Oliver
Cc: info@belfieldlanding.com
Subject: In Support of Project: PROJ-2023-00146 APN: 0630-031-05 & -06

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Wednesday, February 25, 2026

TO: Oliver Mujica, LUS Contract Planner
FR: Mike Lipsitz, Resident, Landers California
Re: **In Support of Project: PROJ-2023-00146 APN: 0630-031-05 & -06**

I'm writing in support of the proposed hotel project in the unincorporated community of Landers. While I'm predisposed to oppose most development for a one size fits all approach and disregard for the elements that give our high desert communities unique character and appeal; the proponents of this project have proactively sought community engagement, prioritized transparency, and now present a plan that appropriately reflects our rural character.

The unexpected, refreshing approach of the project owners has fostered an atmosphere of trust and cooperation among the locals who have taken the time to familiarize themselves with the various elements. I have followed this project from early on and found that it sets itself apart from so many others based on

- An understated design with low visual impact, that is appealing, elegant in its simplicity, and reverent to the surrounding desert environment
- The aim of creating a space where locals feel valued, welcome, and vested
- A stated sensitivity to local environmental priorities including preservation of dark night skies, neighborhood tranquility, and maintenance of unbroken, magnificent viewsheds.

Aesthetics aside, I see every reason to support a project that seeks no variances, zoning exceptions, or major mitigation. The proposal is to place a commercial enterprise in a commercial zone. Ben Toffey is a resident of Landers and active in this community. He and Sam both have insight into those elements that are consistent with our rural character. From my observations, their focus is on the best elements of Landers; and now they aim to seize and unpack those elements for out-of-towners eager to experience our night skies, nature hikes, biking and OHV trails, as well as the tranquility, and endless vistas unavailable in LA and beyond.

For locals, their enterprise aims to offer a civilized environment to enjoy a coffee or iced beverage; one must travel another 20 miles to find a comparable venue. The little food market proposed need only to carry items a step above Hostess Twinkies, Slim Jims, and RC Cola to set itself apart from other area convenience stores – a brass ring well within their reach.

In an area like Landers, devoid of any industry or agriculture, the prospect of a commercial enterprise includes the promise of local jobs – housekeeping, maintenance, reception, kitchen staff, grocery clerk, massage

therapist are all reasonable prospective positions. These are in addition to the trades needed for the build, and other ancillary area laborers. All else being equal, I ask rhetorically, what is there to oppose?

MIKE LIPSITZ
PO Box 3993,
LANDERS, CA 92285-0993
760-449-4048
MIKELIPSITZ@GMAIL.COM

Mujica, Oliver

From: Jason Adams <jason@bootlegtheater.org>
Sent: Friday, February 27, 2026 9:23 AM
To: Mujica, Oliver
Cc: info@bellfieldlanding.com
Subject: PROJ-2023-00146 / The Landing

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Dear Mr. Mujica:

I am writing in full support of the proposed hotel project The Landing here in Landers.

I was introduced to the project and its leader Ben Toffey at one of our Landers Homestead Valley Association meetings. Since then I have followed with great interest the development of the project. The Landing team have been very responsive to the community's concerns and have adapted their original concept accordingly which I respect and appreciate greatly.

As I am sure you are aware Landers is a very unique and somewhat remote community. We value our quiet and privacy. We also want our community and its resources to grow both culturally and economically. Thanks to the vision and energy and capital investments of the business pioneers out here, we have attractions that bring people from all over the country and beyond to our community primarily the Integratron and La Copine restaurant. I have no doubt in my mind that The Landing would not only support the existing businesses but more importantly bring more services and opportunities to our community.

I can also think of no hotel I have ever been to that is as unique or creative as The Landing concept: a dark skies hotel with a grocery store and an observatory and a Japanese onsen! Certainly there is no place like that in the high desert from 29 to Yucca.

Another point I'd like to make is that Landers through the years has been derided as a bad place, a haven for meth addicts and grow houses and outlaws. I think a wonderful project like The Landing would give a tremendous boost of positivity for the residents out here and our reputation in the other communities which seem to get all the attention.

Last thing and probably the most important is the jobs that this project will bring to Landers, not only building the facility but staffing it. Most of us have to commute to work. It would be great for some of the younger people especially that live out here to be able to have a good paying job closer to home.

Thank you so much for reading my opinions and I really hope the County allows this project to happen and open up as soon as possible.