LAND USE SERVICES DEPARTMENT
PLANNING COMMISSION STAFF REPORT

HEARING DATE: July 17, 2025 **AGENDA ITEM 3**

Project Description

APNs: 0490-171-01

Applicant: Juniper Energy, LLC

Community: Hinkley

Location: Project site is on Roy Road, approximately one-half mile east from Harper Lake Road, approximately nine miles northwest of the unincorporated community of Hinkley.

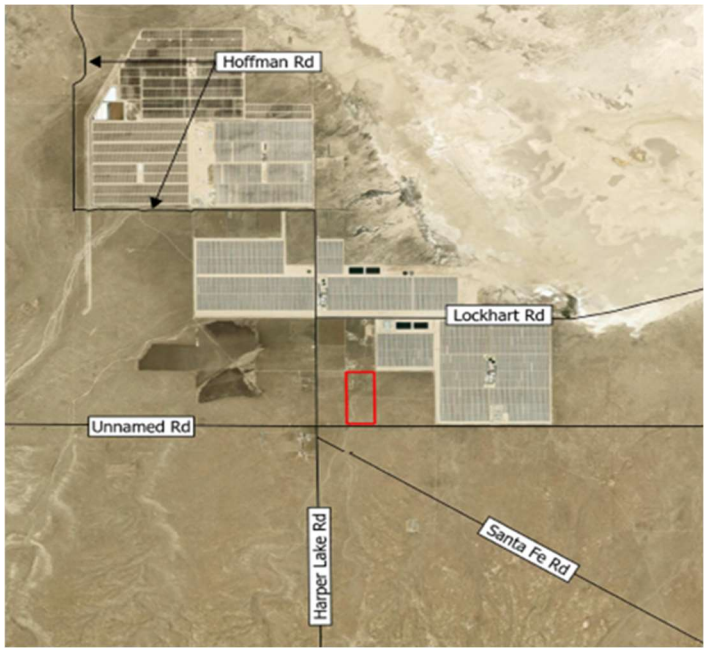
Project No: PROJ-2022-00066

Staff: Delanie Garlick, Planner

App Rep: Dudek (Joshua Saunders)

Proposal: A Conditional Use Permit to construct and operate an 8-Megawatt solar photovoltaic power generating facilities with battery storage on approximately 75 acres.

Vicinity Map



Hearing Notices Sent On: June 26, 2025
Report Prepared By: Delanie Garlick, Contract Senior Planner

SITE INFORMATION
Project Size: 75 acres
Terrain: Vacant Land, Rural-Living
Vegetation: Desert related vegetation

SURROUNDING LAND USE DESCRIPTION

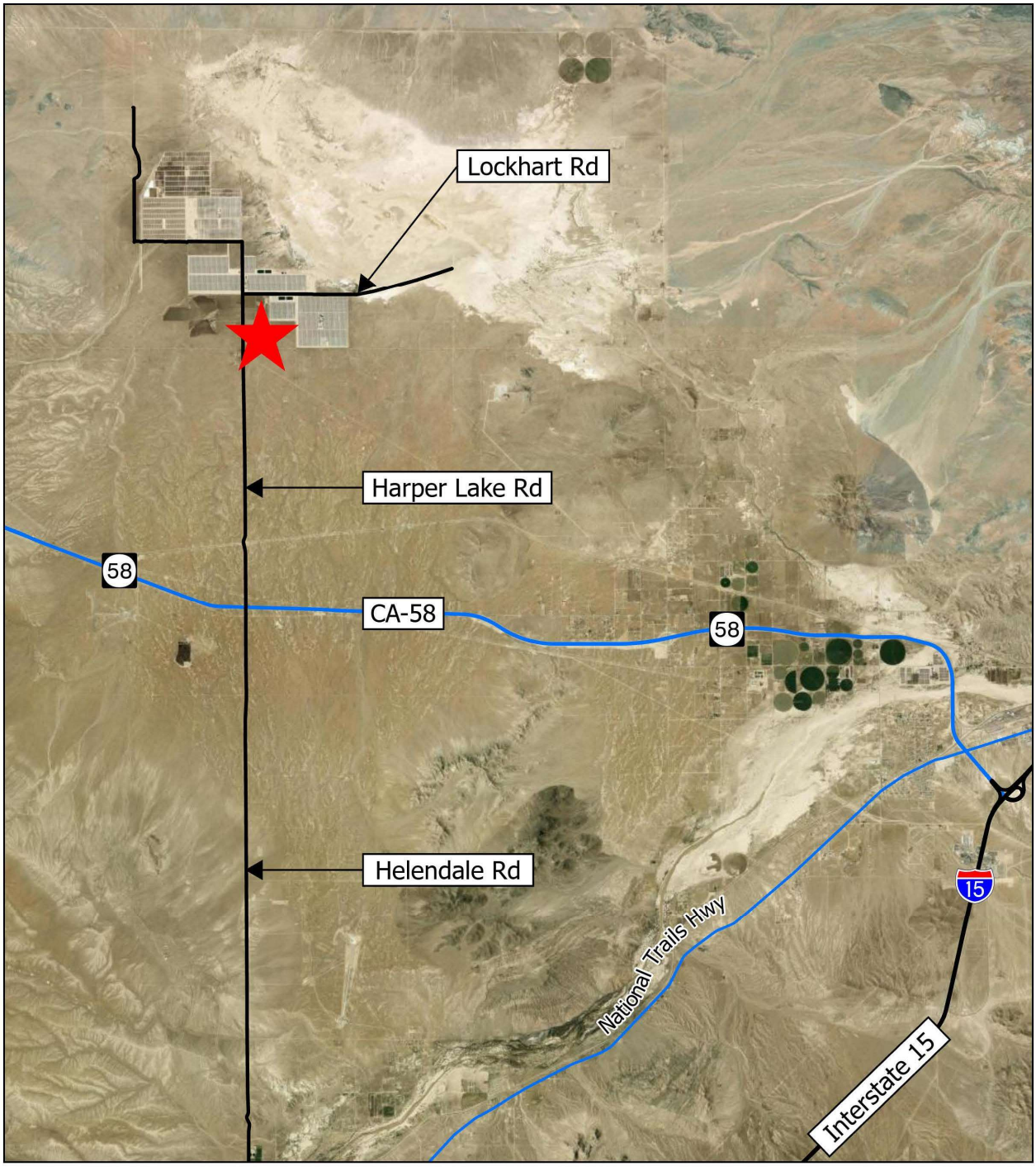
AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DISTRICT
Site	Vacant	Rural Living (RL) 1 du/2.5 ac max	Rural Living (RL)
North	Vacant, residential use, commercial use, and large solar farm	Rural Living (RL) 1 du/2.5 ac max & Resource/Land Management (RLM)	Rural Living (RL)
South	Vacant, utility access road, and high voltage power lines	Rural Living (RL) 1 du/2.5 ac max	Rural Living (RL)
East	Vacant	Rural Living (RL) 1 du/2.5 ac max	Rural Living (RL)
West	Vacant	Rural Living (RL) 1 du/2.5 ac max	Rural Living (RL)

	AGENCY	COMMENT
City Sphere of Influence:	None	N/A
Water Service:	Mojave Water Agency, Division 2	N/A
Sewer Service:	N/A	N/A

STAFF RECOMMENDATION: That the Planning Commission take the following actions:
1) Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;
2) Adopt Findings for the Conditional Use Permit; and
3) Approve the Conditional Use Permit to establish an 8-megawatt photovoltaic power generating facilities and up to 8-megawatt battery energy storage system, subject to the recommended conditions of approval; and
4) Direct Land Use Services Department staff to file the Notice of Determination.

[1]In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors.

Figure 1
REGIONAL LOCATION



Scale: 1:154,687

N

PROJ-2022-00066
Freeway
Highway
Street

Figure 2
VICINITY MAP

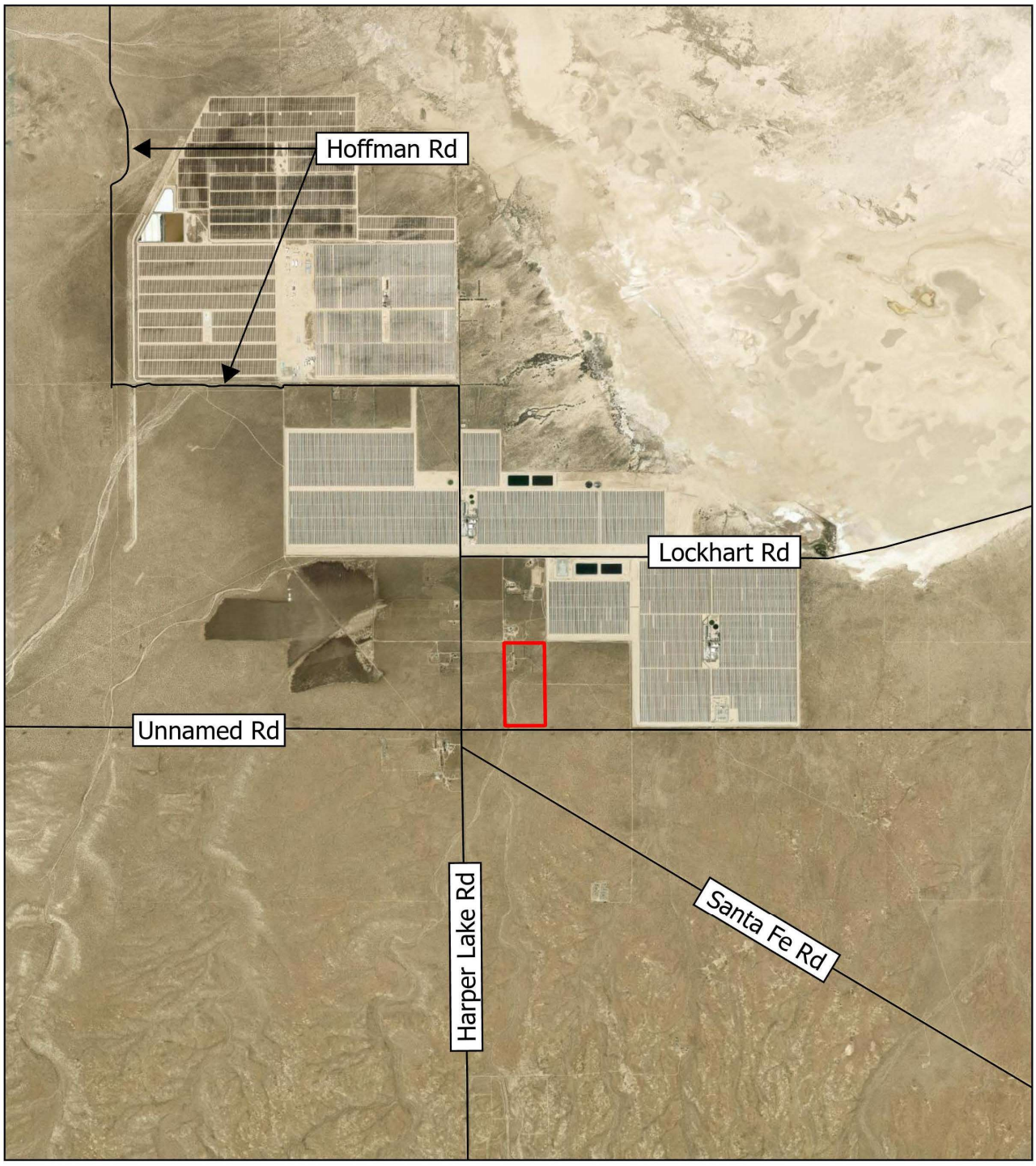
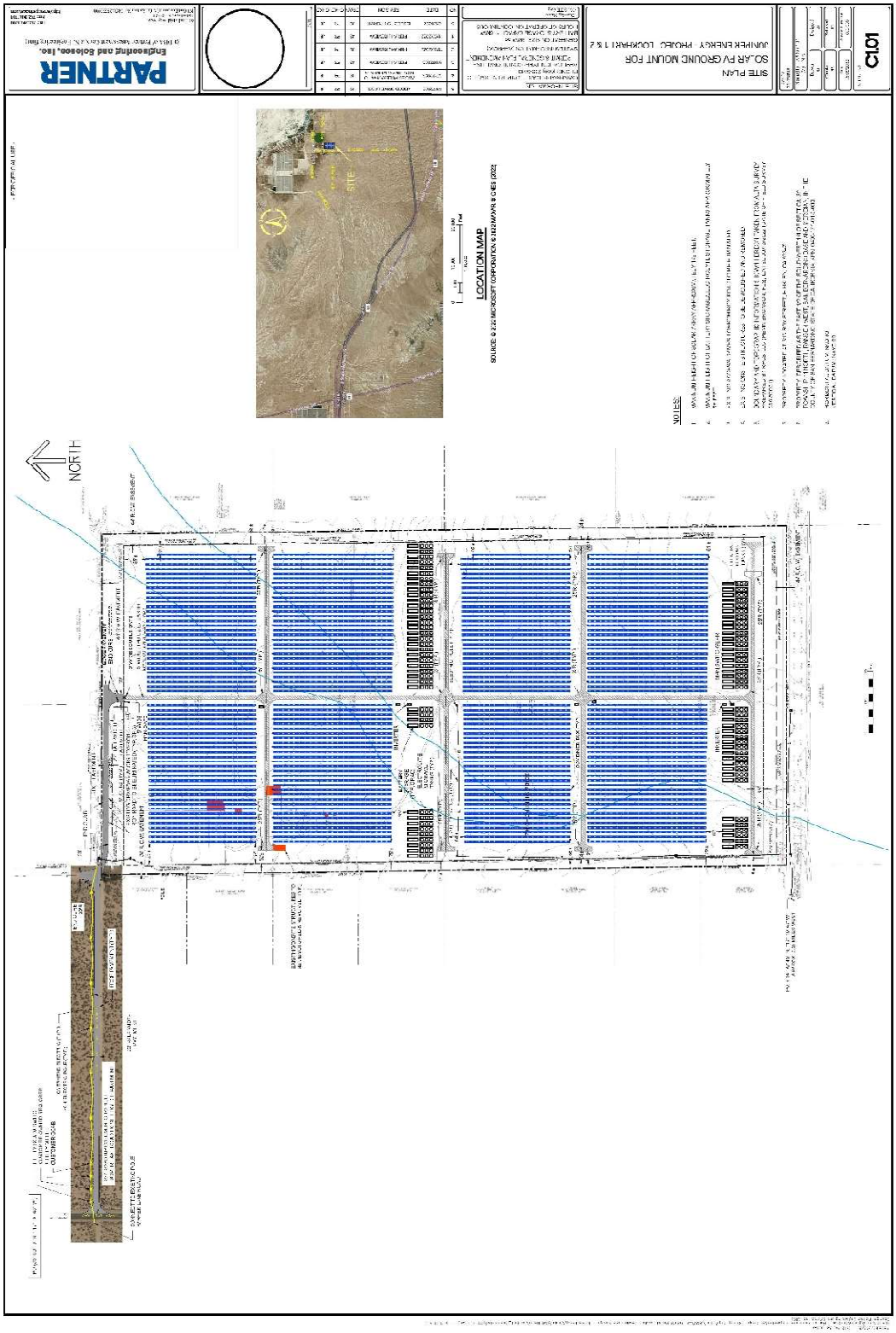


Figure 3
SITE PLAN



PROJECT DESCRIPTION:

Juniper Energy LLC (the Applicant) is requesting approval of a Conditional Use Permit (CUP) to construct and operate an 8-Megawatt solar photovoltaic (PV) power generating facilities with battery storage capabilities for a combined 8-Megawatts in total on approximately 75 acres located northwest of the unincorporated community of Hinkley (the Project). The Project would generate electricity using solar PV modules mounted on single-axis trackers and arranged in north-south arrays across the Project Site. The system would store up to 8-Megawatts of electrical production in long-duration batteries, which require no cooling system and have little risk of fires. Switchgear, a weather station, inverters, and transformers would manage the system and convert power for distribution to the nearby transmission grid. Electrical conduit, transmission and collection lines would be installed both overhead and underground.

The solar PV facilities would interconnect to the 33kV distribution line owned and operated by Southern California Edison (SCE). One system would interconnect at a point near the southwestern border of the Project Site. The second system would interconnect along the northern boundary through a new electric line installed along the access easement at a point located at the corner of Roy Road and Harper Lake Road.

The Project is considered as a community-oriented renewable energy (CORE) facility. The Resource Energy and Conservation Element (RECE) defines CORE as "renewable energy generation planned and approved for consumption by one or more locally sponsored, specific, and proximal end-users." Chapter 3 of the RECE – entitled "Community-Oriented Renewable Energy" (Page 24) – explains that CORE facilities are "primarily intended to serve the people near them. Utility-scale projects are not. For too long, this fundamental difference has been treated as a side issue while megawatt output per facility has been an unnecessarily confusing fixation nationwide". In determining if a project is a CORE facility, the primary factor is not size or mega-watt output, but rather the location and intention of who is anticipated to be served by the solar facility. For example, RE Policy RE 3.2.3 provides that "CORE facilities shall be designed primarily to meet the needs of the local users[.]"

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

Table 1: Renewable Energy Generation Categories

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

Based on Table 1 of the RECE, CORE facilities are intended "primarily" to provide electricity for local off-site uses and are "typically" sized to be up to approximately 60 acres and approximately 10 MW of power. However, as detailed above, the 10-MW output and 60-acreage size is not considered to be a limiting factor as long as the electricity primarily serves local off-site uses. The Project is designed to meet the criteria of a CORE project, with electricity provided for local off-site use and an output of 8-MW. Therefore, the Land Use Servies Department believes the Project as conditioned qualifies as a CORE facility.

Location and Site Description

The Project Site occurs in an area characterized by solar thermal plants and high-voltage transmission lines. The property is located on Roy Road, approximately one-half mile east of Harper Lake Road and approximately 9 miles northwest of the unincorporated community of Hinkley (the Project Site) (**See Figure 1**). The Project consists of PV solar panels, access roads, retention basins, transformers, and on-site battery storage system, within an existing 80-acre parcel (County Assessor Parcel Number [APN] 049-171-01). The Project Site is bordered by Roy Road to the north, an unnamed road to the south, and vacant parcels to the east and west. Regional access to the site is provided via Harper Lake Road and local access to the Project Site would be accessed via Roy Road located north of and adjacent to the site. **(See Figure 2).**

Surrounding Land Uses

The Project Site is currently designated RL, the properties to the north, east, south, and west are also zoned Rural Living (RL). The Project Site has a couple of abandoned structures and is otherwise vacant. Two houses and a large thermal solar farm are located on the properties north of the property. The properties to the east and west are vacant. Multiple high-voltage transmission lines run along the property to the south.

Land Use Designations and Zoning

The Project Site has a General Plan Land Use designation of Rural Living (RL). The RL land use designation is intended to allow for residential development set in expansive areas of open space that reinforce the rural lifestyle while preserving the County's natural areas. The Project Site is also zoned Rural Living (RL). The RL land use zoning district provides sites for rural residential uses, incidental agricultural uses and similar and compatible uses. Pursuant to the RECE and San Bernardino County Development Code (Development Code) Table 82-7, renewable energy generation facilities designed as a CORE facility are a permitted use within the RL zone with an approved CUP.

Site Access

To guarantee access, the owner of the northwest parcel adjacent to the Project Site (APN 0490-171-30) granted Applicant an easement (Accessor No. 2023-0027268) to access the site, pave the existing dirt road, and construct utility improvements along the right-of-way designated Roy Road. Site access would be provided via Roy Road improved to 26 feet wide of paving and constructed from Harper Lake Road. The new on-site access roads would consist of a perimeter access road that would encircle the whole solar array and two internal access roads that would cross the entire width of the Project Site. The roads would be wide enough to accommodate emergency vehicles (20 feet wide and 15 feet wide for the perimeter and internal access roads, respectively) and designed in compliance with County building and fire department standards.

Project Fencing and Security

The site will be enclosed with a seven-foot-tall chain-link security fence. The fence will have at least one vehicle access gate and man-gate at the northern boundary of the Project Site. The vehicle access gate would remain locked, except during operations and maintenance activities. A Knox-box lock system will be installed at the entrance gate to provide 24-hour access for emergency responders.

To address the potential increase in runoff flows, resulting from site development, the Project will also construct two detention basins, one on the northern portion of the site with a volume of approximately

14,664 cubic feet and the other centrally located with a volume of approximately 14,533 cubic feet. Detention basins will be constructed in compliance with the San Bernardino County Mojave River Watershed Infiltration Basin Best Management Practice Guidelines.

ANALYSIS

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

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

   Response: The Project proposes de minimis surface grading and minor spot grading for the installation of the array stands/piers. Additionally, minor road grading will occur; however, the on-site roads will match the existing surface grades. Grading activities will be subject to BMPs for erosion and silt control and general County inspection schedules/requirements.

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

   Response: The initial study identified 14 vascular plant species consisting of 10 native species (71 percent) and 4 nonnative species. A total of 11 wildlife species were observed within the project site consisting of eight bird species and three reptile species. However, during the documented field surveys, no special-status plant or wildlife species were observed in the project area; nonetheless, mitigations measures for preconstruction surveys, employee training, and BMPs have been added to the Project. (See the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for additional information). With implementation of mitigation measures and conditions of approval, less than significant impacts are expected.

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

   Response: Most of the surrounding land is vacant, and another solar facility lies immediately north and east of the Project Site. The topography in the area is relatively flat, thereby substantially minimizing views of the relatively low-lying solar panels in the area.

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

   Response: The point of connection to the existing electrical lines would occur at the northwest corner of the site. Electrical power poles exist along the Harper Lake Road thereby minimizing any substantial new infrastructure.

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

   Response: The Project is adhering the Southern California Edison (SCE) Green Tariff Shared

Renewables (GTSR) Program, which requires the project to demonstrate that members of the local community are interested in and supportive of the Project by: 1) enrolling at least 30% of the project's contract capacity; or 2) having customer completing expressions of interest for at least 51% of the contract capacity.

Community-Oriented Solar Program

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

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

How the Program Works

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

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

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

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

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

Project Component	Development Code Rural Living Zoning	Project Plans (Proposed)	Consistency Determination
Solar Facility	CUP	CUP	Consistent
Glare	Preclude daytime glare on any abutting residential land use zoning district, residential parcel, or public right-of-way	• Project is within a Residential District (RL) zone; existing large lot residential development is sparsely located to the north, west, and south of the project site. • An existing solar facility is located northeast of the project site. • Panels would be angled such that reflected light from inbound sun rays would be projected at a similar angle and would generally be "above" the typical height of nearby residences and motorists on roads in the immediate surrounding area.	Consistent
Building Setbacks	Front – 25' Street Side – 25' Interior Side – 15' Rear – 15'	145' proposed 35' proposed 50' proposed 161' proposed	Consistent
Building Height	25' feet (Maximum)	14' proposed tracker height	Consistent
Perimeter Roads	26'	26' proposed road width	Consistent
Drive Aisles	20'	20' proposed interior road width	Consistent
Night Lighting	Projects shall comply with Desert Lighting requirements	Project proposes downlit, shielded lights, and positioned to not allow light to leave the site. Proposed fencing and landscaping would also diminish lighting effects.	Consistent

California Environmental Quality Act
Pursuant to Public Resources Code Section 21083 and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), San Bernardino County as Lead Agency completed environmental review to determine if the Project may have a significant effect on the environment. The County prepared an initial study and mitigated negative declaration (IS/MND) for the Project (**Exhibit F**). County staff filed the IS/MND with the County Clerk on March 12, 2025, and circulated the IS/MND for public review and comment from March 12, 2025, through April 10, 2025 (SCH No. 2025030468) (30 days). The IS/MND concludes that the Project will have a less than significant impact with the adoption of feasible mitigation measures. Feasible mitigation measures adopted by County and incorporated into the IS/MND to mitigate impacts to a less than significant level for Impacted Resource Areas include biological resources, cultural resources, geology/soil, hydrology and water quality, noise, and tribal cultural resources.

One comment was submitted during the public comment period by the California Department of Fish and Wildlife (CDFW). CDFW expressed concerns relative to proposed mitigation measures and surveys for Burrowing Owl, Desert Tortoise, desert kit fox, nesting birds, and Mohave ground squirrel. CDFW recommended either the addition or revision of various mitigation measures for all topic concerns. The added and revised mitigation measures have been adopted and are reflected in the Revised Mitigation Monitoring and Report Plan (**Exhibit C**). Staff held a meeting with CDFW staff on May 6, 2025, to discuss their comments, concerns, and mitigations measure revisions and recommendations. CDFW staff stated that the new and revised mitigation measures are sufficient to address their comments and concerns, and no further issues remain unresolved.

Pursuant to CEQA Guidelines Section 15073.5(c), the addition and revisions of the mitigation measures do not trigger recirculation of the IS/MND because the revised mitigation measures have been determined to be equivalent or more effective in mitigating or avoiding potential significant effects, will not themselves cause any potentially significant effect on the environment, and relate to impacts already identified and discussed in the IS/MND. A finding required by CEQA Guidelines Section 15074.1 has been included in the Project findings.

A summary of recommended mitigation measures to reduce the level of impact to less than significant that are contained in the IS/MND and incorporated into the Project's Mitigation Monitoring and Reporting Program, include the following:

Biological Resources Mitigation Measures.
- MM BIO-1 requires Nesting Bird Surveys.
- MM BIO-2 requires Burrowing Owl Pre-Construction Surveys.
- MM BIO-3 requires American Badger and Desert Kit Fox Surveys.
- MM BIO-4 requires a Worker Environmental Awareness Program (WEAP).
- MM BIO-5 requires Best Management Practices for Erosion and Runoff.
- MM BIO-6 requires Desert Tortoise Surveys.
- MM BIO-7 requires Desert Tortoise Avoidance Plan.
- MM BIO-8 requires Biological Monitoring.

Cultural Resource Mitigation Measures
- MM CUL-1 requires WEAP for Unanticipated Discovery of Archaeological Resources
- MM CUL-2 Unanticipated Discovery of Human Remains.

Geology/Soil Mitigation Measures
- MM GEO-1 requires Treatment of Previously Unidentified Paleontological Resources

Hydrology and Water Quality Mitigation Measures
- MM HYDRO-1 Incorporate Detention Basins in accordance with final drainage report.

Noise Mitigation Measures
- MM NOISE-1 Construction Activities to comply with noise mitigation and operation hours.

Tribal Cultural Resources Mitigation Measures
- MM TCR-1 requires Tribal Monitoring.
- MM TCR-2 Treatment of cultural Resources.
- MM TCR-3 Inadvertent Discoveries of Human Remains/Funerary Objects.

RECOMMENDATION: That the Planning Commission:

1) **Adopt** the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program;

2) **Adopt** the Findings for approval of the Conditional Use Permit;

3) **Approve** the Conditional Use Permit to construct and operate an 8-megawatt photovoltaic power generating facilities and battery energy storage system with up to 8 megawatts, subject to the conditions of approval; and,

4) **Direct** the Land Use Services Department to file the Notice of Determination in compliance with the California Environmental Quality Act.

ATTACHMENTS:

Exhibit A:	Findings
Exhibit B:	Conditions of Approval
Exhibit C:	Revised Mitigation Monitoring and Reporting Plan (MMRP)
Exhibit D:	Site Plan
Exhibit E:	Elevations
Exhibit F:	Juniper Solar Initial Study/Mitigated Negative Declaration https://lus.sbcounty.gov/wp-content/uploads/sites/48/Lear-Avenue-Solar-Project-PROJ-2023-00170-Initial-Study.pdf
Exhibit G:	Draft Decommissioning Plan – Juniper Solar
Exhibit H:	CDFW Comment Letter, dated April 10, 2025.

EXHIBIT A

FINDINGS: CONDITIONAL USE PERMIT

A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT AND OPERATE TWO 4-MEGAWATT (MW) COMMUNITY SOLAR PHOTOVOLTAIC ARRAY AND BATTERY ENERGY STORAGE SYSTEM (BESS) ON APPROXIMATELY 75-ACRE VACANT PARCEL ZONED RL (RURAL LIVING) AND POLICY PLANNED FOR RL (RURAL LIVING); LOCATED AT 15 ROY ROAD, HINKLEY IN THE COMMUNITY OF HINKLEY, 1st SUPERVISORIAL DISTRICT; APN: 0490-171-01; PROJECT NUMBER PROJ-2022-00066

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

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

   The Project Site is 75 acres in size and is of adequate size and shape to accommodate the proposed energy generating facility. Ingress and egress circulation, native landscaping, lot coverage, all setbacks, buffering fences meet the requirements of the Development Code for the proposed project's property land use and zoning designations.

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

   The site design ensures adequate legal and physical access to the site. The project site is bordered by Roy Road to the north, Roy Street to the south, and unnamed roads to the east and west. Regional access to the site is provided via State Route 58 (SR 58) to the south. Local access to the site would be accessed via Harper Lake Road located west of the site.

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

   The Project, as designed and conditioned, is consistent with the land uses and development standards allowed within the Rural Living (RL) Zoning District and as such should not have adverse effects on abutting properties. An existing solar facility is located adjacent to the northeast corner of the proposed site. The nearest residences are approximately 168 feet north of the Project Site. Additional rural residences are located farther to the north, west, and south.

   The proposed project is a community-oriented renewable energy (CORE) project that will deliver clean, emission-free renewable energy from the sun to the rural and incorporated communities. The Project will consist of an 8-megawatt (MW) alternating current (AC) solar photovoltaic (PV) array on approximately 75 acres on a Rural Living parcel in the unincorporated area near Hinkley. The project is consistent with all required setbacks and

incorporated a landscape buffer around the site to diminish views and reduce operational and maintenance noise levels.

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

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

- **Policy LU-2.1 Compatibility with existing uses.**
  We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods.

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

- **Policy LU-2.3 Compatibility with natural environment**
  We require that new development is located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.

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

- **Policy LU-2.4 Land Use Map consistency.**
  We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

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

- **Policy RE-2.1: Renewable Energy Systems**
  We support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan. Additionally, Policy RE 2.1.1, states that projects shall "utilize renewable energy development standards in the Development Code to minimize impacts on surrounding properties."

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

- **Policy RE-3.2: Community-Oriented Renewable Energy**
  We encourage community-oriented renewable energy (CORE) generation that primarily serves local uses in the county, and Policy RE-3.2.3: CORE facilities shall be designed primarily to meet the needs of the local users, with an adequate overage margin to meet peak demands and defray the cost of the systems.

  Consistency: *Per SB County Renewable Energy and Conservation Element issued Aug 2017 and updated Feb 2019, the Project is a Community Oriented Renewable (CORE) project. The Project will be smaller than the county's 10 MW-ac threshold for utility-scale projects and will interconnect to the local distribution system which serves primarily local, off-site loads.*

- **Policy RE-4.5: Decommissioning Plans**
  Require RE generation facility developers to provide and implement a decommissioning plan that provides for reclamation of the site to a condition at least as good as that which existed before the lands were disturbed or another appropriate end use that is stable i.e. with interim vegetative cover, prevents nuisance, and is readily adaptable for alternative land uses.

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

- **Policy RE 4.7: Site Selection and Design**
  RE project site selection and site design shall be guided by the following priorities relative to habitat conservation and mitigation:
  1. Avoid sensitive habitat, including wildlife corridors, during site selection and project design.
  2. Where necessary and feasible, conduct mitigation on-site.
  3. When on-site habitat mitigation is not possible or adequate, establish mitigation off-site in an area designed for habitat conservation.

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

- **Policy RE 5.1.1: CORE Siting**
  Community-oriented RE generation facility sites may be less disturbed or degraded but should contribute direct benefits to the communities they are intended to serve.

- **Policy RE 5.1.2: Conformance to Development Code**
  Siting of community-oriented and utility-oriented RE generation facilities will conform to applicable standards set forth in the Development Code.

  Consistency: The project site is located in an area adjacent to other existing solar facilities and away from large scale residential development. There is one existing residence located approximately 111 feet north of the site. The project is also located adjacent to and will connect with an existing Southern-California Edison (SCE) electrical line. SCE has established procedures to ensure their Community Renewables program, which SCE defines as solar projects generating 0.5 to 20 MW of power, are provided to local areas through the completion of both a Customer Developer Agreement and a Power Purchase Agreement. This provision has been included as a Condition of Approval.

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

Site access would be provided via a new driveway constructed from Roy Road and new on-site access roads. Where necessary, the access roads would be upgraded using gravel and geotextile fabric and extended into the Project's fence line. The new on-site access roads would consist of a perimeter access road that would encircle the whole solar array and two internal access roads that would cross the entire width of the project site. The roads would be wide enough to accommodate emergency vehicles (26 feet wide and 20 feet wide for the perimeter and internal access roads, respectively) and designed in compliance with County building and fire department standards. Due to the proposed use of the property as a solar facility, service levels are expected to be minimal and would not require on-site water or wastewater disposal.

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

The conditions of approval include measures that require the applicant/developer to comply with the performance measures outlined in the County Development Code. Therefore, the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

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

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

FINDINGS: COMMERCIAL SOLAR ENERGY FACILITY

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

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

   Consistency: *The subject site ais sufficiently separated from existing communities and is adjacent to existing solar facilities. The project has been designed to be visually consistent with adjacent solar generating facilities. The project site has three residential developments surrounding it, with the closest residences being approximately 111 feet north of the site, across Roy Road. Project design includes perimeter fencing and an installed landscape buffer to diminish views from adjacent roadways and residential development.*

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

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

10. **Finding (c)(3): The siting and design of the proposed commercial solar energy generation facility(ies) will be either: (A) unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways or (B) located in such proximity to**

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

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

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

    Consistency: *The subject property and proposed solar facility have existing access from Roy Road. A 26-foot-wide access road and 20-foot-wide interior drives would be constructed through the solar facility. Due to the relatively low trajectory of the panels, the gradual upward slope extending north-east for properties in the area will minimize visibility of the site. The project has been designed to be visually consistent with adjacent existing solar facilities.*

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

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

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

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

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

Consistency: *The project will require grading of approximately 100 cubic yards across the 75-acre parcel. The site does not exceed average slope of 5% across the entire site, and proposed solar arrays will be installed on the existing topographic land pattern.*

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

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

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

    Consistency: *A Biological Resources Assessment (BRA) was prepared for the Project Site that involved literature research and field surveys to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the potential for special-status plant and wildlife species and vegetation communities to occur within the survey area. During field surveys, no special-status plant or wildlife species or vegetation communities were observed within the Project site. However, the site does contain habitat suitable for Desert Tortoise, Desert Kit Fox, Burrowing Owl, American Badger, and various aviation species; therefore, mitigation measures requiring worker training and pre-construction surveys prior to land disturbance have been applied to the project. No wildlife linkages or wildlife corridors are known to traverse the subject property.*

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

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

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

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

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

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

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

    Consistency: *The project is located within Flood Zone D according to FEMA Panel Number 06071C3875H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible. A Drainage/Hydrology Study was prepared and accepted by the Land Development Division. A Final Study must be prepared and approved prior to issuing of a Grading Permit and the requirements contained in that document may modify the final recommendations accepted by the Land Development Division.*

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

    Consistency: *Based on the National Flood Hazard Map, the entire Project site is within Zone D, which indicates flooding hazards for the site are undetermined but still possible. Mitigation measures to be implemented by the Developer will minimize impacts.*

22. **Finding (c)(15): For development sites proposed on or adjacent to undeveloped alluvial fans, the commercial solar energy generation facility has been designed to avoid potential channel migration zones as demonstrated by a geomorphic assessment of the risk of existing channels migrating into the proposed development footprint, resulting in erosion impacts.**

    Consistency: *The proposed development is designed to avoid these drainage courses, and a jurisdictional analysis of these courses has been undertaken. Potential flows have been documented on the site, in the north-west corner. This area has been avoided and it is not proposed to be part of the project areas.*

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

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

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

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

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

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

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

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

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

    Consistency: *The Project will apply dust control measures in compliance with permit conditions and Mojave Desert Air Quality Management District (MDAQMD) guidance. A Dust Control Plan is required to establish specific measures to be implemented to control dust.*

28. **Finding (c)(21): All clearing, grading, earth moving, and excavation activities will cease during period of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied**

structures, or neighboring property, and in conformance with Air Quality Management District (AQMD) regulations.

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

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

    Consistency: *The project has one existing residential development to the north, approximately 111 feet across Roy Road. The project also includes the installation of fencing and landscaping buffers, to serve as a wind and visual barrier.*

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

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

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

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

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

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

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

    Consistency: *The Project site is not located within two miles of the Mojave National Preserve.*

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

    Consistency: *The Project site is not located within two miles of Death Valley National Park.*

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

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

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

    Consistency: *The Project is not withing two miles of an active military base. Construction and/or operation of the Project would not preclude military operations from occurring within the Project area.*

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

    Consistency: *The Project site is not located within the Sphere of Influence of a city.*

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

    Consistency: *Decommissioning of the site will occur in compliance with County Development Code Section 84.29.060, which requires removal of site facilities when operations cease. The requirement for a removal surety bond will be included in the Conditions of Approval to be adopted for the Project.*

FINDINGS: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

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

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

EXHIBIT B

Conditions of Approval

Record:	PROJ-2022-00066	**System Date:**	07/08/2025
Record Type:	Project Application	**Primary APN:**	0490171010000
Record Status:	Decision Pending	**Application Name:**	Juniper Energy 8-Megawatt Solar Photovoltaic Power Facility
Effective Date:		**Expiration Date:**	

Description: JUNIPER ENERGY LLC - CONDITIONAL USE PERMIT ON A 80.0 ACRE PARCEL, TO ALLOW A SOLAR ENERGY FACILITY (BESS) TO INCLUDE APPROX. 8 MWac OF PHOTOVOLTAIC (PV) POWER AND 6MW BATTERY STORAGE TO BECOME CONFORMING USE, LOCATED AT ROY ST, NORTH SIDE, APPROX. 0.25 MILE EAST OF HARPER LAKE RD; IN THE RURAL LIVING (RL) LAND USE CATEGORY, 1ST SUPERVISORIAL DISTRICT; APN: 0490-171-01

Once constructed, the solar PV system would operate remotely. Occasional maintenance crews will visit the site to clean the modules, and repair and replace equipment as needed. The solar system and the battery storage system would not generate any hazardous waste. A cleaning crew will wash the solar panels once or twice per year, using water trucked to the site. Construction of the solar system would take approximately nine months to complete. Trailers, storage containers, equipment and materials will be stored at the Project site during construction. Large flatbed trucks will make occasional deliveries of equipment to the site. The undeveloped vacant land at the Project site will provide sufficient space for crews to park vehicles and stage construction activities off adjacent roads.

This document does not signify project approval.

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

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

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

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

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

ON-GOING

Land Use Services - Planning

1 **Project Approval Description (CUP/MUP)** - Status: Outstanding
This Conditional Use Permit (CUP) is conditionally approved to Juniper Energy, LLC, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.

2 **Project Location** - Status: Outstanding
The Project site is located at 315 Roy Road, approximately one-half mile east from Harper Lake Road, approximately nine miles northwest of the unincorporated community of Hinkley.

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 discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

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

6 **Continous Effect/Revocation** - Status: Outstanding
All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the 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.

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

8 **Project Account** - Status: Outstanding
The Project account number is Proj-2022-00066. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

9 **Development Impact Fees** - Status: Outstanding
Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

10 **Development Impact Fees** - Status: Outstanding
Per Development Code Section 84.29.040, the Owner/Application/Operator shall pay a Public Safety Services Impact Fee on an annual basis. The fee per acre per year is $157 for projects over 15+ acres.

11 **Continous 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 signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

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

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

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

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

Public Health– Environmental Health Services

16 **Noise Levels** - Status: Outstanding
Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

17 **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.

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

Public Works - Traffic

19 **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.

20 **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

21 **F01 Jurisdiction** - Status: Outstanding
The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

22 **F04 Fire Permit Expiration** - Status: Outstanding
Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

23 **F60 Solar Plans** - Status: Outstanding
Solar/PV Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

24 **F61 Solar Surface** - Status: Outstanding
Fire apparatus access roads for photovoltaic facilities without buildings can be designed with native soil compacted to 85% and hold the weight of Fire Apparatus at a minimum of 80K pounds.

25 **F62 Solar Access** - Status: Outstanding
The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Photovoltaic solar facilities without buildings on the site shall have access provided by approved roads, alleys and private drives. Perimeter access roads shall have a minimum twenty (20) foot unobstructed width and vertically clearance of fourteen (14) feet six (6) inches. Interior access roads shall have a minimum fifteen (15) foot unobstructed width and vertical clearance of fourteen (14) feet six (6) inches. Access shall be provided within 300 feet of all solar panels.

Land Use Services - Land Development

26 **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.

27 **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.

28 **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

29 **Natural Drainage** - Status: Outstanding
The natural drainage courses traversing the site shall not be occupied or obstructed.

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

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

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

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

Land Use Services - Building and Safety

33 **Geotechnical Report** - Status: Outstanding
A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

Land Use Services - Land Development

34 **FEMA Flood Zone** - Status: Outstanding
The project is located within Flood Zone D according to FEMA Panel Number 06071C3875H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

35 **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

36 **Drainage Improvements** - Status: Outstanding
A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A $750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

37 **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 shall be shown on the grading plans according to the approved final drainage study. 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.

38 **Streambed Alteration Agreement** - Status: Outstanding
California Department of Fish and Wildlife (CDFW) must be notified per Fish and Game Code (FGC) §1602. A streambed alteration agreement shall be provided prior to Grading permit issuance. Link to CDFW website at: https://www.wildlife.ca.gov/Conservation/LSA.

Public Health– Environmental Health Services

39 **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

40 **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.

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

County Fire - Community Safety

42 **F02 Fire Fee** - Status: Outstanding
The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

Land Use Services - Building and Safety

43 **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.

44 **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

45 **Construction Permits** - Status: Outstanding
Prior to installation of road and drainage improvements, a construction 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. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

46 **Legal Access** - Status: Outstanding
Proof of legal access to the nearest maintained public road is required for all applications. As proof of legal access, the "developer" shall submit one of the following: (a) existing dedication; (b) copy of the court decree establishing prescriptive rights that is acceptable to the Land Development Division; (c) dedications/easements by separate instrument from all property owners intervening between the proposed land division and a Publicly Maintained Road System.

47 **Project Specific Conditions** - Status: Outstanding
CMRS Exclusion. Road improvements required for this development shall not be entered into the County Maintained Road System (CMRS).

48 **Road Dedication/Improvements** - Status: Outstanding
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/Roy Road (Unclassified quarter sectional – 88 feet): •Road Dedication. An additional 4-foot grant of easement is required to provide a half-width right-of-way of 44 feet and a 35-foot radius return grant of easements are required at the intersections of the northerly/easterly and northerly/westerly property lines. •Driveway Approach. Design driveway approach per County Standard 129C and located per County Standard 130. •Paved Access Road. This project is required to have a minimum 26-foot wide paved access road within 44 foot of right-of-way and designed to County Standard 114b that ties into a maintained paved public road per modified Standard 112. Easterly Property Line (Unclassified quarter sectional – 88 feet): •Road Dedication. An additional 4-foot grant of easement is required to provide a half-width right-of-way of 44 feet and a 35-foot radius return grant of easement is required at the intersection of the southerly and easterly property lines. Southerly Property Line (Unclassified quarter sectional – 88 feet): •Road Dedication. An additional 4-foot grant of easement is required to provide a half-width right-of-way of 44 feet and a 35-foot radius return grant of easement is required at the intersection of the southerly and westerly property lines.

49 **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 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.

50 **Slope Easements** - Status: Outstanding
Slope rights shall be dedicated where necessary.

51 **Slope Tests** - Status: Outstanding
Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.

52 **Soils Testing** - Status: Outstanding
Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.

53 **Street Gradients** - Status: Outstanding
Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.

54 **Street Type Entrance** - Status: Outstanding
Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

55 **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.

56 **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

57 **Demolition Inspection Required** - Status: Outstanding
All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any premises. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

58 **Existing OWTS** - Status: Outstanding
Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

59 **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.

60 **New OWTS** - Status: Outstanding
If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. An Alternative Treatment System, if applicable, shall be required.

61 **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.

62 **Sewage Disposal** - Status: Outstanding
Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

63 **Water Purveyor** - Status: Outstanding
Water purveyor shall be EHS approved.

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-2022-00066.

65 **Installation of Improvements** - Status: Outstanding
All required on-site improvements shall be installed per approved plans.

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

County Fire - Community Safety

67 **F06 Inspection by Fire Department** - Status: Outstanding
Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for “fire final”.

County Fire - Hazardous Materials

68 **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

69 **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

70 **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.

71 **LDD Requirements** - Status: Outstanding
All LDD requirements shall be completed by the applicant prior to occupancy.

72 **Private Roads/Improvements** - Status: Outstanding
Prior to occupancy, all required on-site and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.

73 **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.

74 **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.

PRIOR TO RECORDATION

County Fire - Community Safety

75 **F16 Access** - Status: Outstanding
The development shall have a minimum of ___two_____ points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

APN: 0490171010000 Effective Date:

PROJ-2022-00066 Expiration Date:

Land Use Services - Planning

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

77 **Issuance/Building Permit Condition** - Status: Outstanding

78 **Issuance/Building Permit Condition** - Status: Outstanding
Prior to issuance of grading and/or building permit, the Applicant/Owner/Property Owner/Lease Holder, shall post a surety bond for the future decommissioning of the property and removal of solar equipment in the amount established by the Director of Planning or effective County ordinance in effect at the time, in compliance with County Code Section 84.29.070 - Decommissioning Requirements.

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.sbcfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	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	
External Agencies (Caltrans, U.S. Army, etc.)		*See condition text for contact information...*

EXHIBIT C

Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Juniper Solar Project
PROJ-2022-00066

Prepared by:

Conty of San Bernardino, Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182
Contact: Delanie Garlick, Contract Senior Planner

June 2025

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SECTION

TABLES

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1.0 INTRODUCTION

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

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

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

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

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2.0 MITIGATION MONITORING AND REPORTING PROGRAM TABLE

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
Biological Resources				
MM BIO-1: Nesting Bird Surveys A qualified biologist who meets the qualifications of an "Authorized Biologist" as defined by the U.S. Fish and Wildlife Service (Qualified Biologist) shall conduct pre- construction survey within seven days prior to any on-site grading and construction activities in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. Pre-construction nesting bird surveys shall also cover a 500-foot buffer around the site, as feasible, and shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. If occupied nests are found within the Project area or observed within 500 feet of the Project area, then limits of construction to avoid occupied nests shall be established by the Qualified Biologist in the field with flagging, fencing, or other appropriate barriers (e.g., 250 feet around active passerine nests to 500 feet around active non-listed raptor nests), and construction personnel shall be instructed on the sensitivity of nest areas. The size and location of buffers shall be based on the nesting species' sensitivity to disturbance,	Seven days prior to any on-site grading and construction activities	Project Applicant, Lead Biologist	County of San Bernardino	

individual/pair's behavior, nesting stage, nest location, intensity and duration of the disturbance activity, and may be adjusted at any time by the Qualified Biologist. The nest area shall be avoided until the nest is vacated, and the juveniles have fledged and are no longer reliant upon the nest or parental care for survival, as determined by the Qualified Biologist. If an active nest is encountered during the Project construction, construction shall stop immediately until a Qualified Biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws. If migratory birds are not detected during the pre-construction survey, no further measures would be required, and construction activities may proceed.				
MM BIO-2: **Burrowing Pre-Construction Owl Surveys**. One pre-construction burrowing owl survey shall be completed a Qualified Biologist, knowledgeable of burrowing owl habitat and behavior no more than 15 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project Site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation or current version	Prior to any activity on-site, during construction activities	Project Applicant	County of San Bernardino	

(Staff Report). The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat, as feasible. If burrowing owls are detected, the Applicant shall prepare and submit to CDFW for review and approval a Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Buffers shall be established by a Qualified Biologist around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation or current version. No Project activities shall be allowed to encroach into established buffers. If no Plan has been approved Applicant shall not commence activities until owls have been confirmed absent and the burrows are no longer in use by adult or juvenile owls or until a Burrowing Owl Plan has been submitted and approved. If Applicant cannot ensure burrowing owls and their burrows are fully avoided, Applicant shall consult with CDFW on next steps, including obtaining an ITP for burrowing owl prior to initiation of ground disturbing activities.				

MM BIO-3: American Badger and Desert Kit Fox Surveys. A pre-construction survey for American badger and desert kit fox shall be conducted by a Qualified Biologist on the Project Site no more than 45 days and no less than seven days prior to the start of construction to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence/absence of either species individuals, dens, or sign. Applicant shall provide the results of the survey to CDFW prior to the start of Project activities. If either species is discovered during the survey, an American Badger/Desert Kit Fox Mitigation and Monitoring Plan shall be developed. The Mitigation and Monitoring Plan shall include avoidance and minimization measures to reduce potential impacts to either species, as well as compensatory mitigation to offset direct or indirect impacts. The plan shall be developed in consultation with CDFW. At a minimum, the plan shall do the following: • Identify pre-construction survey methods for American badger and desert kit fox. • Describe feasible pre-construction and construction-phase avoidance methods. • Describe pre-construction and construction-phase relocation methods, including the possibility for passive relocation. • For burrows that would not be impacted by the Project, identify				

appropriate construction exclusion zones for both active and natal burrows. • Coordinate survey findings prior to and during construction to meet the information needs of wildlife health officials in monitoring the health of kit fox populations. If potential dens are located, they shall be monitored by a Qualified Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Applicant shall provide a determination if active dens can be avoided and buffered from Project activities to prevent take and disturbance with the survey results. Should active dens be present within the Project area that cannot be avoided with an adequate buffer, Applicant shall submit a monitoring and passive relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may take place when juveniles may be present and dependent on parental care. Burrows within the Project site that have been confirmed by a Qualified Biologist to be inactive (as determined after three days of no observed activity or sign), and that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during Project activities and removed when construction is complete. A Qualified Biologist shall periodically check that the inactive				

burrows remain blocked and are not reoccupied.				
MM BIO-4: Education Program. An education program (Worker Environmental Awareness Program (WEAP)) for all persons employed or otherwise working at the Project Site shall be administered before performing any clearing and grubbing activities. The WEAP shall consist of a video presentation created by the Qualified Biologist that includes a discussion of the biology and status of the Burrowing Owl, LeConte's Thrasher, American Badger, Desert Tortoise, Mohave Ground Squirrel, and Kit Fox, and about the other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-speaking workers shall be provided, and the same instruction shall be provided to any new workers before they are authorized to perform clearing and grubbing activities at the Project Site. Upon completion of the WEAP, which can be administered by the lead person from the construction crew, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent staff who would be conducting work at the Project Site.	Prior to any activity on-site, during construction activities	Project Applicant	County of San Bernardino	
MM BIO-5: Best Management Practices Erosion/Runoff. The construction limits shall be flagged prior to ground-disturbance activities, and all construction activities,	Prior to any activity on-site, during construction	Project Applicant	County of San Bernardino	

including equipment staging and maintenance, shall be conducted within the flagged disturbance limits. All vehicles and equipment shall be maintained in proper condition to minimize the potential for fugitive emissions of motor oil, antifreeze, hydraulic fluid, grease, or other hazardous materials. Hazardous spills shall be immediately cleaned up and the contaminated soil shall be properly handled or disposed of at a licensed facility. Servicing of construction equipment shall take place only at a designated staging area. Soil binding and weighting agents used on unpaved surfaces shall be non-toxic to wildlife and plants. All trash and food-related waste shall be placed in self-closing, animal-proof containers and removed at least once per week from the site to prevent overflow. The fully covered trash receptacles shall be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Workers shall not feed wildlife or bring pets to the Project Site. Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the Project Site on a daily basis.	activities			

MM BIO-6: Desert Tortoise Surveys. Prior to ground disturbance or vegetation clearing within the Project site, a Qualified Biologist shall conduct a protocol level presence or absence survey within the Project area and a 500-foot buffer of suitable habitat, no more than 15 days prior to Project activities and after any pause in Project activities lasting 30 days or more, in accordance with the most recent USFWS desert tortoise survey methodology. The survey shall use perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to CDFW prior to the start of Project activities. If the survey confirms absence, the Qualified Biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise are documented inhabiting the Project Site during presence/absence surveys individuals will be allowed to leave on their own and MM BIO-7 shall be implemented.	Prior to any activity on-site, during construction activities	Project Applicant	County of San Bernardino	
MM BIO-7: Desert Tortoise Avoidance Plan. If pre-construction desert tortoise surveys (MM BIO-6) confirm presence, Applicant shall develop and submit to CDFW a desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of desert tortoises. If complete avoidance cannot be achieved, Applicant shall not undertake Project activities, and Project activities shall be postponed until the appropriate authorization (i.e., CESA incidental take permit under the Fish and	Prior to any activity on-site, during construction activities	Project Applicant	County of San Bernardino	

Game Code section 2081) is obtained. In addition, in consultation with USFW and CDFW Applicant shall install exclusionary fencing following the specifications found in Chapter 8 Desert Tortoise Exclusion Fence of the Desert Tortoise (Mojave Population) Field Manual (USFWS).				
Bio-8: Biological Monitoring. Applicant shall retain a Qualified Biologist as the primary point of contact for the CDFW (the Designated Biologist) regarding biological resources mitigation and compliance. The Designated Biologist shall have demonstrated expertise with the biological resources within the Project area.	On-going	Project Applicant Lead Biologist	County of San Bernardino	
Mitigation Measure	**Implementation Timing**	**Party Responsible for Implementation**	**Party Responsible for Monitoring**	**Date of Completion/Notes**
Cultural				
MM CUL-1: Unanticipated Discovery of Archaeological Resources. A worker environmental awareness program training shall be prepared and conducted prior to ground-disturbing activities to inform all construction personnel working on the proposed Project about the archaeological sensitivity of the area. The purpose of the worker environmental awareness program training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the proposed Project and explain the	On-going	Project Applicant	County of San Bernardino	

importance of and legal basis for the protection of cultural resources. Each worker shall also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection and immediately contacting the appropriate County of San Bernardino personnel upon discovery or suspected discovery of cultural resources. In the event that potential archaeological resources (sites, features, or artifacts) are exposed during construction activities for the proposed Project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether additional study is warranted. Depending on the significance of the find under CEQA (14 CCR 15064.5[f]; PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted.				

MM CUL-2: Unanticipated Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall notify NAHC in Sacramento within 24 hours. In accordance with PRC Section 5097.98, NAHC must immediately notify those persons it believes to be the MLD (defined below) of the individual whose remains are discovered. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative shall then determine, in consultation with the property owner, the disposition of the human remains.	On-going	Project Applicant	County of San Bernardino	
Mitigation Measure	**Mitigation Measure**	**Mitigation Measure**	**Mitigation Measure**	**Mitigation Measure**
Geological				
MM GEO-1: Treatment of Previously Unidentified Paleontological Resources. Prior to the issuance of a grading permit, the following note shall be placed on the grading plans: If previously unidentified	Prior to Grading permit	Project Applicant	County of San Bernardino	

paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to: 1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates. 2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable palaeontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented. 3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory,				

when submitted to the County Land Use Services Department- Current Planning along with confirmation of the curation of recovered specimens into an established accredited museum repository, would signify completion of the program to mitigate impacts to paleontological resources.				
Mitigation Measure	**Mitigation Measure**	**Mitigation Measure**	**Mitigation Measure**	**Mitigation Measure**
Hydrological				
MM HYDRO-1: Detention basins shall be incorporated into the final design of the proposed project in accordance with the final drainage report subject to approval by the County of San Bernardino.	Prior to final approval of drainage report	Project Applicant	County of San Bernardino	
Mitigation Measure	**Mitigation Measure**	**Mitigation Measure**	**Mitigation Measure**	**Mitigation Measure**
Noise				
MM NOISE-1: Construction activities for the Project shall be restricted as follows: a. All internal combustion engines used during construction of the Project shall be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use. b. Pile driving activities shall be limited	Ongoing, during construction	Project Applicant	County of San Bernardino	

to 7:30 a.m. to 7:00 p.m. weekdays only. c. Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible. d. The developer shall designate a project manager with authority to implement the mitigation prior to issuance of a building/grading permit. The project manager's phone number shall be conspicuously posted at the construction site. The project manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.				
Mitigation Measure	**Mitigation Measure**	**Mitigation Measure**	**Mitigation Measure**	**Mitigation Measure**
Tribal Cultural Resources				
MM TCR-1: Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, at the discretion of the consulting tribes, Tribal monitors may be	Ongoing, during construction	Project Applicant	County of San Bernardino	

present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation, and archaeological work). At the discretion of the consulting tribes, a sufficient number of Tribal monitors may be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and had the opportunity to comment on the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings would be subject to the protocol detailed within the Monitoring and Treatment Plan.				
MM TCR-2: Treatment of Cultural Resources. If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by	Ongoing, during construction	Project Applicant	County of San Bernardino	

the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the Applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should				

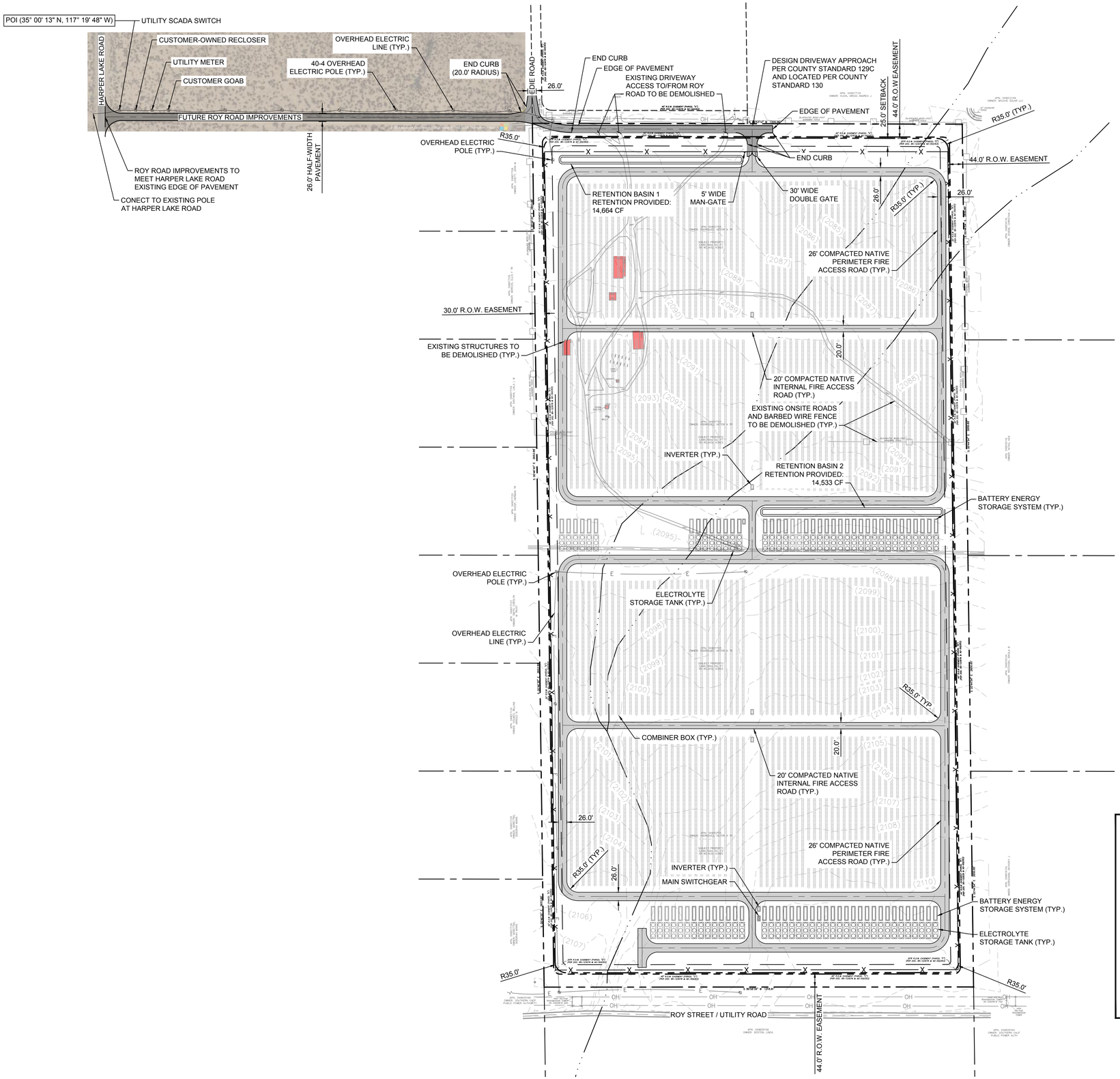
reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.). Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and				

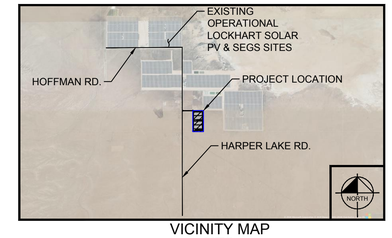
museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees. All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the Lead Agency and SMBMI.				
MM TCR-3: Inadvertent Discoveries of Human Remains/Funerary Objects. In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of	Ongoing, during construction	Project Applicant	County of San Bernardino	

the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98. Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is				

understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, parties, and Lead Agencies, would be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).				

EXHIBIT D





VICINITY MAP
NTS

LEGEND

- PROJECT BOUNDARY LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- SETBACK LINE
- (XXXX) EXISTING CONTOUR
- EXISTING NON-JD STREAM
- EXISTING DIRT ROAD
- PROPOSED COMPACTED NATIVE FIRE ACCESS ROAD
- PROPOSED OFFSITE ROY ROAD IMPROVEMENTS (PAVED ROAD)
- OH EXISTING OVERHEAD ELECTRIC LINE
- E PROPOSED OVERHEAD ELECTRIC LINE
- EXISTING BARBED WIRE FENCE
- X X PROPOSED 7' CHAINLINK SECURITY FENCE
- PROPOSED 30' ACCESS GATE & 5' MAN GATE
- EXISTING STRUCTURE TO BE DEMOLISHED

PROJECT INFORMATION

1. PROJECT ADDRESS: 315 ROY STREET, HINKLEY, CA 92347
2. PROJECT ACREAGE: 80.34 ACRES
3. PROJECT ZONE: RURAL LIVING (RL)
4. MAXIMUM SETBACK: 25'
5. PROJECT INTENDED USE: SOLAR PV AND BATTERY ENERGY STORAGE SYSTEM
6. PV GENERATION: 8MWac
7. BATTERY STORAGE CAPACITY: 6MW
8. MAXIMUM HEIGHT OF SOLAR ARRAY APPROXIMATELY 14± FEET
9. MAXIMUM HEIGHT OF BATTERY STORAGE/ELECTROLYTE STORAGE TANKS APPROXIMATELY 8± FEET
10. EXISTING ACCESS DRIVES TO/FROM ROY ROAD TO BE DEMOLISHED
11. EXISTING ONSITE STRUCTURES TO BE DEMOLISHED AND REMOVED

SURVEY NOTES

1. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM ALTA SURVEY PREPARED BY RPLS, LLC (KEVIN BRONSON, PLS), DATED 03/16/2022 (DATE OF FIELD SURVEY 03/03/2021)
2. PROPERTY DESCRIBED AS THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APN: 0490-171-01-0-000
3. HORIZONTAL DATUM: NAD 83
   VERTICAL DATUM: NAVD 88

- FOR OFFICIAL USE -

NORTH

GRAPHIC SCALE IN FEET
0 75 150 300
1" = 150'
WHEN PLOTTED ON 24" X 36" SHEET

1	CUP SITE PLAN	08/20/24	KAM
	REVISIONS	DATE	BY

OWNER: JUNIPER ENERGY, LLC
PHONE: (650) 288-6810

CONDITIONAL USE PERMIT SITE PLAN & GENERAL PLAN AMENDMENT

Kimley»Horn
© 2024 KIMLEY-HORN AND ASSOCIATES, INC.
1100 TOWN AND COUNTRY, SUITE 700,
ORANGE, CA 92868
PHONE: 714.939.1030 FAX: 714.938.9488
WWW.KIMLEY-HORN.COM

NOT FOR CONSTRUCTION

KHA PROJECT	065010800
DATE	4/8/25
SCALE	AS SHOWN
DESIGNED BY	KAM
DRAWN BY	KAM
CHECKED BY	DMB

OVERALL SITE PLAN

LOCKHART SOLAR 1 & 2

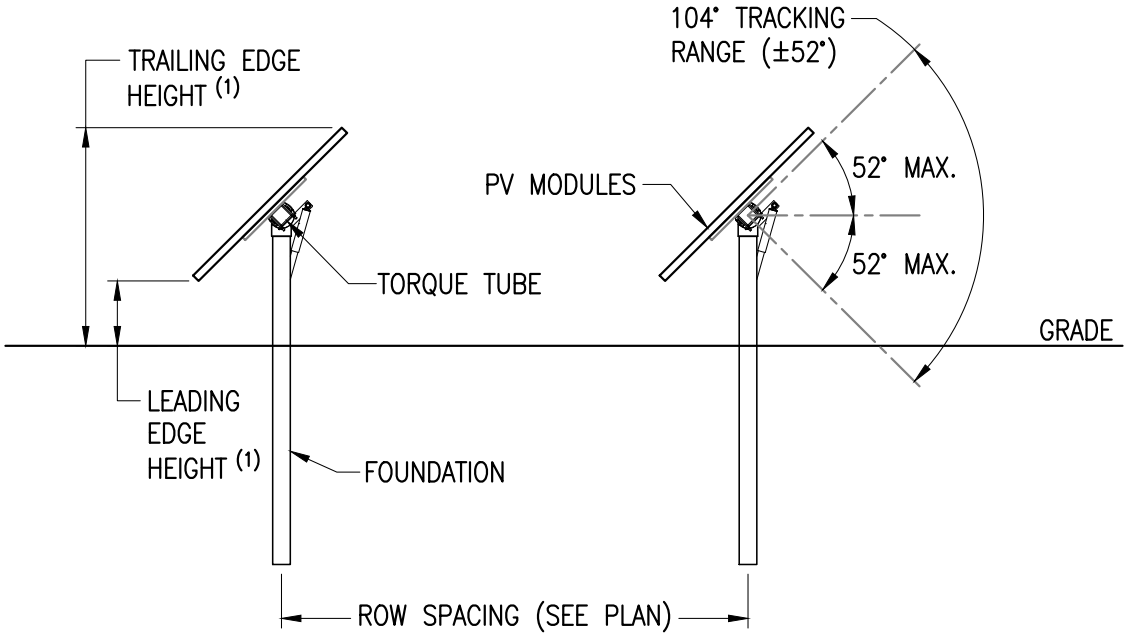
315 ROY STREET, HINKLEY, CA 92347

SHEET NUMBER
CUP-1.0

EXHIBIT E

Juniper Energy

ARRAY ELEVATION



[1]Trailing and Leading Edge Heights

Nominal Leading Edge Height (±)	20”
Minimum Leading Edge Height (±)	14”
Nominal Trailing Edge Height (±)	6’–9”

NOTES:

1. The nominal leading height is the target height above grade of the low edge of the module at the lowest torque tube height based on the geometry of the rack when the tracker is at its maximum tracking angle.
2. The minimum leading-edge height is the absolute minimum height above grade of the low edge of the module, when the tracker is at its maximum tracking angle, that will be accepted at isolated locations where the ground surface, paired with the configuration of the racking, does not allow for greater clearance. This most commonly occurs at a local, abrupt grade change such as a rock outcropping.
3. The nominal trailing edge height is the approximate expected height above grade of the high edge of the module at the highest torque tube height base on the geometry of the rack when the tracker is at its maximum racking angle.

EXHIBIT F

Exhibit F: Juniper Solar Initial Study/Mitigated Negative Declaration
https://lus.sbcounty.gov/wp-content/uploads/sites/48/Lear-Avenue-Solar-Project-PROJ-2023-00170-Initial-Study.pdf

EXHIBIT G

Juniper Energy LLC

Closure, Revegetation, and Rehabilitation Plan
Project Lockhart Solar

315 Roy Road
Hinkley, California

April 29, 2025

Prepared for
County of San Bernardino
Land Use Services Department
San Bernardino, CA

Prepared By
Juniper Energy LLC
650.288.6810

Table of Contents

Exhibits

1.0 Introduction

This Decommissioning and Site Restoration Plan (Plan) is being submitted to San Bernardino County, Land Use Services Department (San Bernardino County or County) in connection with the request for approval of a Conditional Use Permit to construct and operate two 4-Megawat solar photovoltaic (PV) power generating facilities with battery storage capabilities for a combined 8-Megawats in total (the Project). The Project would be constructed on approximately 75 acres located on a single parcel located on Roy Road, approximately one-half mile east from Harper Lake Road and approximately 9 miles northwest of the unincorporated community of Hinkley (the Project Site) (See Exhibit A, Project Location).

The solar PV systems would interconnect to the 33kV distribution line owned and operated by Southern California Edison (SCE). One system would interconnect at a point near the southwestern border of the Project Site. The second system would interconnect along the northern boundary through a new electric line installed along the access easement at a point located at the corner of Roy Road and Harper Lake Road.

Once constructed, the solar PV systems would be operated remotely. Occasional maintenance crews would visit the site to clean the modules, and repair and replace equipment as needed. The solar system and the battery storage system would not generate any hazardous waste. A cleaning crew would wash the solar panels once or twice per year, using water trucked to the site.

2.0 Project Description

2.1. Purpose for the Project and Plan

The Project's purpose is to generate clean, renewable energy utilizing the abundant solar energy resources available in San Bernardino County and thus reduce greenhouse gas emissions consistent with California public policy. The Project is expected to produce clean power for at least 30 years.

The Project has an estimated useful lifetime of 30 years or more, with an opportunity to operate for additional years with equipment replacement and repowering. This document, however, assumes that at the end of the 30-year initial lifespan, the system will be dismantled and the site restored to its preconstruction state.

The objective for the Plan, if the Project is decommissioned, is to remove the

installed power generation equipment and return the site to a condition as close to a pre-construction state as practical. The procedures outlined herein are formulated to ensure public health and safety, environmental protection, and compliance with applicable regulations. The procedures described identify the proposed activities to restore the site upon operation completion.

Reclamation activities will restore vegetative cover, hydrologic function, control erosion, and minimize habitat and landform alteration during and after the life of the facilities.

2.2. Plan Objectives

In order to ensure that decommissioning will be completed in a manner that is environmentally sound, safe, and protects the public health and safety, the Plan will include the following:

- Proposed decommissioning activities for the Project and all appurtenant facilities that were constructed as part of the Project;
- The activities necessary to restore the site if the Plan requires removal of equipment and appurtenant facilities; and
- Decommissioning alternatives at the time of decommissioning.

Satisfying the above requirements should serve as a safeguard, even in the unlikely event that the Project is abandoned.

2.3. Project Site Conditions and Existing Use

The Project Site comprises primarily undeveloped, flat desert terrain. Specifically, the southern portion of the Project Site (approximately 45 acres) is undeveloped (steel lattice towers supporting regional transmission lines are located along the southern border) and covered by low and dry desert shrubs (generally no taller than 2-4 feet high) that present as a stippled appearance across the site. A desert wash/drainage also occurs on the southern portion and generally extends from the southwest to the northeast corner of the site. The northern portion of the site displays a similar terrain and vegetation character as the southern portion however, a former housing compound comprised of two dilapidated structures (and the remnants of up to four others) is also present. The northern portion is also crossed by several dirt access roads associated with the former compound and several trees ostensibly planted to provide wind breaks.

The Project Site is designated as RL – Rural Living – zoning district. The site is not currently used for any activity. Indeed, most of the site is vacant and does not appear to have ever been developed.

2.4. Surrounding Conditions and Use

Land use in the surrounding area, for the most part, is characterized by vacant desert and large utility-scale solar generation systems and high-voltage transmission lines. Like the Project Site, all surrounding parcels are designated as RL – Rural Living – zoning districts. The existing uses of the land to the north of the Project Site include vacant land, residential use, commercial use and a large solar farm. The land to the east and west of the Project Site are vacant properties. To the south of the Project Site, the land use includes vacant land, a utility access road and multiple high-voltage power lines.

2.5. Project Components

The Project's major components include solar PV panels and arrays; a tracker system; two battery energy storage systems, and an electrical interconnection system, connecting the Project to the SCE distribution lines. These and other associated features are described in more detail below.

2.5.1. Photovoltaic Modules

The PV modules are the core component in the Project. PV modules generate electricity by converting the sun's photons into direct current (DC) electrons. PV modules can be wired in series and/or parallel to obtain a required nominal voltage. The PV modules are interconnected and arranged to increase overall reliability. This technology requires no moving parts or fuel and limited maintenance, and is a proven technology, which can withstand long-term exposure to the environment. PV modules used in the Project will have been stringently tested and are robustly constructed to guarantee a useful life of 25 to 30 years in adverse weather conditions.

The PV modules are uniformly dark in color, non-reflective, and designed to be highly absorptive of all light that strikes their glass surface. The PV modules deployed for use in the Project would comply with all industry standard quality testing. The PV modules will be electrically connected to the grounding system at the facility in accordance with local codes and regulations. Final PV module selection will be determined during the detailed engineering phase.

2.5.2. Mounting Structure

The PV modules will be mounted on sets of galvanized steel racking, which rotate from east to west in order to track the sun's path throughout a day. The PV module arrays (a row of PV modules) would be oriented along a north-south axis. The tracking function adds additional value to the Project in several ways:

- Increases system energy production output by approximately 20%;
- Generates more power during utility peak load periods, usually afternoons during the summer months; and
- Maximizes energy production per PV module resulting in less per-unit installed equipment.

The mounting support structures typically consist of metal pipe pile or beam foundations four to six inches in diameter. The beams would be driven into the soil using a pile/vibratory/rotary driving technique similar to that used to install freeway guardrails. Driven pier foundations offer multiple benefits, including quick installation and minimal site disturbance, and are a "concrete-free" foundation solution, allowing for easy site reclamation at the end of the Project's life cycle. Most foundations would be driven to depths of 10 to 15 feet.

The PV module arrays would be interconnected and mobilized via a steel drive arm. A programmable electronic control timer would control the drive arm. The tracking system's movement would be silent and imperceptible, as very low-powered motors would turn a simple drivetrain to orient the PV module arrays toward the sun at the optimal angle. Final tracker selection would be determined during the detailed engineering phase.

The north to south arranged tracker arrays, if used, would be constructed approximately 33 feet apart (centerline to centerline) in an east-west direction. Each tracker array's north and south ends would be separated by approximately 30 feet, except where there are inverter/transformer pads. At points where pads would be located, there would be an approximately 30-foot separation, which would include a 20-foot service road.

The total height of the system, measured from ground surface, would range from approximately five feet to fifteen feet depending on time of day. The PV module arrays' final elevations from ground would be determined during detailed design phase; however, it is common to maintain as low of an elevation profile as possible to reduce potential wind loads on the PV module arrays.

2.5.3. Inverters, Transformers and Cabling

The PV modules would be electrically connected to adjacent modules to form module "strings" using wiring attached to the support structures. PV module strings would be electrically connected to each other via underground wiring. Wire depths would be in accordance with local, State, and Federal codes. String wiring would terminate at PV module array combiner boxes, which are lockable electrical boxes mounted on an array's support structure. Output wires from combiner boxes would be routed along an underground trench system approximately 3.5 feet deep and 1 foot wide, including trench and disturbed area, to the inverters and transformers on-site.

Inverters are a key component of solar PV power-generating facilities because they convert the DC generated by the PV module array into AC that is compatible for use with the transmission network. The inverters within the electrical enclosures would convert the DC power to AC power and the medium-voltage transformers would step up the voltage to collection-level voltage (33.4 kV).

The inverters, medium-voltage transformers, and other electrical equipment will be housed in enclosures throughout the Project Site. The inverter and medium-voltage transformer units would be mounted on concrete foundation pads. All electrical equipment would be either outdoor rated or mounted within electrical enclosures designed specifically for outdoor installation. The proposed equipment poses no electrical shock risk and is safe to touch.

2.5.4. Battery Energy Storage System

Each of the two solar PV generation systems would connect to a battery energy storage system (BESS). The BESS would store electricity produced by the solar PV generation system during the day for distribution later. Also, the BESS could charge from electricity delivered via the SCE controlled distribution grid or provide other ancillary services to the grid.

The batteries, separate inverters for use by the battery system, controllers and switchgear would be placed in either multiple metal containers or consolidated into one or more storage sheds. The equipment would be placed on concert equipment pads and connect to the solar PV systems, transformers and switchgear via underground cables.

2.5.5. Electrical Interconnection

The Project would interconnect to the nearby SCE "Kramer" substation via a dual-circuit 33.47-kV gen-tie line. To support the generation-tie line, some new utility upgrades may be installed.

2.5.6. Telecommunications Equipment

There is the potential need for telecommunication lines/fiber optics to link the Project with the local utility provider; *however*, this would be determined further into the design process. Viable telecommunication lines/fiber optics options may consist of buried fiber optic cable (using a simple trenching method) within existing right-of-way or communication wires strung along existing or already proposed distribution lines.

2.5.7. Plant Control System

The Project would have a supervisory control and data acquisition (SCADA) system, allowing for remote monitoring and control of inverters and other components. The SCADA system would be able to monitor output and availability, and to run diagnostics on the equipment. The Project would also have a local overall plant control system (PCS), which would monitor the Project as well as control the balance of facility systems. The microprocessor-based PCS would provide control, monitoring, alarm, and data storage functions for plant systems along with communication with the Project's SCADA system. Redundant capability would be provided for critical PCS components so that no single component failure would cause a plant outage. All field instruments and controls would be hard-wired to local electrical panels. Local panels would be hard-wired to the plant PCS. Wireless technology would be considered as a potential alternative during the final design phase.

2.5.8. Onsite Meteorological Station

The Project would require multiple meteorological data collection systems. The system would include solar energy (irradiance) meters, as well as an air temperature and wind meter. The equipment would be mounted on tripods (between six and ten feet tall), which would require no permanent foundation. The Project's auxiliary power system or a dedicated PV panel with a small battery would power the solar meteorological stations (SMS). Data from the SMS would be downloaded directly to the PCS. The SMS would be located within the solar array field or adjacent to the switchgear building as required to qualify the solar resource for electrical generation predictions and coordination with the California Independent System Operator.

2.5.9. Access Roads

The Project would utilize an access point along Roy Road. The Project's internal roadway system would include gravel or compacted soil roads, consisting of existing onsite materials or a blend of existing and imported materials, which would provide operations and maintenance access. Actual service road alignments would be dependent on the final placement of the PV solar system and any other site-specific details to be incorporated into the final design. Given that the Project Site is relatively level, it is not anticipated that any material grading should be required to establish the internal roads.

2.5.10. Landscaping, Security and Safety

As necessary for public safety and site security, a seven-foot-high fence with barbed wire would be installed around the Project's perimeter. Access to the Project Site would be controlled and gates would be installed to provide the required access to the site.

Landscaping would comprise of desert and native plantings. To limit fire risk, maintenance would include the management and removal, as needed, of combustible vegetation on and around the Project Site boundary. The Project's perimeter roads would also act as firebreaks.

Both during construction and operation, signage for safety and identification would be posted around the perimeter of the Project Site. All signage would conform to the County's signage requirements.

3.0 Decommissioning Procedures

3.1. Planned Operation and Timing

The Project is expected to be in operation for 25 to 30 years (the anticipated useful life of the PV modules). If the plant is decommissioned at the end of this period, the Project's owner will be responsible for the removal and recycling or disposal of all solar arrays, inverters, transformers and other structures, depending upon the proposed future use of the site. It is anticipated that the best available recycling measures available at the time of decommissioning will be employed.

3.2. Decommissioning Plan Overview

When the Project reaches the end of its operational life, the component parts will be dismantled and recycled. Decommissioning the Project will involve removal of the Project's components as necessary for reuse of the site, including the solar panels, panel trackers, anchors, supports and mounts,

inverter, electrical conductors, electrical cables, and substation components, other structures and the re-grading of any areas significantly impacted by the removal of any components. Roads may be removed or left in place based upon the anticipated reuse after decommissioning.

All waste resulting from the decommissioning of the facility will be transported by a certified and licensed contractor and taken to a landfill/recycling facility in accordance with all local, state, and federal regulations. Soil erosion and sedimentation control measures, as well as other mitigation measures used during construction will be re-implemented during the decommissioning phase and until the site is stabilized.

The Plan is based on current procedures and experience. These procedures may be subject to revision based on new experiences and requirements over time. At the time of decommissioning various options and procedures will be re-evaluated to ensure that decommissioning is safe and beneficial to the environment and to the landowner(s). Decommissioning and site restoration activities will be undertaken with the input of the landowner(s).

3.3. Procedures for Decommissioning after Ceasing Operations

3.3.1. Temporary Erosion Control

Appropriate temporary (construction-related) erosion and sedimentation control best management practices (BMP) will be used during the decommissioning phase of the Project. The BMPs will be inspected on a regular basis to ensure their function.

3.3.2. General Removal Process

The following summarizes the sequence of the main activities during decommissioning:

- Demolition and site reclamation specifications will be developed to define the scope of the decommissioning and site reclamation activities.
- A pre-demolition meeting that includes safety and environmental training will be held on-site for pertinent decommissioning staff, all construction personnel and environmental monitors.
- The solar power plant will be de-energized and completely disconnected from the substation per SCE safety procedures.
- The site will be surveyed and marked for demolition.

- Temporary construction fencing will be placed, if required, at the direction of biological and cultural monitors to keep construction crews out of sensitive environmental or cultural areas.

- With the combining switchgear isolated from the substation in standard lock out tag out procedures, it will then be electrically disconnected, unbolted from its foundation, and lifted onto a truck for removal from the site.

- PV modules will be disconnected from each other and removed from the racks. They will be returned to the PV manufacturer storage sites or recycling centers.

- DC string wiring from module arrays to combiner boxes that are connected to the racking will be removed and salvaged.

- Racks will be disassembled and removed from the site to recycling centers.

- Steel posts that support the PV racking system will be pulled out of the ground.

- Electrical cabling will be disconnected from combiner boxes, inverters, transformers, and overhead transmission poles.

- Inverter and transformer skids will be electrically disconnected, unbolted and lifted onto trucks for removal from the site.

- Foundations will be demolished and its rubble loaded onto dump trucks and transported to nearest landfill or recycling center.

- Underground cables will be removed, and salvaged. This will include grounding cabling. Installations of underground electrical systems are typically trenched to a depth of three feet with cables directly buried (i.e., no conduit is used).

    - DC cables from the combiner boxes to DC fuse boxes and inverters will be removed and salvaged.

    - AC cables from inverter stations to switchgear will be removed and salvaged.

    - Underground DC cabling from module arrays to combiner boxes will be removed, and salvaged.

- Areas of excavation will be backfilled and re-compacted to match surrounding compaction and grades.

- SCADA will be disconnected and removed, salvaged by the electrical demolition contractor.

- The parking lot gravel will be loaded into a dump truck and re-used or disposed of into the nearest landfill. All salvageable parts and parts to be disposed of will be removed from the site. Bathroom facilities are provided through use of porta-potties, which will be removed by the leasing company.

- Any top gravel remaining on the site roads will be removed and transported away from the site.

- Fuel containers, if any, will be disposed of properly according to requirements for the handling and disposal of such materials. Any other materials, which may be deemed hazardous, will be removed from the site and disposed of according to the hazardous materials handling requirements pertaining to the site.

3.3.3. PV Module Collection and Recycling

The Project will use approximately 22,400 PV modules. Reuse, recycling or disposal of any PV panels shall be conducted in accordance with the Standards for Universal Waste Management – PV Modules as set forth in California Code of Regulations, title 22, division 4.5, chapter 23, and subsequent amendments thereto.

3.3.4. Electrical Wiring Removal and Recycling

The electrical wiring is typically installed underground (limited amount) or is attached to the steel beams (majority) on the module racking structure. To remove the underground wire, the original trenches in which the wire is buried will be dug up and the conduit and wire removed. The wire attached to the steel rail is primarily attached via plastic clip and can be removed by hand. The wiring is either copper or aluminum (depending on the function/location) encapsulated in an insulating plastic material; most of these materials are desirable commodities that can be recycled.

3.3.5. Racking Structure Removal and Recycling

The racking structure consists of aluminum racking rails, steel cross beams and posts. All of these materials can either be recycled or reused, or both. Removal of the aluminum racking and steel beams is straightforward, as the

primary attachment is via screws, clips, nuts, and bolts. The steel posts will be removed using heavy equipment. An appropriate recycler can reuse these materials.

3.3.6. County Access and Reporting

The County will be granted access to the site during decommissioning of the Project for purposes of inspecting decommissioning work or to perform decommissioning evaluations. County personnel must notify the Project's owner with a five-day written notice for site access to the site during decommissioning and must observe all current owner safety standards and protocols. If requested by the County, the Project's owner will provide monthly status reports until this decommissioning work is completed.

3.3.7. Hazardous Waste

It is not anticipated that any hazardous waste will be removed from the Project Site. To the extent necessary, however, the reuse, recycling or disposal of any potential hazardous waste products shall comply with all applicable state and federal laws, regulations and guidelines.

3.4. Procedures for Decommissioning during Construction

In case of abandonment of the Project during construction, the same decommissioning procedures as for Decommissioning after Ceasing Operation, described above, will be undertaken and the same decommissioning and restoration program will be honored, in as far as construction proceeded before abandonment. The Project will be dismantled, materials removed and recycled, the soil that was removed will be graded and the site returned to its preconstruction state.

4.0 Site Restoration

4.1. Reclamation Plan

Restoration of the site will be to a reasonable approximation of its original condition prior to construction allowing for any permanent improvements chosen by the current landowners to be left on site. Returning the land to its current state may entail increasing the nutrient content to pre-construction levels and aerating the soils through regular tilling.

4.2. General Restoration Process

The following summarizes the sequence of the main activities during restoration:

- The whole site re-graded as necessary to be compatible with surrounding land.

- New gravel roads will be removed; filter fabric will be bundled and disposed of in accordance with all applicable regulations. Road areas will be backfilled and restored to their natural contour.

- Soil stabilization techniques will be deployed to prevent topsoil erosion. The site will be converted to another use consistent with applicable land use regulation in effect at the time.

- Applicable areas will be re-seeded with native plant seed.

- A three-year maintenance agreement for all revegetated areas shall be submitted to the County.

The access roads will either be left at the landowner's request or graded to restore terrain profiles. If necessary, the use of a sub-soiler may be required to relieve compaction and restore the soil conditions for agricultural activities. Rehabilitated lands may be seeded with a low-growing species such as clover to help stabilize soil conditions, enhance soil structure and increase soil fertility.

4.3. Soil Management and Re-Contouring

Demolition operations will be conducted so as to minimize the surface area disturbance and implement the activities in the safest and most efficient manner. The site will be re-contoured in order to leave it in smooth, regular, and natural contours – features that would create ponding or un-attractive features will be prohibited. Major earthwork is not anticipated as construction of the site will not alter the general grade across the site.

5.0 Decommission Timing & Notification

5.1. Timing, Exemptions and Extension

The Project's owner will decommission the Project and restore the site within six months following the Project's termination. Initial decommissioning activities will commence within 90 days following the Project's termination. The six month period to perform the decommissioning and restoration may be extended for one additional six month period if there is a delay caused by forces beyond the Project owner's control, including, without limitation, inclement weather conditions, planting requirements, equipment failure, wildlife considerations or the availability of equipment or personnel to support decommissioning.

5.2. Notification

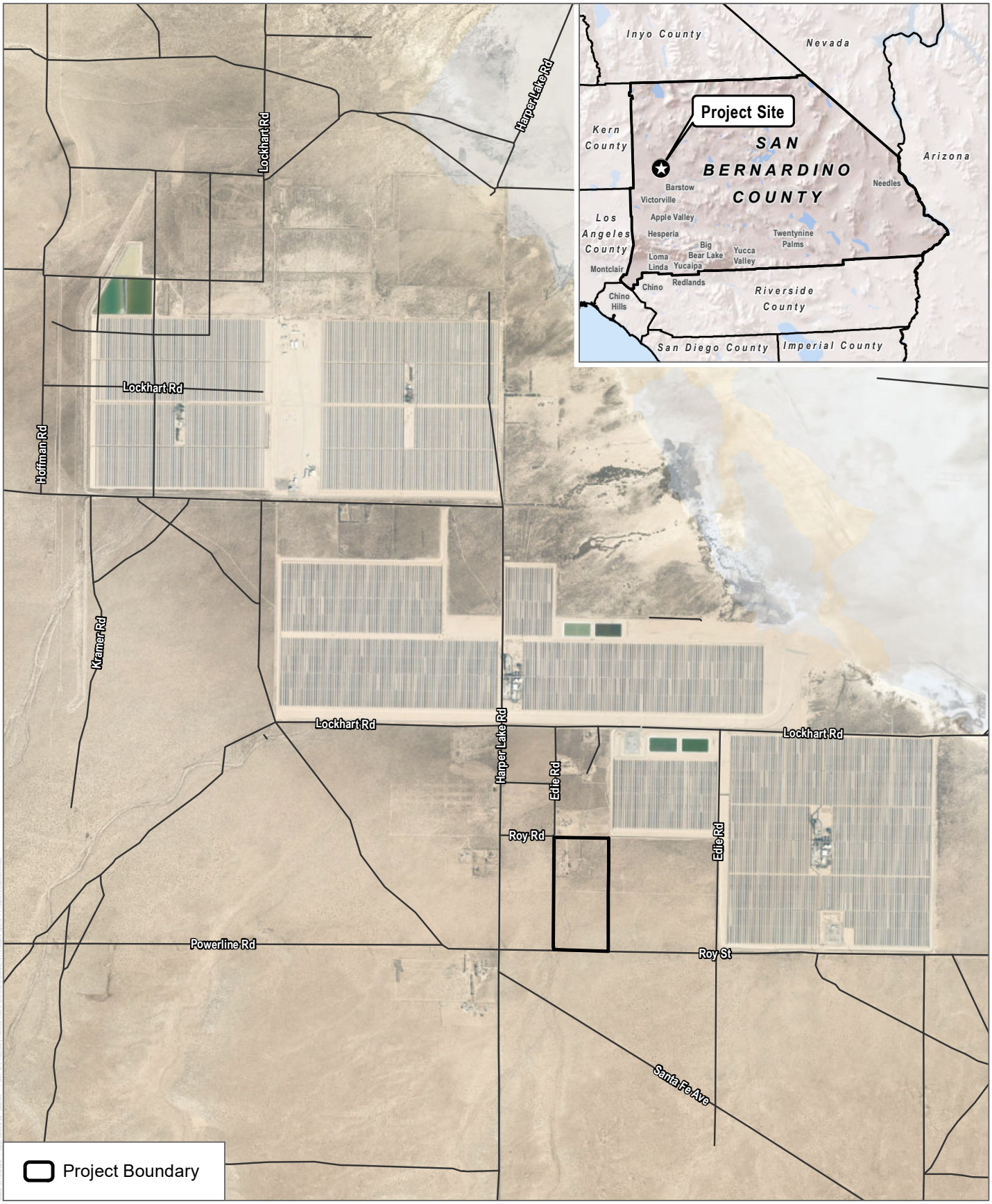
Decommissioning activities may require the notification of stakeholders given the potential for increased noise and traffic volumes at the Project's location. The County and local municipality in particular will be notified prior to commencement of any decommissioning activities.

[*Remainder of Page Intentionally Left Blank*]

Exhibit A

Site Location

[*Attached*]



SOURCE: ESRI Imagery 2022, County of San Bernardino 2021

DUDEK

0 1,550 3,100 Feet

Exhibit A

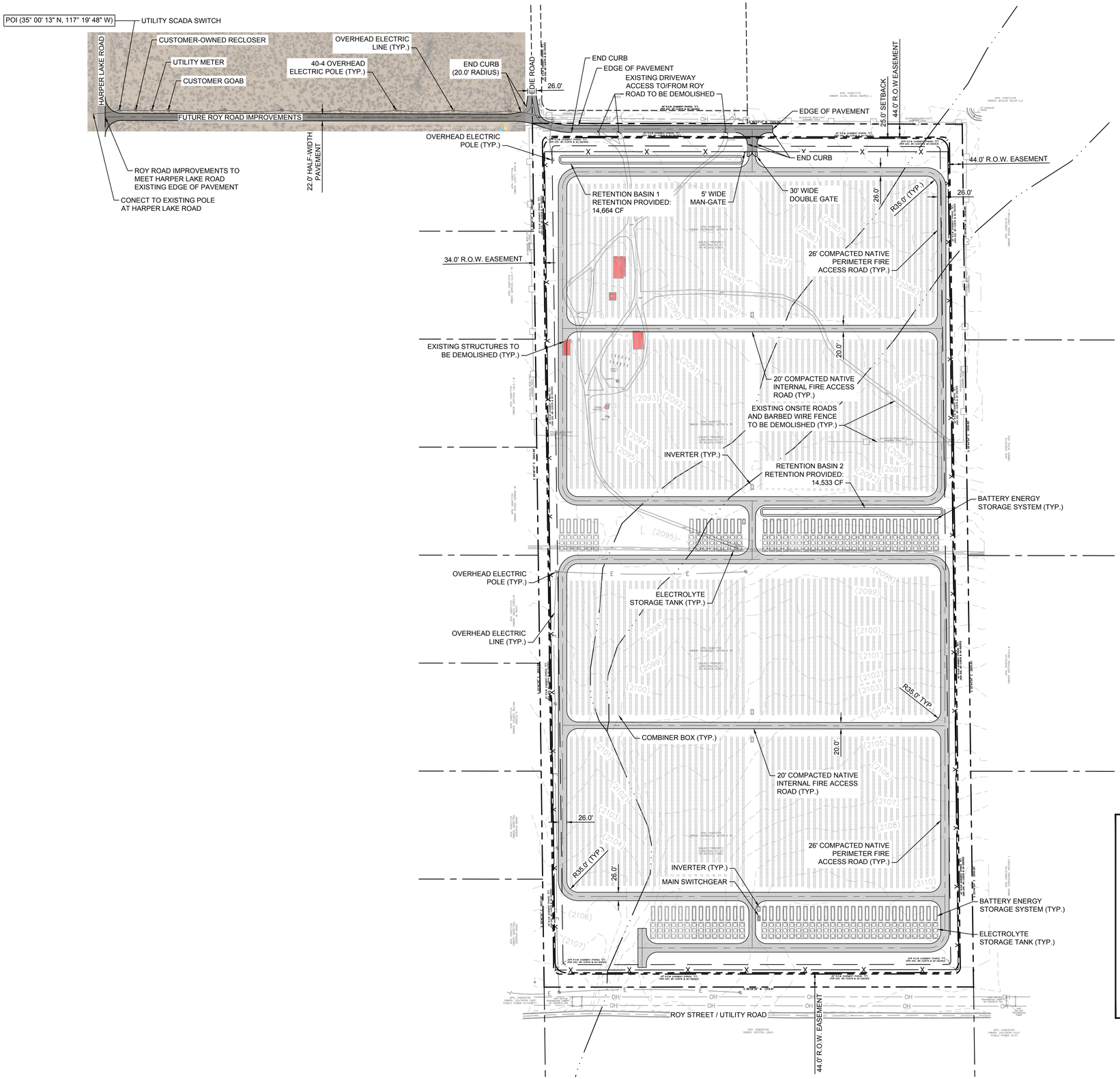
Project Location

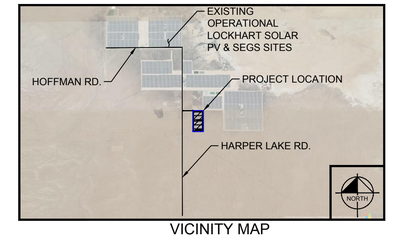
Lockhart Solar Project

Exhibit B

Site Plan

[*Attached*]





VICINITY MAP
NTS

LEGEND

- PROJECT BOUNDARY LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- SETBACK LINE
- (XXXX) EXISTING CONTOUR
- EXISTING NON-JD STREAM
- EXISTING DIRT ROAD
- PROPOSED COMPACTED NATIVE FIRE ACCESS ROAD
- PROPOSED OFFSITE ROY ROAD IMPROVEMENTS (PAVED ROAD)
- OH EXISTING OVERHEAD ELECTRIC LINE
- E PROPOSED OVERHEAD ELECTRIC LINE
- EXISTING BARBED WIRE FENCE
- X X PROPOSED 7' CHAINLINK SECURITY FENCE
- PROPOSED 30' ACCESS GATE & 5' MAN GATE
- EXISTING STRUCTURE TO BE DEMOLISHED

PROJECT INFORMATION

1. PROJECT ADDRESS: 315 ROY STREET, HINKLEY, CA 92347
2. PROJECT ACREAGE: 80.34 ACRES
3. PROJECT ZONE: RURAL LIVING (RL)
4. MAXIMUM SETBACK: 25'
5. PROJECT INTENDED USE: SOLAR PV AND BATTERY ENERGY STORAGE SYSTEM
6. PV GENERATION: 8MWac
7. BATTERY STORAGE CAPACITY: 6MW
8. MAXIMUM HEIGHT OF SOLAR ARRAY APPROXIMATELY 14± FEET
9. MAXIMUM HEIGHT OF BATTERY STORAGE/ELECTROLYTE STORAGE TANKS APPROXIMATELY 8± FEET
10. EXISTING ACCESS DRIVES TO/FROM ROY ROAD TO BE DEMOLISHED
11. EXISTING ONSITE STRUCTURES TO BE DEMOLISHED AND REMOVED

SURVEY NOTES

1. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM ALTA SURVEY PREPARED BY RPLS, LLC (KEVIN BRONSON, PLS), DATED 03/16/2022 (DATE OF FIELD SURVEY 03/03/2021)
2. PROPERTY DESCRIBED AS THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APN: 0490-171-01-0-000
3. HORIZONTAL DATUM: NAD 83
   VERTICAL DATUM: NAVD 88

- FOR OFFICIAL USE -

NORTH

GRAPHIC SCALE IN FEET
0 75 150 300
1" = 150'
WHEN PLOTTED ON 24" X 36" SHEET

NO.	REVISIONS	DATE	BY
1	CUP SITE PLAN	08/20/24	KAM

OWNER: JUNIPER ENERGY, LLC
PHONE: (650) 288-6810

CONDITIONAL USE PERMIT SITE PLAN & GENERAL PLAN AMENDMENT

Kimley»Horn

1100 TOWN AND COUNTRY, SUITE 700,
ORANGE, CA 92868
PHONE: 714.939.1030 FAX: 714.938.9488
WWW.KIMLEY-HORN.COM

NOT FOR CONSTRUCTION

KHA PROJECT	065010800
DATE	8/27/24
SCALE	AS SHOWN
DESIGNED BY	KAM
DRAWN BY	KAM
CHECKED BY	DMB

OVERALL SITE PLAN

LOCKHART SOLAR 1 & 2

315 ROY STREET, HINKLEY, CA 92347

SHEET NUMBER
CUP-1.0

EXHIBIT H

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

April 10, 2025
Sent via email

Delanie Garlick

Contract Senior Planner
San Bernardino County
385 N Arrowhead Avenue, First Floor
San Bernardino, CA 92515
delanie.garlick@weareharris.com

Lockhart Solar (Juniper Energy, LLC) - PROJ-2022-00066 (Project)

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)

SCH# 2025030468

Dear Delanie Garlick:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Bernardino County for the Project pursuant to 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

[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.

public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

PROJECT DESCRIPTION SUMMARY

Proponent: Juniper Energy, LLC

Objective: The Project proposes to develop and operate two 4-megawatt (MW) solar photovoltaic (PV) power generating facilities with long-duration battery storage capabilities for a combined 8 MW in total on approximately 75 acres.

Location: The Project is located on Roy Road, approximately one-half mile east of Harper Lake Road and approximately nine miles northwest of the unincorporated community of Hinkley, San Bernardino County, on Assessor's Parcel Number (APN) 0490-171-01.

Timeframe: The MND did not provide a specific timeframe, but Project construction is anticipated to be completed over a period of approximately nine months.

COMMENTS AND RECOMMENDATIONS

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

Comment #1: Assessment of Biological Resources and Special-Status Species

Section: MND section IV, pages 23-31

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

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

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

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

CDFW Recommendations: CDFW appreciates that field surveys were conducted in 2022; however, please note that CDFW generally considers surveys for wildlife to be valid for one year and would recommend that surveys be repeated if the Project is delayed beyond that timeframe. Further recommendations for resource-specific mitigation measures are detailed in the sections below.

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

Section: MND section IV, pages 29-31

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

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

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

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

Further, desert tortoise is continuously impacted by ongoing loss, degradation, and fragmentation of habitat. Desert tortoise populations have declined significantly in recent

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

Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant: CDFW appreciates that a focused desert tortoise survey was conducted on September 27, 2022, following the US Fish and Wildlife Service's protocols. Given that the Project site supports suitable desert tortoise habitat, CDFW strongly encourages the Project Proponent to apply for an ITP if full avoidance is not feasible. As such, CDFW offers the following measure to avoid impacts to desert tortoise:

Mitigation Measure BIO-6 (NEW) Desert Tortoise Surveys: Prior to ground disturbance or vegetation clearing within the Project site, a CDFW-approved biologist shall conduct a protocol level presence or absence survey within the Project area and a 500-foot buffer of suitable habitat, no more than 48 hours prior to Project activities and after any pause in Project activities lasting 30 days or more, in accordance with the most recent U.S. Fish and Wildlife (USFWS) desert tortoise survey methodology. The survey shall use perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Preconstruction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Results of the survey shall be submitted to CDFW prior to the start of Project activities. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise are documented inhabiting the Project Site during presence/absence surveys individuals will be allowed to leave on their own and MM BIO-7 NEW shall be implemented.

Mitigation Measure BIO-7 NEW: If pre-construction desert tortoise surveys (MM BIO-xx) confirm presence, the Project Proponent shall develop and submit to CDFW for review and approval a desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of desert tortoises. If complete avoidance cannot be achieved, the Project Proponent shall not undertake Project activities, and Project activities shall be postponed until the appropriate authorization (i.e., CESA incidental take permit under the Fish and Game Code section 2081) is obtained. In addition, in consultation with USFW and CDFW the project proponent shall install exclusionary fencing following the specifications found in Chapter 8 Desert Tortoise Exclusion Fence of the Desert Tortoise (Mojave Population) Field Manual (USFWS).

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

Section: MND Section IV, page 30

Issue: There is a moderate potential for desert kit fox (*Vulpes macrotis*) to occur within the Project site.

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

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

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

Recommended potentially feasible mitigation measure(s) to reduce impacts to less than significant: CDFW recommends the inclusion of the following revisions to Mitigation Measure BIO-3 to avoid impacts to desert kit fox **(**edits are in ~~strikethrough~~ and additions are in **bold**):

Mitigation Measure BIO-3 American Badger and Desert Kit Fox Surveys: A pre-construction survey for American badger and desert kit fox shall be conducted **by a Qualified Biologist** on the Project site ~~within 10 days~~ **no more than 45 days and no less than 30 days** prior to the start of construction **to attain 100% visual coverage within the Project area and a minimum 200-meter buffer** to determine the presence/absence of either species **individuals, dens, or sign**. **Project Proponent shall provide the results of the survey to CDFW prior to the start of Project activities.** If either species is discovered during the survey, an American Badger/Desert Kit Fox Mitigation and Monitoring Plan shall be developed. The Mitigation and Monitoring Plan shall include avoidance and minimization measures to reduce potential impacts to either species, as well as compensatory mitigation to offset direct or indirect impacts. The Plan shall be developed in consultation with CDFW. At a minimum, the plan shall do the following:

- Identify pre-construction survey methods for American badger and desert kit fox.
- Describe feasible pre-construction and construction-phase avoidance methods.
- Describe pre-construction and construction-phase relocation methods, including the possibility for passive relocation.

- For burrows that would not be impacted by the Project, identify appropriate construction exclusion zones for both active and natal burrows.
- Coordinate survey findings prior to and during construction to meet the information needs of wildlife health officials in monitoring the health of kit fox populations.

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

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

Burrows within the Project site that have been confirmed by a CDFW-approved biologist to be inactive (as determined after three days of no observed activity or sign), and that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during Project activities and removed when construction is complete. The Designated Biologist shall periodically check that the inactive burrows remain blocked and are not reoccupied.

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

Section: MND Section IV, page 30

Issue: On October 25, 2024, the western burrowing owl was designated as a candidate CESA-listed species. The Project site contains suitable habitat for burrowing owl and may impact burrowing owl and its habitat. The biological survey that was conducted on April 7, 2022, is not sufficient in timing and scope to detect burrowing owl.

Specific impact: Project activities may result in degradation and permanent loss of burrowing owl habitat and may also result in direct mortality and/or injury to burrowing owl onsite. CDFW is concerned that the MND does not sufficiently identify Project impacts to burrowing owl nor ensure that impacts are mitigated to a level that is less than significant.

Why impact would occur: Burrowing owls are well-adapted to open, relatively flat expanses and vacant lots and prefer habitats with generally short sparse vegetation with few shrubs such as those occurring onsite. While the Biological Technical Report states that "Although there is occurrence data within the project vicinity, due to the lack of suitable burrows or burrowing owl sign (e.g., feathers, whitewash, or individuals)

observed during surveys, and the presence of dense shrub cover, there is low potential for burrowing owl to occur within the project site" it is important to note that per the 2012 BUOW Staff Report, "Burrowing owls are more detectable during the breeding season with detection probabilities being highest during the nestling stage" with the peak of the breeding season being between April 15th and July 15th. CDFW would like to note that absent a focused survey for the species following a CDFW-approved guideline, or similar approach, burrowing owls and burrows may go undetected, and ground disturbance, site preparation, and grading could destroy habitat and result in take of burrowing owl.

Evidence impact would be significant: Habitat loss is a threat to burrowing owls (CDFG, 2012). Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, and evicting them from nesting, roosting, or satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004).

As a candidate species, western burrowing owl is granted full protection of a threatened species under CESA. If Project activities could result in take (defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill"), appropriate CESA authorization (i.e., incidental take permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities. CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met (take must be incidental to an otherwise lawful activity, the issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated).

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW appreciates the inclusion Mitigation Measure BIO-2 in the MND and offers the following revisions to avoid impacts to BUOW (edits are in ~~strikethrough~~ and additions are in **bold**):

Mitigation Measure BIO-2 Burrowing Owl Pre-Construction Surveys: One pre-construction burrowing owl survey shall be completed **by a CDFW-approved qualified biologist** no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl

Mitigation or current version. **The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat.**

If burrowing owls**, active burrowing owl burrows, or sign thereof** are detected, the **Project Proponent shall prepare and submit to CDFW for review and approval a** Burrowing Owl ~~Relocation~~ Plan ~~shall be implemented in consultation with CDFW~~. **The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Plan.** ~~As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation or current version. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed.~~

~~Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Burrowing owls shall be excluded from burrows in the immediate Project site and within a buffer zone by installing one-way doors in burrow entrances. These doors shall be placed at least 48 hours prior to ground-disturbing activities. The Project site shall be monitored daily for one week to confirm owl departure from burrows prior to any ground-disturbing activities.~~

~~Where possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife in the burrow.~~

If the Project Proponent cannot ensure burrowing owls and their burrows are fully avoided, the Project Proponent shall consult with CDFW on next steps, including obtaining an ITP for burrowing owl prior to initiation of ground disturbing activities.

Comment #5: Nesting Birds

Section: MND Section IV, page 30

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

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

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

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

Recommended potentially feasible mitigation measure(s): Within the MND, Mitigation Measure BIO-1 limits nesting bird surveys to only occur within nesting bird season. CDFW would like to note that regardless of the time of year, a pre-construction clearance survey should be conducted to avoid potential impacts to nesting birds, as described above. CDFW therefore offers the following revisions to Mitigation Measure BIO-1 to avoid impacts to nesting birds (edits are in ~~strikethrough~~ and additions are in **bold**):

Mitigation Measure BIO-1 Nesting Bird Surveys: ~~In the event that construction activities occur during the nesting bird breeding season (February 1 through September 1),~~ **Regardless of time of year,** a qualified **avian** biologist shall conduct pre-construction survey ~~within seven days~~ **no more than three days** prior to any on-site grading and construction activities in accordance with the Migratory Bird Treaty Act and California Fish and Game Code sections 3503, 3503.5, and 3513. Pre-construction nesting bird surveys shall also cover a 500-foot buffer around the site, as feasible**, and shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior**.

If occupied nests are found **within the Project area or within 500 feet of the Project area**, then limits of construction to avoid occupied nests shall be established by the qualified biologist in the field with flagging, fencing, or other appropriate barriers (e.g.,

250 feet around active passerine nests to 500 feet around active non-listed raptor nests), and construction personnel shall be instructed on the sensitivity of nest areas. **The size and location of buffers shall be based on the nesting species' sensitivity to disturbance, individual/pair's behavior, nesting stage, nest location, intensity and duration of the disturbance activity, and may be adjusted at any time by the qualified biologist.** The nest area shall be avoided until the nest is vacated, and the juveniles have fledged and are no longer reliant upon the nest or parental care for survival, **as determined by the qualified biologist** ~~construction may proceed in the setback areas~~. **If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.** If migratory birds are not detected during the pre-construction survey, no further measures would be required, and construction activities may proceed.

Comment #6: Mohave ground squirrel (*Xerospermophilus mohavensis*)

Section: MND section IV, page 30

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

Specific Impact: Project activities may result in degradation and permanent loss of Mohave ground squirrel habitat and may also result in direct mortality and/or injury to individuals onsite.

Why impact would occur: Project activities including staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in direct mortality and/or injury to Mohave ground squirrel. Grading, ground disturbance, and vegetation clearing may result in the permanent loss of Mohave ground squirrel habitat.

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

Recommended potentially feasible mitigation measure(s) to reduce impacts to less than significant: As stated in the MND, the Project site contains suitable habitat for Mohave ground squirrel and also lies within known yearlong range for the species. CDFW appreciates that protocol-level surveys were conducted for Mohave ground squirrel; however, because negative survey results are only valid until the start of the next survey season (March of the subsequent year), the current survey results are invalid. CDFW therefore strongly recommends the inclusion of MM BIO-12 as per below, to avoid impacts to Mohave ground squirrel.

Mitigation Measure BIO-8 NEW Mohave Ground Squirrel: Prior to the initiation of ground disturbing activities, focused pre-construction clearance surveys throughout the Project site for Mohave ground squirrel will be conducted by a qualified biologist familiar with the species' behavior and life history. Focused Mohave ground squirrel surveys shall follow the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys will be conducted prior to ground disturbing activities commencing between March 15 and April 15, visual surveys shall be conducted on the Project site during daylight hours but a qualified biologist who can readily identify Mohave ground squirrel (*Xerospermophilus mohavensis*) and White-tailed antelope squirrel (*Ammospermophilus leucurus*). If the results of the survey confirm absence, then the Qualified Biologist shall ensure Mohave ground squirrels do not enter the Project site. If the survey or monitoring throughout the duration of the Project confirms presence, the Project proponent shall obtain an Incidental Take Permit (ITP) for Mohave ground squirrel. The ITP will specify avoidance, minimization, and mitigation conditions for temporary and/or permanent impacts to Mohave ground squirrel.

Comment #7 Designation of a Lead Biologist

Section: MND section IV, pages 32-34

Issue: An MND must identify potentially feasible mitigation measures that avoid or reduce each potentially significant impact to the extent feasible. Effective mitigation measures should be able to answer the following questions: who, what, where, when, why and how.

Specific Impact: The MND includes mitigation measures to reduce biological resources but lacks a measure to clarify who is responsible to ensure oversight of those measures and to provide communication with CDFW.

Recommended Potentially Feasible Mitigation Measure: CDFW appreciates the inclusion of Mitigation Measures Bio-1 through Bio-5, and recommends adding the following measure to specify that the Applicant will assign a Designated Biologist to implement all biological construction monitoring duties as described in the other measures:

Mitigation Measure Bio-9 NEW Biological Monitoring: The Applicant shall assign a Designated Biologist, approved by CDFW, as the primary point of contact for the California Department of Fish and Wildlife (CDFW) regarding biological resources mitigation and compliance. The Designated Biologist shall have demonstrated expertise with the biological resources within the Project area.

Comment #7: Lake and Streambed Alteration Program

Section: MND section IV, page 31

Issue: Based on review of material submitted with the MND, the Project could impact stream resources subject to Fish and Game Code section 1602.

Specific impact: According to the Biological Technical Report (Dudek, 2022), the jurisdictional delineation mapped approximately 0.86 acres of streambed, composed of braided ephemeral channels, within the Project site. Project activities including grading, solar panel installation, vehicle and equipment staging, and site access could divert or obstruct stream flows, substantially alter the bed, bank, or channel of a stream, use or deposit materials subject to notification pursuant to Fish and Game Code section 1602. Absent notification, the Project could result in impacts to stream resources that should otherwise be avoided, minimized, or addressed in an agreement with CDFW.

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

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

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

CDFW Recommendation: Should the Project be unable to avoid impacts to stream resources, the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires any entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are

dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow similar to those referenced above.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms

If it is determined that a notification is not required for the Project, the Applicant shall receive a refund of fees. If notification is required CDFW will determine if an executed LSA Agreement is needed to authorize impacts to Fish and Game Code section 1602 resources associated with the Project.

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 (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Rose Banks, Senior Environmental Scientist (Specialist) at Rose.Banks@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Brandy Wood
4D7592534089 41E...

Brandy Wood
Environmental Program Manager

ec: Office of Planning and Research, State Clearing House, Sacramento
state.clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

California Department of Fish and Wildlife (CDFW). Revised October 2023. Mohave Ground Squirrel Survey Guidelines. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline

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

County of San Bernardino. February 2025. Initial Study/Mitigated Negative Declaration Environmental Checklist Form Lockhart Solar.

Dudek. October 2022. Biological Technical Report Juniper Energy Project, Hinkley, San Bernardino County

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

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

Attachment A

Draft Mitigation Monitoring and Reporting Program

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	**Implementation Schedule**	**Responsible Party**
Mitigation Measure BIO-1 Nesting Bird Surveys: Regardless of time of year, a qualified avian biologist shall conduct pre-construction survey within seven days no more than three days prior to any on-site grading and construction activities in accordance with the Migratory Bird Treaty Act and California Fish and Game Code sections 3503, 3503.5, and 3513. Pre-construction nesting bird surveys shall also cover a 500-foot buffer around the site, as feasible, and shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. If occupied nests are found within the Project area or within 500 feet of the Project area, then limits of construction to avoid occupied nests shall be established by the qualified biologist in the field with flagging, fencing, or other appropriate barriers (e.g., 250 feet around active passerine nests to 500 feet around active non-listed raptor nests), and construction personnel shall be instructed on the sensitivity of nest areas. The size and location of buffers shall be based on the nesting species' sensitivity to disturbance, individual/pair's behavior, nesting stage, nest location, and intensity and duration of the disturbance activity, and may be adjusted at any time by the qualified biologist. The nest area shall be avoided until the nest is vacated, and the juveniles have fledged and are no longer reliant upon the nest or parental care for survival, as determined by the qualified biologist. If an active nest is encountered during	Prior to commencing vegetation clearing or ground disturbing activities	Project Proponent

the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws. If migratory birds are not detected during the pre-construction survey, no further measures would be required, and construction activities may proceed.		
Mitigation Measure BIO-2 Burrowing Owl Pre-Construction Surveys: One pre-construction burrowing owl survey shall be completed by a CDFW-approved qualified biologist no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation or current version. The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat. If burrowing owls, active burrowing owl burrows, or sign thereof are detected, the Project Proponent shall prepare and submit to CDFW for review and approval a Burrowing Owl Relocation Plan shall be implemented in consultation with CDFW. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Plan. If the Project Proponent cannot ensure burrowing owls and their burrows are fully avoided, the Project Proponent shall consult	Prior to commencing vegetation clearing or ground disturbing activities	Project Proponent

with CDFW on next steps, including obtaining an ITP for burrowing owl prior to initiation of ground disturbing activities.		
Mitigation Measure BIO-3 American Badger and Desert Kit Fox Surveys: A pre-construction survey for American badger and desert kit fox shall be conducted by a Qualified Biologist on the Project site no more than 45 days and no less than 30 days prior to the start of construction to attain 100% visual coverage within the Project area and a minimum 200-meter buffer to determine the presence/absence of either species individuals, dens, or sign. Project Proponent shall provide the results of the survey to CDFW prior to the start of Project activities. If either species is discovered during the survey, an American Badger/Desert Kit Fox Mitigation and Monitoring Plan shall be developed. The Mitigation and Monitoring Plan shall include avoidance and minimization measures to reduce potential impacts to either species, as well as compensatory mitigation to offset direct or indirect impacts. The Plan shall be developed in consultation with CDFW. At a minimum, the plan shall do the following: • Identify pre-construction survey methods for American badger and desert kit fox. • Describe feasible pre-construction and construction-phase avoidance methods. • Describe pre-construction and construction-phase relocation methods, including the possibility for passive relocation. • For burrows that would not be impacted by the Project, identify appropriate construction exclusion zones for both active and natal burrows. • Coordinate survey findings prior to and during construction to meet the information needs of wildlife health officials in monitoring the health of kit fox populations. If potential dens are located, they shall be monitored by the Designated Biologist. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Project Proponent shall provide a determination if active dens can be avoided and buffered from	Prior to commencing vegetation clearing or ground disturbing activities	Project Proponent

Project activities to prevent take and disturbance with the survey results. Should active dens be present within the Project area that cannot be avoided with an adequate buffer, the Project Proponent shall submit a monitoring and passive relocation plan for CDFW's review and approval. No disturbance or relocation of active dens may take place when juveniles may be present and dependent on parental care. Burrows within the Project site that have been confirmed by a CDFW-approved biologist to be inactive (as determined after three days of no observed activity or sign), and that are not being excavated and filled, will be blocked with rocks and sticks to discourage use during Project activities and removed when construction is complete. The Designated Biologist shall periodically check that the inactive burrows remain blocked and are not reoccupied.		
Mitigation Measure BIO-6 (NEW) Desert Tortoise Surveys: Prior to ground disturbance or vegetation clearing within the Project site, a CDFW-approved biologist shall conduct a protocol level presence or absence survey within the Project area and a 500-foot buffer of suitable habitat, no more than 48 hours prior to Project activities and after any pause in Project activities lasting 30 days or more, in accordance with the most recent U.S. Fish and Wildlife (USFWS) desert tortoise survey methodology. The survey shall use perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Preconstruction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Results of the survey shall be submitted to CDFW prior to the start of Project activities. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise are documented inhabiting the Project Site during	Prior to commencing vegetation clearing or ground disturbing activities	Project Proponent

presence/absence surveys individuals will be allowed to leave on their own and MM BIO-7 shall be implemented.		
Mitigation Measure BIO-7 (NEW): If pre-construction desert tortoise surveys (MM BIO-6) confirm presence, the Project Proponent shall develop and submit to CDFW for review and approval a desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of desert tortoises. If complete avoidance cannot be achieved, the Project Proponent shall not undertake Project activities, and Project activities shall be postponed until the appropriate authorization (i.e., CESA incidental take permit under the Fish and Game Code section 2081) is obtained. In addition, in consultation with USFW and CDFW the project proponent shall install exclusionary fencing following the specifications found in Chapter 8 Desert Tortoise Exclusion Fence of the Desert Tortoise (Mojave Population) Field Manual (USFWS).	Prior to commencing vegetation clearing or ground disturbing activities	Project Proponent
Mitigation Measure BIO-8 (NEW) Mohave Ground Squirrel Surveys: Prior to the initiation of ground disturbing activities, focused pre-construction clearance surveys throughout the Project site for Mohave ground squirrel will be conducted by a qualified biologist familiar with the species' behavior and life history. Focused Mohave ground squirrel surveys shall follow the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys will be conducted prior to ground disturbing activities commencing between March 15 and April 15, visual surveys shall be conducted on the Project site during daylight hours but a qualified biologist who can readily identify Mohave ground squirrel (*Xerospermophilus mohavensis*) and White-tailed antelope squirrel (*Ammospermophilus leucurus*). If the results of the survey confirm absence, then the Qualified Biologist shall ensure Mohave ground squirrels do not enter the Project site. If the survey or monitoring throughout the duration of the Project confirms presence, the Project proponent shall obtain an Incidental Take Permit (ITP) for Mohave ground squirrel. The ITP will specify avoidance, minimization, and mitigation	Prior to commencing vegetation clearing or ground disturbing activities	Project Proponent

conditions for temporary and/or permanent impacts to Mohave ground squirrel.		
Mitigation Measure BIO-9 (NEW) Biological Monitoring: The Applicant shall assign a Designated Biologist, approved by CDFW, as the primary point of contact for the California Department of Fish and Wildlife (CDFW) regarding biological resources mitigation and compliance. The Designated Biologist shall have demonstrated expertise with the biological resources within the Project area.	Prior to commencing vegetation clearing or ground disturbing activities	Project Proponent