



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** March 19, 2026

**AGENDA ITEM 4**

**Project Description**

**Vicinity Map**

**APN:** 0538-161-29

**Applicant:** Glacier Solar and Gas

**Community:** Yermo, District 3

**Location:** 39952 Calico Boulevard, Yermo

**Project No:** PROJ-2022-00081

**Staff:** Amy Rossig, Contract Planner

**Rep:** Gary Bankers

**Proposal:** A Conditional Use Permit to construct a 10 megawatt photovoltaic solar energy-generating facility on a 24.12-acre parcel.



**19 Public Hearing Notices Sent on: March 3, 2026**

Report Prepared By: Amy Rossig, Contract Planner

**SITE INFORMATION:**

Parcel Size: 24.12 acres  
 Vegetation: Desert related vegetation (void of State and federally listed threatened or endangered species)  
 Structures: Undeveloped

**Table 1 – Site and Surrounding Land Uses and Zoning**

AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
Site	Undeveloped	Resource/Land Management (RLM)	Resource Conservation (RC)
North	Union Pacific Railroad and Yermo Rd.	Rural Living (RL)	Rural Living (RL)
South	Undeveloped	Rural Living (RL)	Rural Living (RL)
East	Undeveloped	Resource/Land Management (RLM)	Resource Conservation (RC)
West	Single family residence (associated with project)	Resource/Land Management (RLM)	Resource Conservation (RC)

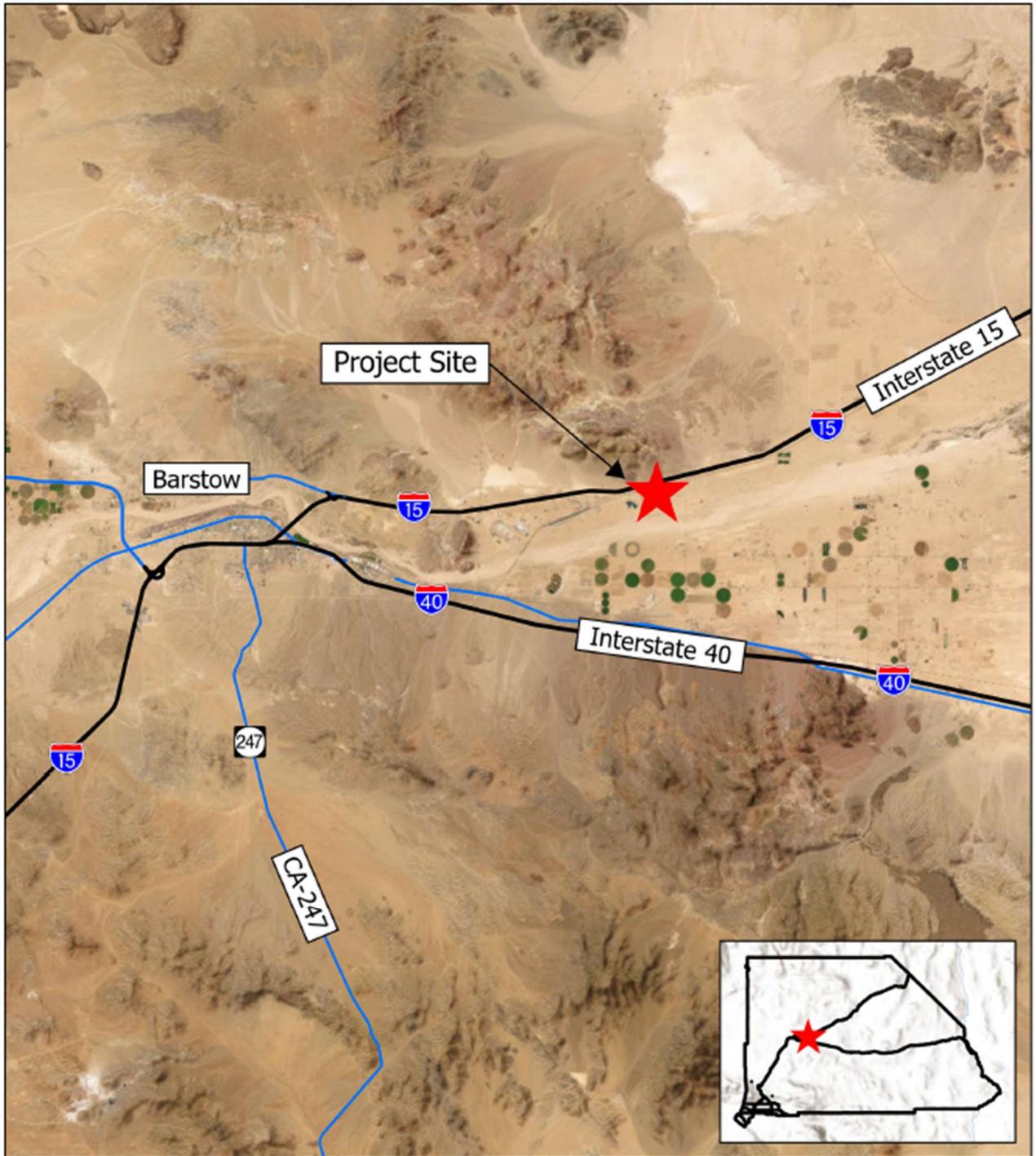
	Agency	Comment
City Sphere of Influence:	N/A	N/A
Water Service:	Mojave Water Agency, Division 2	N/A
Sewer Service:	N/A	N/A

**STAFF RECOMMENDATION:** That the Planning Commission take the following actions: **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; **ADOPT** the findings in support of the Conditional Use Permit; **APPROVE** the Conditional Use Permit to allow for the construction and operation of a 10 megawatt photovoltaic solar energy generating facility on 24.12-acre parcel, subject to the conditions of approval; and **DIRECT** Land Use Services Department to file a Notice of Determination.<sup>1</sup>

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<sup>1</sup> In accordance with Section 86.08.010 of the Development Code, the Planning Commission action may be appealed to the Board of Supervisors.

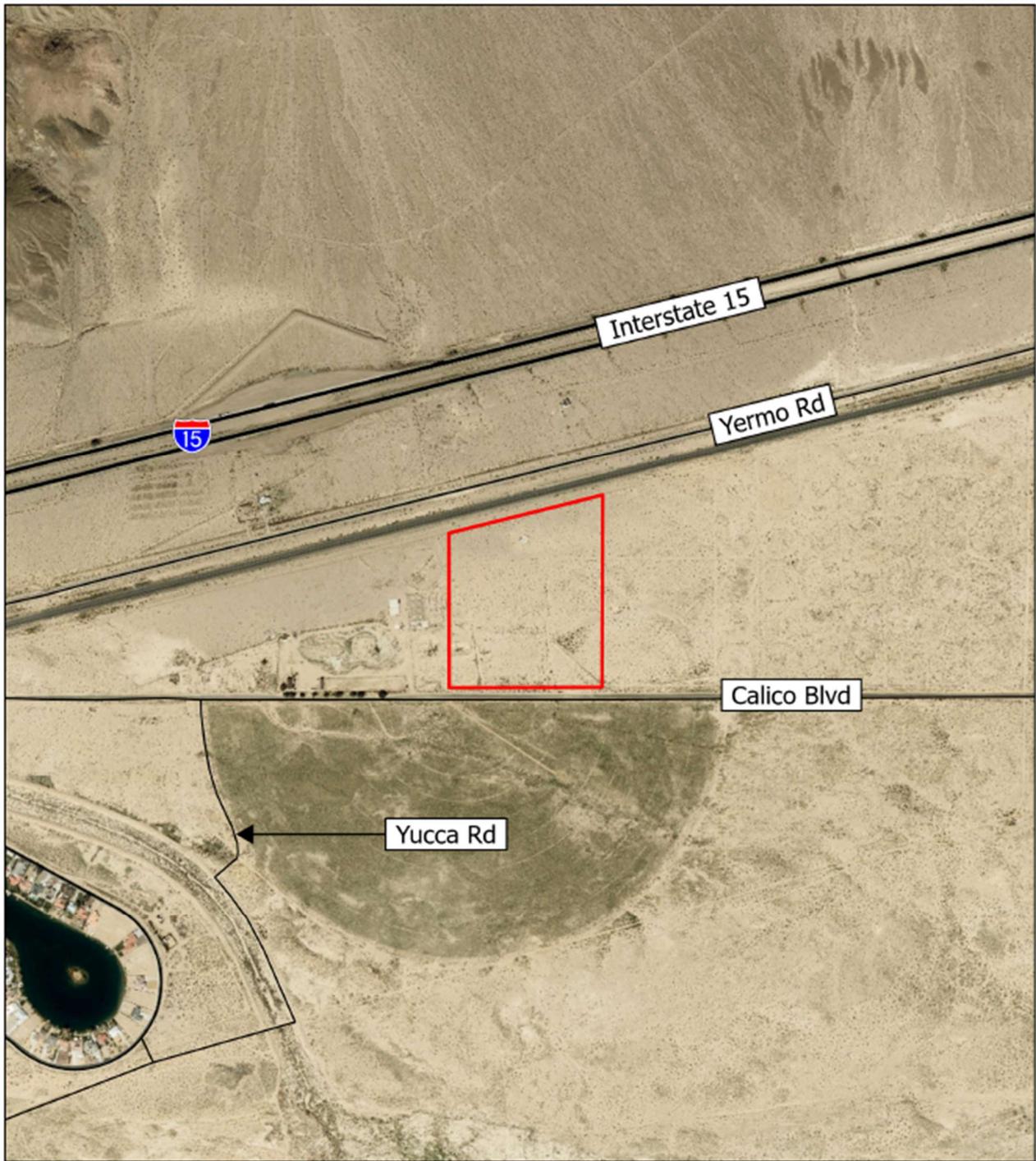
FIGURE 1 – REGIONAL MAP



Scale: 1:325,000



FIGURE 2 – VICINITY MAP

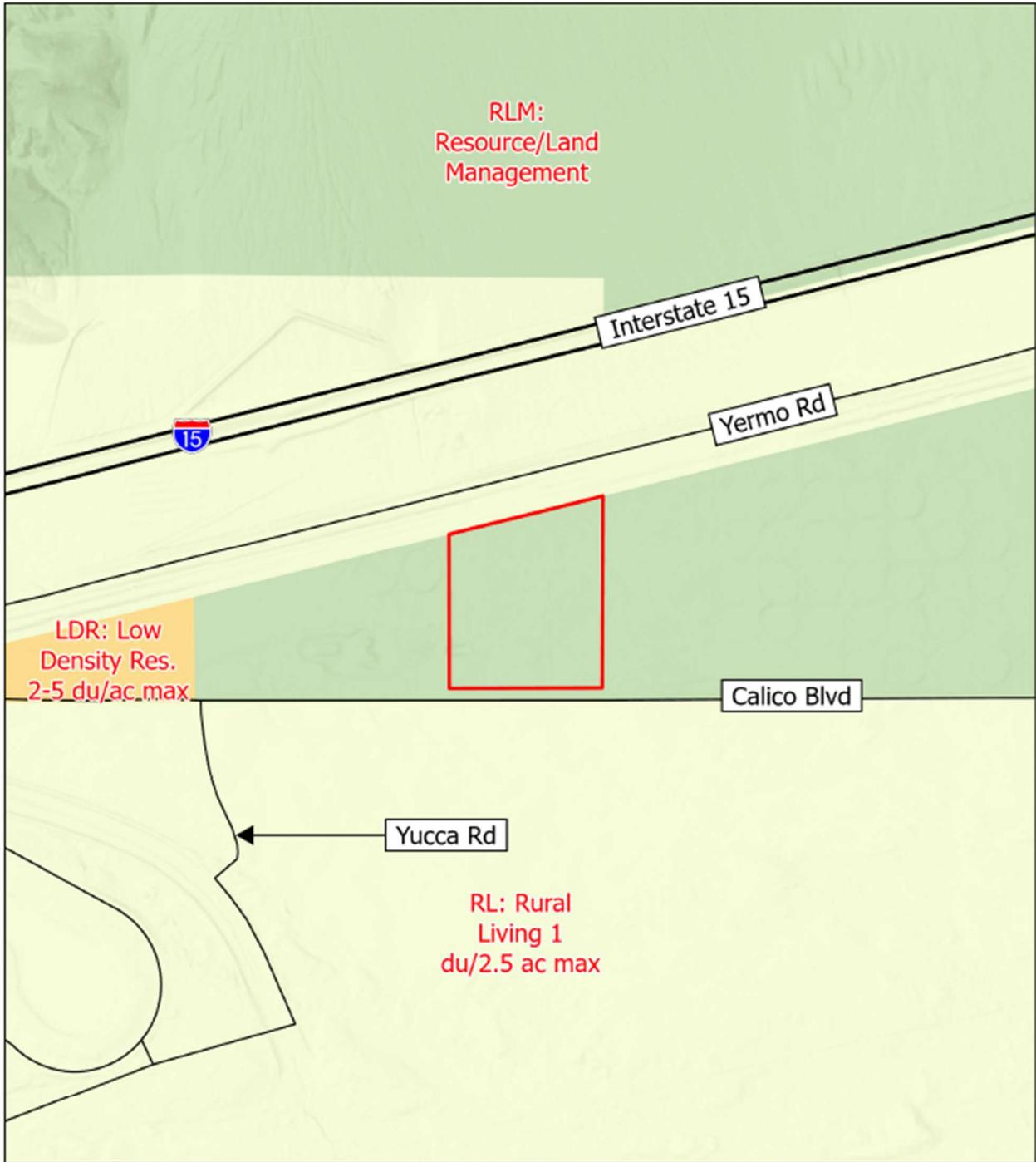


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-  PROJ-2022-00081
-  Freeway
-  Local
-  Ramp

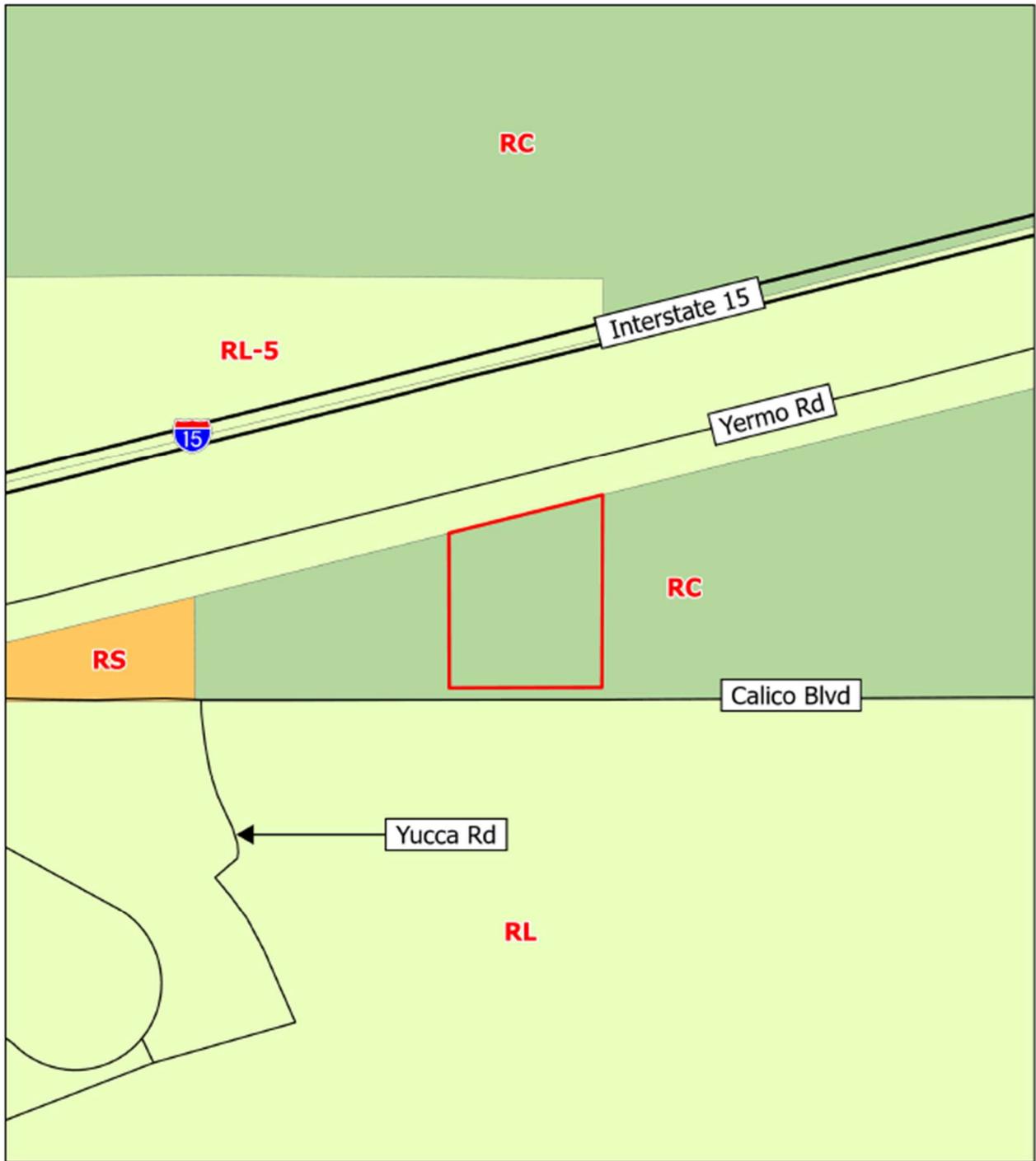
FIGURE 3 – LAND USE CATEGORY MAP



Scale: 1:12,000



FIGURE 4 – ZONING MAP DESIGNATION



Scale: 1:12,000



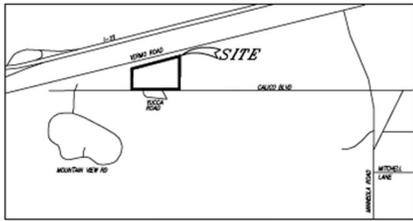
**FIGURE 5 – PANORAMIC VIEW OF PROJECT SITE LOOKING EAST**



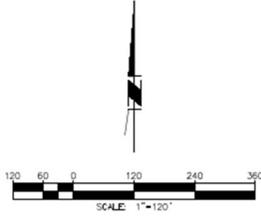
**FIGURE 6 – VIEW OF PROJECT SITE LOOKING EAST**



**FIGURE 7: SITE PLAN**



**VICINITY MAP**  
N.T.S.



# PLOT PLAN

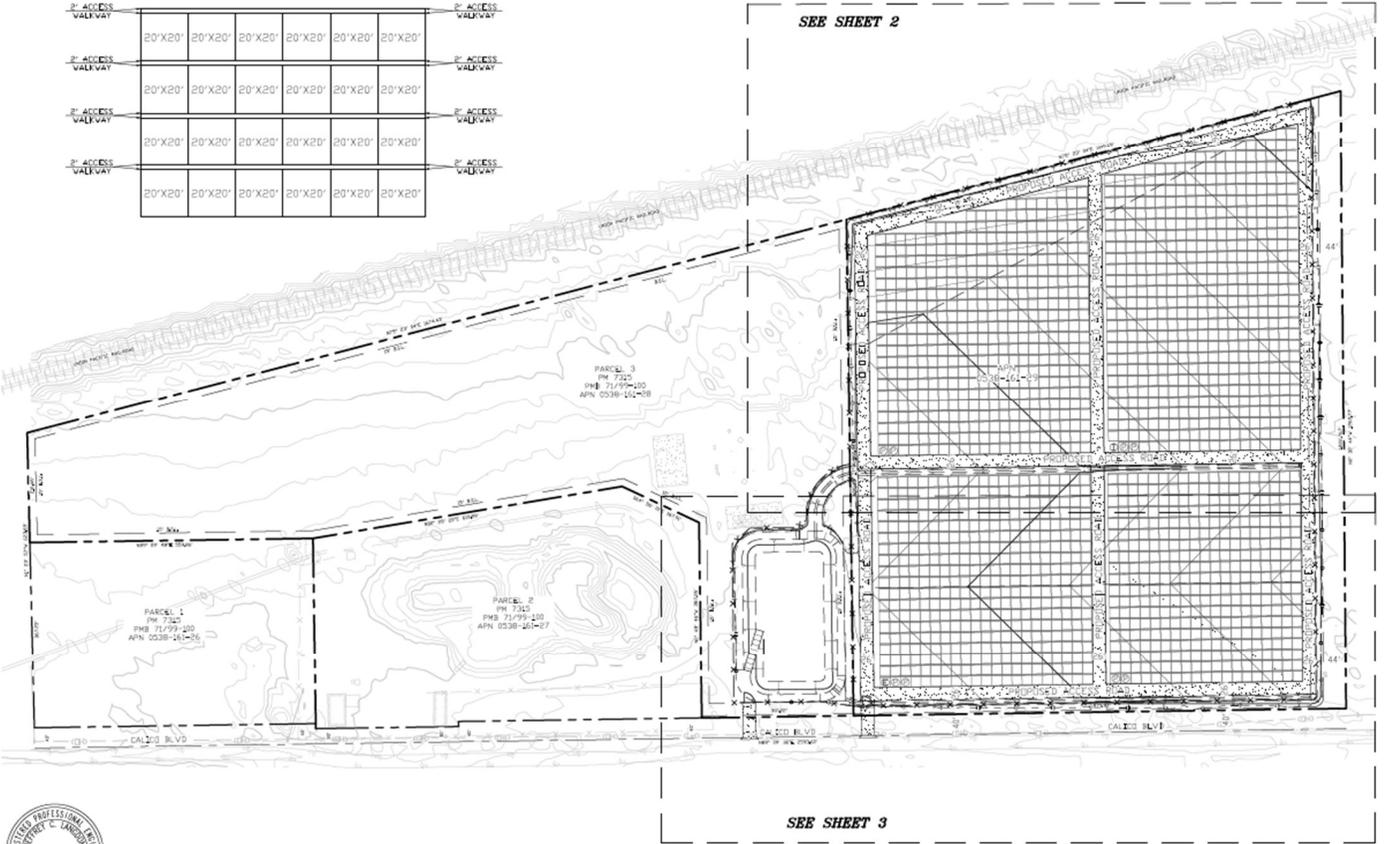
FOR CONDITIONAL USE AND MINOR USE APPLICATIONS ON APN 0538-161-28 AND APN 0538-161-29  
TOWNSHIP 10 NORTH, RANGE 2 EAST, SECTION 32, S.B.M.

**LEGEND:**

- INDICATES RAILROAD TRACKS
- INDICATES BOUNDARY
- INDICATES CENTERLINE
- INDICATES PROPOSED CHAIN LINK FENCE
- INDICATES PROPOSED GATE
- INDICATES PROPOSED 20'X20' PARKING STALL
- INDICATES PROPOSED 20'X20' ELECTRIC CABINET/METER
- TREE CANOPY
- POWER POLE (PP)
- CONCRETE AREA (OR AS NOTED)
- DIRT ACCESS ROAD

**TYP. SECTION**

5'- ACCESS VALUWAY	20'X20'	20'X20'	20'X20'	20'X20'	20'X20'	20'X20'	5'- ACCESS VALUWAY
5'- ACCESS VALUWAY	20'X20'	20'X20'	20'X20'	20'X20'	20'X20'	20'X20'	5'- ACCESS VALUWAY
5'- ACCESS VALUWAY	20'X20'	20'X20'	20'X20'	20'X20'	20'X20'	20'X20'	5'- ACCESS VALUWAY
5'- ACCESS VALUWAY	20'X20'	20'X20'	20'X20'	20'X20'	20'X20'	20'X20'	5'- ACCESS VALUWAY



**PROJECT DESCRIPTION**

The Applicant is requesting approval of a Conditional Use Permit (CUP) for the construction and operation of a 10-megawatt solar energy system on 24.12 acres (Project). The Project would consist of the following components: solar arrays, access roads, fencing, and underground conduit. The Project is considered a Community-Oriented Renewable Energy (CORE) facility due to its size and typical power generation. Table 1 of the RECE – entitled “Renewable Energy Generation Categories” provides “typical” size and acreage guidance for “Neighborhood”, “Community”, and “Utility-Oriented” solar projects as shown below.

**Table 1: Renewable Energy Generation Categories**

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

**Project Location**

The Project Site is located in northern San Bernardino County, approximately 12 miles east from the city-center of Barstow (Figure 1). The Project encompasses approximately 24.12 acres and is identified as Assessor Parce Number 0538-161-29. The site is located north of Calico Boulevard and south of Yermo Road and Interstate 15.

**Surrounding Land Uses**

The Project Site is surrounded by undeveloped parcels with the exception of the parcel to the west which is developed with a single-family residence and is occupied by a person affiliated with the solar project.

### Land Use Designations and Zoning

The Project Site has a General Plan Land Use designation of Resource Land Management (RLM). The RLM designation is intended to protect natural resources while allowing limited rural development. The Project Site is zoned Resource Conservation (RC). The RC zoning district provides sites for open space and recreational activities, single-family homes on very large parcels and similar and compatible uses. Pursuant to the Renewable Energy and Conservation Element (RECE) and San Bernardino County Development Code (Development Code) Table 82-4, renewable energy generation facilities are a permitted use within the RC zone with an approved Conditional Use Permit.

### Site Access

Access to the Project Site would be provided through a driveway connecting to Calico Boulevard on the western portion of the project site. The driveway would be improved to County Standard 129C and located per County Standard 130. A 26-foot-wide perimeter and interior access roads would be located throughout the property to ensure adequate emergency access. No off-site road improvements would be required.

As a condition of approval, the Applicant would be required to provide a 44-foot wide grant of easement along the eastern property line which is a quarter section line. No improvements in this easement would be required.

### Project Fencing

A chain link fence is proposed to be installed along the perimeter of the solar panels. Along the western and northern property lines, the fence would be located directly on the property line. On the eastern side of the Project Site, the fence would be setback 15 feet from the property line. The southern property line, which serves as the front property boundary along Calico Boulevard, would have the fence located approximately 15 feet from the property boundary.

Pursuant to Development Code Section 83.06.030, the maximum allowable height for open fences is 5 feet along the front yard and 6 feet along interior side and rear yard areas. The Project has been conditioned to comply with these requirements.

## **ANALYSIS**

The RECE provides the following five (5) sited 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 sited 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 Biological Resources Assessment (BRA) prepared for the Project by Jennings Environmental, LLC identified the on-site habitat to consist of disturbed desert vegetation, Creosote bush – white bursage scrub (*Larrea tridentata* – *Ambrosia dumosa* Shrubland Alliance), and non-native vegetation. The site showed signs of previous development as concrete footings and underground drainage systems were visible on-site. Further, the Applicant has provided evidence to staff that the site previously supported a solar energy system that was constructed during the 1980's. As such, the site would be considered disturbed, degraded lands and not of high-quality natural conditions.

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 BRA evaluated the Project's impact on plant and wildlife species. The Project Site is located within designated critical habitat for desert tortoise. Further, the southeast corner of the site is minimally suitable for desert tortoise. A protocol survey was conducted and resulted in no sign of desert

tortoise. However, a pre-construction survey mitigation measure has been incorporated into the Project prior to any construction activities.

During field investigations, it was noted that the site contains minimally suitable habitat for the burrowing owl however, no burrowing owls, feathers, whitewash, or castings were found or observed. As the site is minimally suitable, a pre-construction survey mitigation measure has been incorporated into the Project prior to any construction activities.

The Project Site and immediate surrounding area contains marginal habitat suitable for nesting birds. The federal Migratory Bird Treaty Act (MBTA) of 1918 provides protection for nesting birds that are both residents and migrants, whether or not they are considered sensitive by resource agencies. To ensure that there would be no impacts to nesting birds, mitigation measures for a clearance survey have been incorporated into the Project.

The habitat on-site consists of disturbed desert vegetation such as Creosote bush-white bursage scrub (*Larrea tridentata*-*Ambrosia Dumosa* Shrubland Alliance), and non-native vegetation. The plant species observed on-site include Creosote bush (*Larrea tridentata*), Asian mustard (*Brassica tournefortii*), White bursage (*Ambrosia dumosa*), Schismus grass (*Schismus* spp.), Oleander (*Nerium oleander*), Nevada Ephedra (*Ephedra nevadensis*), Tamarisk (*Tamarix* spp.), Silver Cholla (*Cylindropuntia echinocarpa*). Among the documented vegetation species, no State and/or federally listed threatened or endangered species were observed on-site. However, to ensure the project would have no impact, mitigation measures to protect Desert Native Plants have been incorporated into the Project.

With implementation of these mitigation measures and conditions of approval, impacts to biological resources are expected to be less than significant. For additional detail, please refer to the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.

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: The Project Site is surrounded primarily by vacant land. There is one residence located within a quarter mile radius of the Project Site. This residence is occupied by someone who is affiliated with the solar project. Further, current views of the Project Site include vast vacant desert land, transmission lines and lattice structures in the distance. The Project would not substantially conflict with surrounding land uses.

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

Response: Direct current electricity from each of the approximately 25,000 photovoltaic panels will be converted to low voltage alternating current by inverters. The alternating current will be routed to a 66 kVA transformer to achieve the plant distribution high voltage. This high voltage is then collected at a collector switchgear for connection to the Southern California Edison (SCE) grid. All on-site electrical cables will be in buried conduit. Connection to the grid will be via existing elevated (pole mounted) electrical lines.

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

Response: The Applicant has entered into an agreement with Southern California Edison. The proposed facility would contribute to the goals of community-oriented renewable energy by enhancing local energy reliability and supporting infrastructure that benefits the broader community consistent with

the objectives of the Element.

Code Compliance Summary:

<b>Project Component</b>	<b>Development Code Resource Conservation Zoning</b>	<b>Proposed project plans</b>	<b>Consistency Determination</b>
<u>Solar Facility</u>	<u>CUP</u>	<u>CUP</u>	Consistent
Building Setbacks	Front – 25 feet Street Side – 25 feet Interior Side – 15 feet Rear – 15 feet	Front – 51 feet Street Side – N/A Interior Side – 41 feet (west) and 70 feet (east) Rear – 41 feet	Consistent
Building Height	35 feet	8 feet	Consistent
Perimeter Roads	20 feet	26 feet	Consistent
Interior Roads	15 feet	26 feet	Consistent
Night Lighting	Projects shall comply with Desert Lighting requirements	All lighting would be downlit, shielded lights, and positioned to not allow light to leave the site.	Consistent

**PROJECT NOTICE**

In accordance with Section 84.29.040(f)(1) of the Development Code, a Notice of Hearing was sent to all property owners within 1,320 hundred feet of the external boundaries of the Project boundary. A total of 19 Project Notices were sent to surrounding property owners and interested agencies/associations on March 3, 2026. No comments were received during the notice period.

**ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines, San Bernardino County as Lead Agency completed environmental review to determine if the Project may have a significant effect on the environment. An initial study and mitigated negative declaration (IS/MND) for the Project (Exhibit F) were prepared. County staff filed the IS/MND with the County Clerk on January 9, 2026, and circulated the IS/MND for public review and comment from January 12, 2026, through February 11, 2026 (SCH No. 2026010238) (30 days). The IS/MND identified potentially significant impacts to biological resources, geology / soils, cultural resources and tribal cultural resources (Impacted Resource Areas). All other standard topics of environmental analysis were found less than significant or no impact. Recommended mitigation measures to reduce the level of impact to less than significant for the Impacted Resource Areas are incorporated as part of the project and listed under Exhibit C.

**Public Review Period**

During the 30-day public review period of the Initial Study, two comment letters were received. The first letter was submitted by the Mojave Desert Air Quality Management District (MDAQMD). The MDAQMD indicated that a Dust Control Plan would be required for the Project. This requirement is standard for construction activities within the MDAQMD’s jurisdiction, and the Applicant will be required to comply with all applicable MDAQMD regulations during construction. In addition, Condition of Approval No. 13 requires implementation of dust control measures throughout the life of the Project.

The second letter was received from the California Department of Fish and Wildlife (CDFW). CDFW requested clarification regarding potential utility connections and any off-site improvements, and noted that alterations to a lake or streambed would require review and approval pursuant to applicable regulations. No off-site improvements are proposed as part of this Project, and the Project Site does not contain any lake, streambed, or other ephemeral drainage features. The letter also recommended modifications to the biological resources mitigation measures; those revisions have been incorporated into the Project's Mitigation Monitoring and Reporting Program (MMRP). In accordance with CEQA Guidelines Sections 15073.5 and 15074.1, the revisions to the BIO mitigation measures do not constitute substantial revisions requiring recirculation of the IS/MND because the changes in mitigation do not relate to new significant environmental impacts and the revisions are more effective than the previously circulated mitigation measure as they require surveys to be completed in a closer timeframe to construction. A finding has been included in the Project findings consistent with CEQA Guidelines Section 15074.1.

RECOMMENDATION: That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;
2. **ADOPT** the Findings for approval of the Conditional Use Permit;
3. **APPROVE** the Conditional Use Permit to construct and operate a 10-megawatt solar energy system on a 24.12-acre parcel, subject to the Conditions of Approval; and,
4. **DIRECT** the Land Use Services Department to file a Notice of Determination in compliance with the California Environmental Quality Act.

**ATTACHMENTS:**

**Exhibit A:** Findings

**Exhibit B:** Conditions of Approval

**Exhibit C:** Mitigation Monitoring and Reporting Plan (MMRP)

**Exhibit D:** Project Plans

**Exhibit E:** Initial Study / Mitigated Negative Declaration

<https://lus.sbcounty.gov/wp-content/uploads/sites/48/Initial-Study-Mitigated-Negative-Declaration-1.pdf>

**Exhibit F:** Comment Letters

# **EXHIBIT A**

**FINDINGS: CONDITIONAL USE PERMIT**

**A CONDITIONAL USE PERMIT (CUP) TO CONSTRUCT AND OPERATE A 10-MEGAWATT (MW) SOLAR ENERGY SYSTEM (PROJECT) ON 24.12 ACRES, IN THE RESOURCE LAND MANAGEMENT LAND USE CATEGORY AND RESOURCE CONSERVATION ZONING DISTRICT; LOCATED AT 39962 CALICO BOULEVARD IN THE COMMUNITY OF YERMO (PROJECT SITE), 3<sup>RD</sup> SUPERVISORIAL DISTRICT; APN: 0538-161-29; PROJECT NUMBER PROJ-2022-00081.**

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, LOADING AREAS, OPEN SPACE, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.**

The Project consists of photovoltaic panels that would occupy 24.12 acres on an undeveloped parcel. The parcel is of adequate size and shape to accommodate the proposed energy generating facility. Ingress and egress circulation, native landscaping, lot coverage, and all setbacks meet the requirements of the Development Code for the 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. Access to the solar array would be through an existing private roadway which connects to the southern boundary of the parcel, along Calico Road.

- 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, OR OTHER DISTURBANCE. IN ADDITION, THE USE WILL NOT SUBSTANTIALLY INTERFERE WITH THE PRESENT OR FUTURE ABILITY TO USE SOLAR ENERGY SYSTEMS.**

The Project, as designed and conditioned, is consistent with the land uses and development standards allowed within the Resource Conservation zoning district and as such should not have adverse effects on abutting properties. An Initial Study/Mitigated Negative Declaration (IS/MND) and associated technical studies were prepared to evaluate potential impacts to adjacent lots and determined there would be less than significant impacts related to biological resources, geology and soils, cultural resources, and tribal cultural resources. The project would therefore not have a substantial adverse impact on the abutting properties.

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

The 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 land uses. The IS/MND determined that there would be less than significant impacts to adjacent existing and allowed land uses. The Project complies with San Bernardino County Development Code regulations pertaining to Solar Energy Facilities.*

- **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:** *A technical biological report was prepared to determine potential environmental impacts to the natural environment and biodiversity on and adjacent to the Project Site. The report identified sensitive species and habitat that could be impacted by the Project. Appropriate mitigation measures were incorporated to minimize impacts and protect sensitive species and habitat, reducing impacts to less than significant. The Project is therefore located, scaled, buffered, and designed for compatibility with the surrounding natural environment and biodiversity.*

- **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 will provide clean, emission-free renewable energy source to be utilized by the surrounding area. The project has been designed, conditioned, and mitigated to minimize impacts on surrounding properties.*

- **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 been conditioned to require a Decommissioning Plan prior to issuance of the building permit. At the end of the Project’s operational term, anticipated to be 30 years, the applicant would remove the solar arrays, panels, fencing and restore the site to its pre-project condition. Areas that were graded must be restored to original contours unless there is a community benefit. Native plant species shall be maintained and revegetated as needed.*

- **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 technical biological report was prepared to determine potential environmental impacts to the natural environment and biodiversity on and adjacent to the Project Site. The report identified sensitive species and habitat that could be impacted by the Project. Appropriate mitigation measures were incorporated to minimize impacts and protect sensitive species and habitat, reducing impacts to less than significant. The San Bernardino County General Plan has not identified the project site as occurring within a Wildlife Corridor or Linkage and would therefore not impact wildlife corridors. The Project is consistent with the priorities related to habitat conservation and mitigation.*

- **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 was reviewed for consistency with and conforms to applicable standards set forth in the Development Code. Additionally, the Project will be reviewed for consistency with the Development Code during the plan check process 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.**

The site design ensures adequate legal and physical access to the site. Access to the solar array would be through a driveway that connects to Calico Road. The driveway and perimeter roads for emergency access are designed to meet the applicable development standards.

- 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 and will be reviewed for conformance prior to permit issuance. 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 Project is a solar energy system which would provide energy to Southern California Edison grid. The surrounding properties are undeveloped however, the solar system would not interfere with their potential passive or natural heating and cooling opportunities.

**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 Project Site is rural in character and is surrounded by undeveloped parcels. The Project is 24.12 acres in size and has a minimum of 26-foot setback from all property lines. The Project Site is located 0.2 miles south of Interstate 15 and would be visible from this portion of roadway. A Visual Assessment was prepared and concluded that the Project would not significantly distract from the scenic aspects of the area.*

- 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: The Project perimeter would be secured with a chain link fence. This type of fencing would minimize the visual impacts to the surrounding areas. This type of fencing is consistent with Development Code Section 83.06.070(a) which allows chain link fencing in the Desert Region.*

- 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 surrounded by undeveloped parcels and is located 0.2 miles south of I-15 Freeway. Current views of the project site include vast vacant desert land, transmission lines and lattice structures in the distance. The Project site would be in view of travelers along Interstate 15 for a few seconds, given the speed of travel. The Project would not be intrusive or distract from the existing natural features.*

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

*Consistency: A visual impact analysis was prepared along with the IS/MND which evaluated the visual impact of all components of the project including access and maintenance roads. The Project Site is located within 0.20 miles of Interstate 15, a designated State and County Scenic highway as recognized by the Countywide Plan Natural Resources Element, the portion of the designation occurs 0.2 miles southwest of the Project Site. Given the nature and proposed size and height (5.5 feet - 6.6 feet above grade) of the Project, there would be minimal obstruction to the south from Interstate 15. According to the Visual Assessment, the Project Site is not disguisable from other parcels.*

- 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 a collector switchgear for connection to the South California Edison grid. The Project does not require the provision of water or sewer.*

- 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 Project would not require a water supply. Water trucks would be used during construction for dust control. Water would be brought into the site on trucks twice a year for maintenance purposes to wash down the panels.*

- 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 Site is generally flat with existing slopes between 2 and 5 percent. Project development includes approximately 24.12 acres of total ground disturbance for access roads, drainage systems and minor grading for some of the ground mount systems. The panels would be installed using a small-scale pile driving operation, where equipment drives each panel post into the ground. Grading is minimal and the Project would use construction methods that minimize ground disturbance.*

- 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: The alternating current produced from the solar facility will be routed to a 66kVA transformer. The voltage is then collected at a collector switchgear for connection to the Southern California Edison grid. All on-site electrical cables will be buried conduit. Connection to the grid will be through pole mounted electrical lines off-site.*

- 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 by Jennings Environmental, LLC in August 2023. The BRA collected data on plant and wildlife species known occurrences within the vicinity of the Project Site.*

*The Project Site is located within designated critical habitat for desert tortoise. Further, the southeast corner of the site is minimally suitable for desert tortoise. A protocol survey was conducted and resulted in no sign of desert tortoise. However, a pre-construction survey mitigation measure has been incorporated into the project prior to any project construction activities.*

*During field investigations, it was noted that the site contains minimal suitable habitat for the burrowing owl however, no burrowing owls, feathers, whitewash, or castings were found or observed. As the site is minimally suitable, a pre-construction survey mitigation measure has been incorporated into the project prior to any project construction activities.*

*The Project Site and immediate surrounding area does contain marginal habitat suitable for nesting birds. The federal Migratory Bird Treaty Act (MBTA) of 1918 provides protection for nesting birds that are both residents and migrants, whether or not they are considered sensitive by resource agencies. To ensure that there would be no impacts to nesting birds, mitigation measures for a clearance survey has been incorporated into the project.*

*The habitat on-site consists of disturbed desert vegetation such as Creosote bush-white bursage scrub (*Larrea tridentata*-*Ambrosia Dumosa* Shrubland Alliance), and non-native vegetation. The plant species observed on-site include Creosote bush (*Larrea tridentata*), Asian mustard (*Brassica tournefortii*), White bursage (*Ambrosia dumosa*), Schismus grass (*Schismus spp.*), Oleander (*Nerium oleander*), Nevada Ephedra (*Ephedra nevadensis*), Tamarisk (*Tamarix spp.*), Silver Cholla (*Cylindropuntia echinocarpa*). Among the documented vegetation species, no State and/or federally listed threatened or endangered species were observed on-site. However, to ensure the project would have no impact, mitigation measures to protect Desert Native Plants has been incorporated into the project.*

*With implementation of these mitigation measures and conditions of approval, impacts to biological resources are expected to be less than significant. For additional detail, please refer to the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan.*

**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 Assessment was prepared for the project by Brian F. Smith and Associates, Inc. (BFSA) in July 2023. The Cultural Resources Assessment did not identify any resources that would qualify as a historical resource under CEQA Section 15064.5. Further, during consultation with the Tribes, Mitigation Measures have been*

*implemented into the Project to ensure the Project 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 06071C3975H dated 8/28/2008. Flood Hazards are defined as low to moderate risk in this Flood Zone. A Drainage/Hydrology Study was prepared and accepted by the Land Development Division. A Final Study must be prepared and approved prior to issuance of a Grading Permit and the requirements contained in that document may modify the final recommendations accepted by the Land Development Division.*

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

*Consistency: Based on the National Flood Hazard Map, the entire Project site is within Zone D, which indicates flooding hazards for the site are considered to be low to moderate risk. 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.*

- 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 located in a Mineral Resource Zone (MRZ) 3a which is an area of undetermined mineral resource significance. The County has not designated the Project Site for mineral recovery. Therefore, the Project will not preclude access to significant known mineral resources.*

**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 the specific measures to be implemented to control dust.*

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

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

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

*Consistency:* The Project has one existing single family residence located within one-quarter mile of the Project Site. During construction, water will be used to reduce dust emissions as well as Best Management Practices such as berms and swales.

- 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:* This requirement has been incorporated into the conditions of approval.

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

*Consistency:* The Project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 43 miles to the southeast.

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

*Consistency:* The Project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is estimated to be approximately 43 miles to the west.

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

***Consistency:** The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is estimated to be 50 miles to the north.*

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

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

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

***Consistency:** The nearest active military base is the Marine Corps Logistics Base Barstow is located approximately nine (9) miles to the west.*

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

***Consistency:** The Project site is not located within the Sphere of Influence of a city. The City of Barstow is located 11 miles to the west of the project site.*

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

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

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

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

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

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined through the preparation of an initial study/mitigated negative declaration (MND) to not have a significant adverse impact on the environment with the implementation of all the

required mitigation measures. As a result of the public review process for the MND, the County has concluded that revisions in mitigation measures identified in a comment letter by the California Department of Fish and Wildlife are warranted and that the revised mitigation measures are equivalent or more effective in mitigating or avoiding potential significant effects and that the mitigation measures will not cause any potentially significant effect on the environment. The MND will be adopted, and a Notice of Determination will be filed in accordance with CEQA. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

# **EXHIBIT B**



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 **Expiration** - Status: Outstanding

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

7 **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.

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

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

9 **Project Account** - Status: Outstanding

The Project account number is PROJ-2022-00081. 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.

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

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

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

Per Development Code Section 84.29.040, the Owner/Application/Operator shall pay a Public Safety Services Impact Fee on an annual basis. The fee per acre per year is \$157 for projects over 15+ acres. Therefore, the project is required to pay \$3,768/yr to the County of San Bernardino (24 acres x \$157/acre).

12 **Performance Standards** - Status: Outstanding

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

**13 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.

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

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

**15 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.

**16 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.

**17 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.

**18 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****19 Noise Levels** - Status: Outstanding

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

**20 OWTS Maintenance** - Status: Outstanding

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

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

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

## INFORMATIONAL

**Land Use Services - Land Development****22 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

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

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

24 **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

25 **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

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 **Drainage Improvements** - Status: Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. An \$810 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

28 **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.

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

FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C3975H dated 8/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

30 **Grading Plans** - Status: Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

31 **Joshua Trees** - Status: Outstanding

The Western Joshua Tree is protected under California law. Any removal, relocation, trimming, or disturbance requires prior authorization from the California Department of Fish and Wildlife (CDFW). Any land disturbance shall adhere to the San Bernardino County "Western Joshua Tree Quick Reference Guide" and provide to LUS written confirmation of approval from California Fish and Wildlife. WJT-Quick-Reference-Guide-Updated-12.12.2025.pdf

32 **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](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

## Public Health– Environmental Health Services

33 **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

34 **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.

35 **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.

36 **Mitigation Measures** - Status: Outstanding

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

### Land Use Services - Building and Safety

37 **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.

38 **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

39 **Encroachment Permits** - Status: Outstanding

Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

40 **Road Dedication** - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and Improvement: Calico Boulevard (Local Street – 60 feet) • Driveway Approach. Design driveway approach per County Standard 129C and located per County Standard 130. Easterly Property Line (Quarter Sectional Line – 88 foot) • Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44-feet.

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

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

42 **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

43 **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.

44 **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.

45 **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.

**46 Individual Wells** - Status: Outstanding

If an approved water company cannot serve the project, individual wells are authorized for each daughter parcel providing that County Development Code infrastructure requirements can be met. Conceptual plans, showing that wells and septic system locations meet setback requirements, may be required (§ 83.09.060). If wells are approved, the following notes shall be placed on the Composite Development Plan (CDP), "An individual well shall be utilized as the domestic water source for each lot. The well shall be installed and approved by EHS prior to the issuance of building permits for each lot."

**47 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.

**48 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.

**49 Sewage Disposal** - Status: Outstanding

Method of sewage disposal shall be sewer service provided by EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

**50 Sewer Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

**51 Water Purveyor** - Status: Outstanding

Water purveyor shall be EHS approved.

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

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

**53 Water System Permit** - Status: Outstanding

A water system permit will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report in accordance with California Health and Safety Code §116527(c) to EHS and the State Water Resources Control Board. Application must be approved prior to initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (EHS). For information, contact the Water Section at (800) 442-2283 and SWRCB-DDW at (916) 449-5577.

## PRIOR TO OCCUPANCY

### Land Use Services - Planning

- 54 **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-2022-00081.
  
- 55 **Installation of Improvements** - Status: Outstanding  
 All required on-site improvements shall be installed per approved plans.
  
- 56 **Mitigation Measures** - Status: Outstanding  
 Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance
  
- 57 **Condition Compliance** - Status: Outstanding  
 All fencing shall comply with San Bernardino County Code Section 83.06.030. Fencing located within the side and rear setbacks shall be a maximum of 6 feet in height. Open fencing located in the front setback shall be a maximum of 5 feet in height.

### Land Use Services - Building and Safety

- 58 **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

- 59 **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.
  
- 60 **LDD Requirements** - Status: Outstanding  
 All LDD requirements shall be completed by the applicant prior to occupancy.

### Public Health– Environmental Health Services

- 61 **New Public Water System Permit** - Status: Outstanding  
 A Public Water System annual permit which meets Title 22, CCR requirements pertaining to the type of water system, shall be required. For information, contact EHS at: (800) 442-2283.

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

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140

Web Site	<a href="https://lus.sbcounty.gov/">https://lus.sbcounty.gov/</a>	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	<a href="https://www.sbctfire.org/">https://www.sbctfire.org/</a>	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	<a href="https://dpw.sbcounty.gov/">https://dpw.sbcounty.gov/</a>	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	<a href="https://ehs.sbcounty.gov">https://ehs.sbcounty.gov</a>	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	<a href="http://www.sbclafco.org/">http://www.sbclafco.org/</a>	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>



Land Use Development Services Department  
Planning Division  
Affidavit - Applicant/Representative Accepting all  
the Conditions of Approval

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I received, read, understand, and accept ALL the conditions of approval for Planning Project Case No. **PROJ-2022-00081** for Glacier Power & Gas located on APN: 0538-161-29.

*Michael S Thielen*  
\_\_\_\_\_  
APPLICANT/REPRESENTATIVE NAME (PLEASE PRINT)

*Michael S Thielen*  
\_\_\_\_\_  
APPLICANT/REPRESENTATIVE SIGNATURE

*2-18-26*  
\_\_\_\_\_  
DATE

# **EXHIBIT C**

**Mitigation Monitoring and Reporting Program  
Initial Study/Mitigated Negative Declaration  
Glacier Solar and Gas Project**

*Prepared by:*



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

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182  
*Contact: Amy Rossig, Contract Planner*

JANUARY 2026

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# 1 Introduction

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

This Mitigation Monitoring and Reporting Program (MMRP) will be used by San Bernardino County (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Minor Use Permit (MUP) when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures for all resources with identified potential impacts would reduce impacts to below a level of significance.

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

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

## 2 Mitigation Monitoring and Reporting Program Table

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<b>Biological</b>				
<b>BIO-1. <u>Desert Tortoise Survey.</u></b> Although desert tortoise was absent from the site during the survey, there is suitable habitat within the southeast corner of the parcel. As such, it is recommended that pre-construction surveys be completed for this species prior to any ground-disturbing activities. These surveys should be conducted by a qualified biologist and at an appropriate time of day/year to observe signs of desert tortoise. Surveys should also be conducted using the current survey protocol from the USFWS.	During grading / construction	Project applicant and their construction contractor	San Bernardino County/Applicant	
<b>BIO-2: <u>Burrowing Owl Survey:</u></b> One pre-construction western 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 western burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife 2012 Staff Report on Western burrowing owl Mitigation or current version. The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat.	During grading / construction	Project applicant and their construction contractor	San Bernardino County/Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>If western burrowing owls, active western burrowing owl burrows, or sign thereof are detected, the Project Proponent shall prepare and submit to CDFW for review and approval a Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed full avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of western burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Plan.</p>				
<p><b>BIO-3: Nesting Bird Survey:</b> Regardless of time of year, a CDFW-approved Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) no more than three days prior to Project-related disturbance to nestable vegetation to identify active nests. Pre-construction NBS 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 no active nests are found, no further action will be required. If an active nest is found within the Project area or within 500 feet of the Project area, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. The nest area shall</p>	<p>Prior to grading / construction</p>	<p>Project applicant and their construction contractor</p>	<p>San Bernardino County/Applicant</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
be avoided until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.				
<b>BIO-4: <u>Special Status Plants:</u></b> Any native desert plant protected by the Desert Native Plant Act that may be impacted should be flagged for relocation on-site, to a nursery, or suitable other entity (as determined by the County) prior to land disturbance. Land Disturbance that removes any protected plant species would require a permit from the agricultural commissioner.	During grading / construction	Project applicant and their construction contractor	San Bernardino County/Applicant	
<b>Cultural Resources</b>				
<b>CUL-1:</b> In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	During Grading	Project applicant and their construction contractor	San Bernardino County	
<b>CUL-2:</b> If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The	During Construction	Project applicant and their construction contractor	San Bernardino County	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
archaeologist shall monitor the remainder of the project and implement the Plan accordingly.				
<p><b>CUL-3:</b> If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.</p> <p>All discovered human remains shall be treated with respect and dignity. California state law (California Health &amp; Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 &amp; 43 CFR 7], [Native American Graves Protection &amp; Repatriation Act (NAGPRA) 25 USC 3001 &amp; 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.</p>	During grading / construction	Project applicant and their construction contractor	San Bernardino County/Applicant	
<b>Geology</b>				
<p><b>GEO-1:</b> Prior to land disturbance, a qualified paleontologist shall prepare and implement a Paleontological Resource Impact Mitigation Program (PRIMP) for the project. The PRIMP must be consistent with the provisions of CEQA, County of San Bernardino guidelines (2018, Section 82.20.030), and the guidelines of the SVP (2010). If implemented, the PRIMP report would mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources (fossils), if present, to less than significant. The PRIMP should include methods for attendance by a qualified paleontologist at the preconstruction meeting to</p>	Prior to Building Permit Issuance	Project applicant	San Bernardino County / Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
consult with the grading and excavation contractors, and on-site presence of a paleontological monitor to inspect for paleontological resources during the excavation of previously undisturbed deposits. Salvaging and reporting methodologies shall be consistent with recommendations in Appendix F of this Initial Study.				
<b><i>Tribal Cultural Resources</i></b>				
<b><i>Morongo Band of Mission Indians (MBMI)</i></b>				
<b>TCR-1: Native American Treatment Agreement Prior to the issuance of grading permits.</b> The applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.	Prior to Grading	Project applicant and their construction contractor	San Bernardino County/Applicant	
<b>TCR-2: Retention of Archaeologist.</b> Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The	During grading / construction	Project applicant and their construction contractor	San Bernardino County/Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.</p>				
<p><b>TCR-3: Cultural Resource Management Plan.</b> Prior to any ground-disturbing activities the project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.</p>	Prior to Grading	Project applicant and their construction contractor	San Bernardino County/Applicant	
<p><b>TCR-4: Pre-Grade Meeting.</b> The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.</p>	During grading / construction	Project applicant and their construction contractor	San Bernardino County/Applicant	
<p><b>TCR-5: On-site Monitoring.</b> During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on-site full-</p>	During grading / construction	Project applicant and their construction contractor	San Bernardino County/Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>				
<p><b>TCR-6: Inadvertent Discovery of Cultural Resources.</b> In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p> <p>If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the</p>	<p>During grading / construction</p>	<p>Project applicant and their construction contractor</p>	<p>San Bernardino County/Applicant</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:</p> <ul style="list-style-type: none"> <li>A. Full avoidance.</li> <li>B. If avoidance is not feasible, Preservation in place.</li> <li>C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.</li> <li>D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)</li> </ul>				
<p><b>TCR-7: Inadvertent Discovery of Human Remains.</b> The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].</p> <ul style="list-style-type: none"> <li>A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e.,</li> </ul>	During grading / construction	Project applicant and their construction contractor	San Bernardino County/Applicant	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100- foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.</p> <p>B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.</p> <p>C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to reburial the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.</p>				
<p><b>TCR-8: FINAL REPORT:</b> The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].</p>	<p>Upon completion of the Project</p>	<p>Project applicant/Consulting Tribe/ and their construction contractor</p>	<p>Consulting tribe/Applicant</p>	
<p><b><u>Yuhaaviatam of San Manuel Nation (YSMN)</u></b></p>				
<p><b>TCR 9:</b> The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant,</p>	<p>During grading / construction</p>	<p>Project applicant and their construction contractor</p>	<p>San Bernardino County/Applicant</p>	

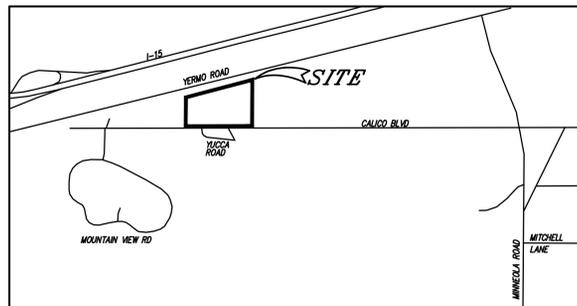
Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.</p>				
<p><b>TCR 10:</b> Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.</p>	<p>During grading / construction</p>	<p>Project applicant and their construction contractor</p>	<p>San Bernardino County/Applicant</p>	

# **EXHIBIT D**

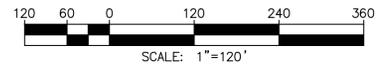
# PLOT PLAN

FOR CONDITIONAL USE AND MINOR USE APPLICATIONS ON APN 0538-161-28 AND APN 0538-161-29  
TOWNSHIP 10 NORTH, RANGE 2 EAST, SECTION 32, S.B.M.

OFFICIAL USE ONLY

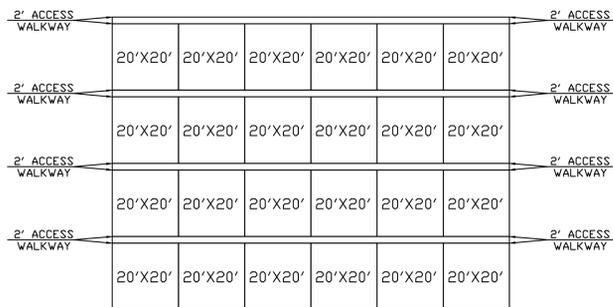


VICINITY MAP  
N.T.S.

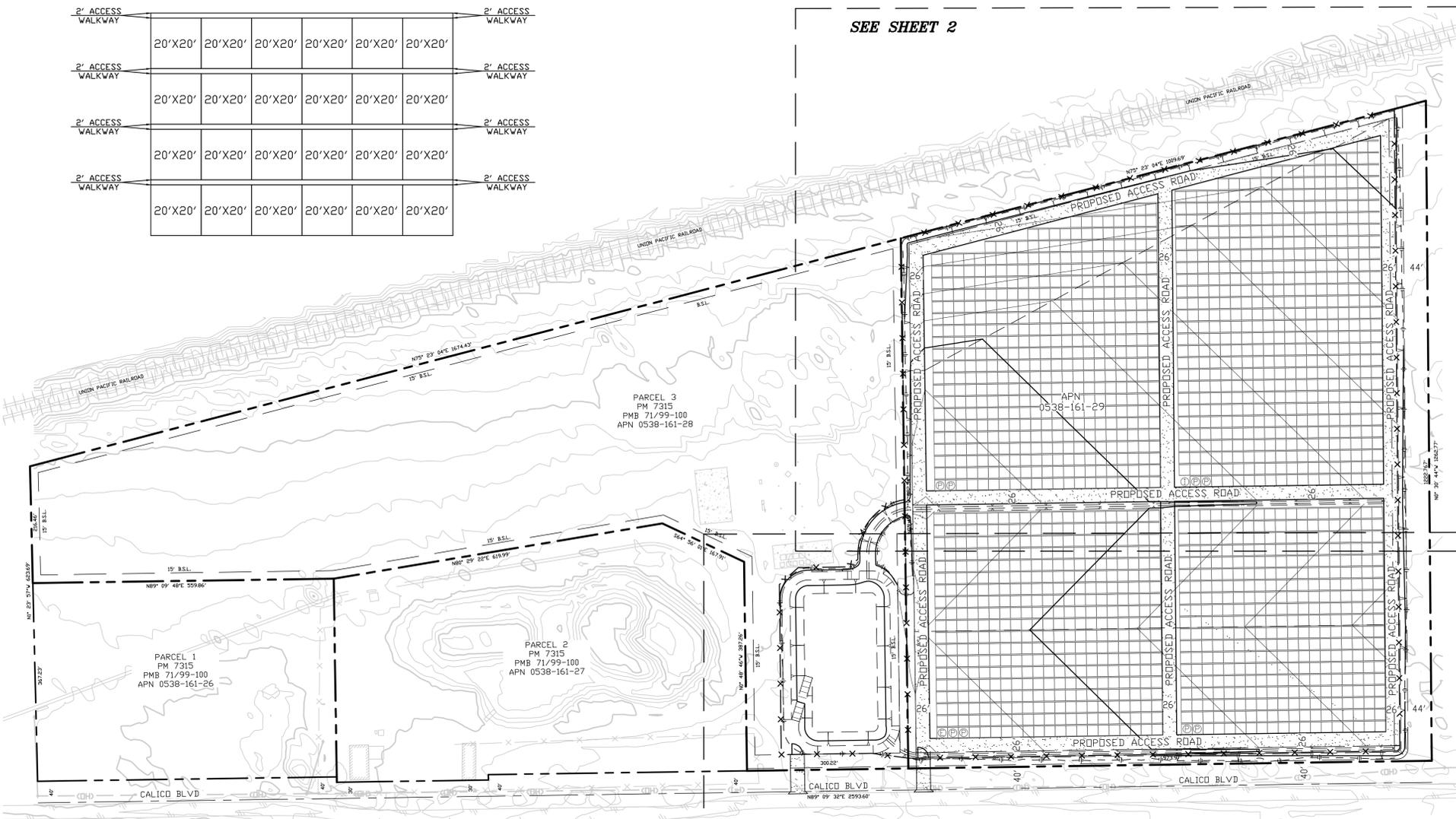


- LEGEND:**
- +++++ = INDICATES RAILROAD TRACKS
  - = INDICATES BOUNDARY
  - - - - - = INDICATES CENTERLINE
  - x - x - x = INDICATES PROPOSED CHAIN LINK FENCE
  - x - x - x = INDICATES PROPOSED GATE
  - Ⓟ = INDICATES PROPOSED 20'X20' PARKING STALL
  - Ⓢ = INDICATES PROPOSED 20'X20' ELECTRIC CABINET/METER
  - = TREE CANOPY
  - = POWER POLE (PP)
  - = CONCRETE AREA (OR AS NOTED)
  - ▨ = DIRT ACCESS ROAD

**TYP. SECTION**



SEE SHEET 2



**PROJECT DATA**

**OWNER/APPLICANT**

FLYING A PROPERTIES, LLC  
MIKE THIELEN (OWNER)  
562-380-9202  
39952 CALICO BLVD  
YERMO, CA 92398

**SURVEYOR**

DANIEL W. MEYER, P.L.S. 9201  
6566 CALIENTE RD, SUITE A  
OAK HILLS, CA 92344  
(760) 954-1719

**ASSESSOR'S PARCEL NO.**

APN 0538-161-28  
APN 0538-161-29

**UTILITY PROVIDERS**

SOUTHERN CALIFORNIA EDISON  
P.O. BOX 800  
8631 RUSH STREET  
ROSEMEAD, CA 91770  
626-302-3377

**Basis of Coordinates**

The coordinates shown hereon are based upon the California Coordinate System of 1983, CCS83, Zone 5, (Epoch 2017.50) in accordance with the California Public Resources Code Sections 8801-8819; said coordinates are based locally upon field-observed ties to the following California Spatial Reference Network, or equivalent stations:

**Referenced CSRC Control Stations Connected & Held:**

Station	Latitude/North	Longitude/East	Ellip Hgt (M)	Source	95% ELLIPSE (LAT) mm	95% ELLIPSE (LONG) mm	95% ELLIPSE (ELL) mm
BSRY	34°55'6.992932"	-117°0'43.128888"	614.19	CSRC	2.04	2.11	6.08
P604	34°56'12.568241"	-116°40'17.185925"	589.15	CSRC	2.21	2.31	6.36
WOMT	34°40'8.440451"	-116°55'53.950345"	1353.74	CSRC	1.84	2.03	6.12

All measured distances shown hereon are grid distances in reference to CCS83, expressed as U.S. Survey Feet. To calculate ground distances, divide grid distances by the combined factor shown hereon below.

Station	Northing	Easting	Elevation	Ellip Hgt (FT US)	Combined Scale Factor	Meridian Convergence Angle
100	2155752.56	6924533.10	1906.40	1803.09	0.99983971	0°41'23.720"

**Vertical Datum**

Elevations shown hereon are based on the North American Datum of 1988 (NAVD88) and were determined by vertically constraining to the published ellipsoid height of the station(s) shown hereon in the table below, per the data sheet computed by the California Spatial Reference Center (CSRC) on 11/11/2017, and derived from the National Geodetic Survey (NGS) gravity model GEOID18.

**Referenced CSRC Control Stations Connected & Held:**

Station	Name	Ellip Hgt (M)	Source	95% ELLIPSE (ELL) mm	Calculated Orthometric Height (FT US)
BSRY	cGNSS/BSRY_SCGN_CS1998	614.19	CSRC	6.1	2118.15
P604	cGNSS/HarvardHICS2008	589.15	CSRC	6.4	2036.22
WOMT	cGNSS/WOMT_SCGN_CS1999	1353.74	CSRC	6.1	4543.30

SEE SHEET 3

NO.	REVISIONS	APPROVED	DATE
<b>PLOT PLAN</b>			
<b>IN THE COUNTY OF SAN BERNARDINO</b>			
PREPARED UNDER THE DIRECT SUPERVISION OF:		APPROVED:	
 JEFFREY C. LANGDON R.C.E. 42429		09/02/2025 DATE:	



CASE NO.: \_\_\_\_\_

Drawing Name: N:\40146\000\00\PLANS\EXH146-Plot\_Plan.dwg  
 Plotted: Sep 02, 2025 - 10:20am by: A.Voorhees

**PROACTIVE**  
 ENGINEERING CONSULTANTS  
 27051 Towne Centre Drive, Suite 270  
 Foothill Ranch, CA 92610 (949) 716-7460

**PLOT PLAN**  
 GLACIER POWER AND GAS - PAUL LAMPERT  
 39952 CALICO BLVD. YERMO, CA 92398

DESIGNED/DRAWN AV  
 CHECKED JL  
 DATE 09/02/2025  
 SCALE 1" = 120'  
 MLS JOB NO. 23\_008  
 REF JOB NO.  
 SHEET NO.  
**1 OF 3**

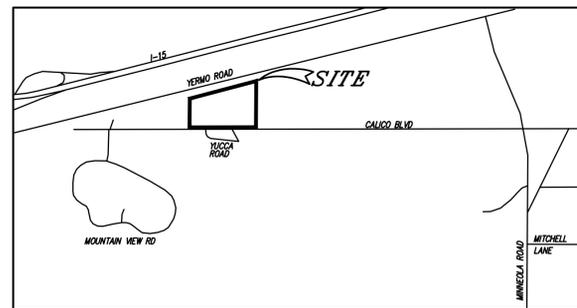
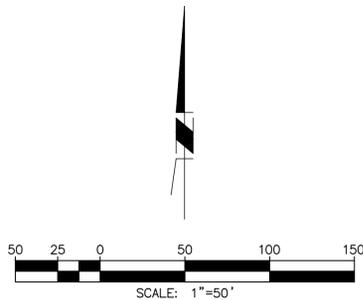
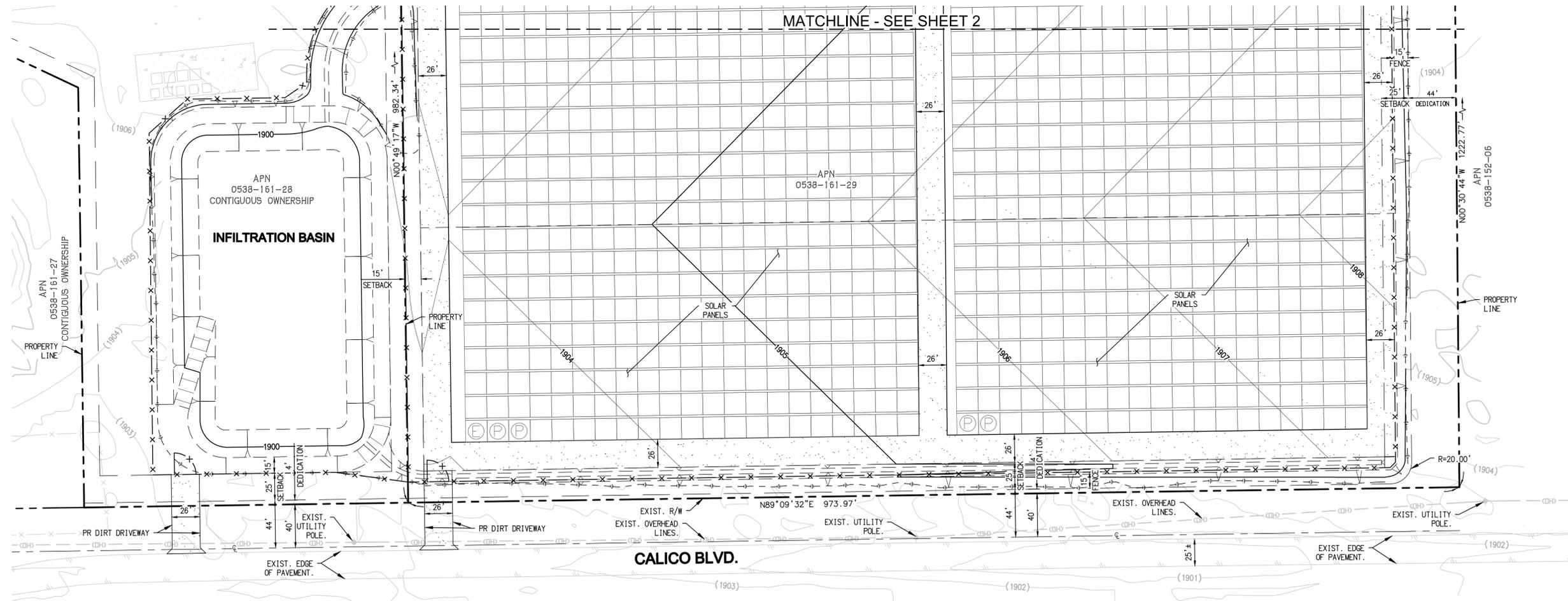
PLOT PLAN



# PLOT PLAN

FOR CONDITIONAL USE AND MINOR USE APPLICATIONS ON APN 0538-161-28 AND APN 0538-161-29  
TOWNSHIP 10 NORTH, RANGE 2 EAST, SECTION 32, S.B.M.

OFFICIAL USE ONLY



VICINITY MAP  
N.T.S.

- LEGEND:**
- ||||| = INDICATES RAILROAD TRACKS
  - - - - = INDICATES BOUNDARY
  - = INDICATES CENTERLINE
  - x-x-x- = INDICATES PROPOSED CHAIN LINK FENCE
  - x-x-x- = INDICATES PROPOSED GATE
  - ⊙ = INDICATES PROPOSED 20'X20' PARKING STALL
  - ⊙ = INDICATES PROPOSED 20'X20' ELECTRIC CABINET/METER
  - = TREE CANOPY
  - = POWER POLE (PP)
  - [Stippled Area] = CONCRETE AREA (OR AS NOTED)
  - [Dotted Area] = DIRT ACCESS ROAD

NO.	REVISIONS	APPROVED	DATE
<b>PLOT PLAN</b>			
<b>IN THE COUNTY OF SAN BERNARDINO</b>			
PREPARED UNDER THE DIRECT SUPERVISION OF: JEFFREY C. LANGDON R.C.E. 42429		APPROVED:  DATE: 09/02/2025	

**PROACTIVE**  
ENGINEERING CONSULTANTS  
27051 Towne Centre Drive, Suite 270  
Foothill Ranch, CA 92610 (949) 716-7460

## PLOT PLAN

GLACIER POWER AND GAS - PAUL LAMPERT  
39952 CALICO BLVD. YERMO, CA 92398

DESIGNED/DRAWN  
AV  
CHECKED  
JL  
DATE  
08/29/2025  
SCALE  
1" = 50'  
MLS JOB NO.  
23\_008  
REF JOB NO.  
  
SHEET NO.  
**3 OF 3**

# **EXHIBIT E**

# EXHIBIT E

Initial Study / Mitigated Negative Declaration

<https://lus.sbcounty.gov/wp-content/uploads/sites/48/Initial-Study-Mitigated-Negative-Declaration-1.pdf>

# **EXHIBIT F**

**Mojave Desert Air Quality Management District**

Brad Poiriez, *Executive Director*  
14306 Park Avenue, Victorville, CA 92392-2310  
760.245.1661 • Fax 760.245.2022  
[www.MDAQMD.ca.gov](http://www.MDAQMD.ca.gov) • @MDAQMD

RECEIVED  
2026 JAN 23 AM 9:02  
LAND USE SERVICES  
ADMINISTRATION



January 21, 2026

Amy Rossig  
County of San Bernardino, Land Use Services Dept.  
385 North Arrowhead Avenue  
San Bernardino CA 92415

**Subject:** SBC PROJ-2022-00081

To the Planning Commission:

The Mojave Desert Air Quality Management District (District) has received the project notice for the proposed Solar project. The proposed project includes a Conditional Use Permit (CUP2022-00081) for a proposed 10 megawatt (MW) photovoltaic solar energy-generating facility known as the Glacier Power and Gas Solar Project. The Project Site consists of one parcel of approximately 24.12 acres, located in the Community of Yermo, in unincorporated San Bernardino County.

We have reviewed the project as proposed and based on the information available to us at this time, the District recommends that the County requires the owner/operator obtain a Dust Control Plan (DCP) for the project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at <https://www.mdaqmd.ca.gov/permitting/compliance-forms>.

Additionally, the District will require:

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.
- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.
- Comply with all applicable provisions listed in Rule 403 – *Fugitive Dust Control*.
- An asbestos checklist is required for any demolition or renovation of existing buildings. MDAQMD asbestos informational flowchart and notification forms are available at <https://www.mdaqmd.ca.gov/permitting/asbestos-information>.
- The proponent should ensure all heavy-duty trucks comply with CARB (California Air Resources Board) idling regulations.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,



**Chris Anderson**  
Planning and Air Monitoring Supervisor

CJA/bg

SBC PROJ-2022-00081 2026 21 Jan



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

**GAVIN NEWSOM, Governor**  
**VALERIE TERMINI, Acting Director**



February 11, 2026  
*Sent via email.*

Amy Rossig  
San Bernardino County  
Land Use Services Department, Planning Division  
385 N. Arrowhead Ave. 1<sup>st</sup> Floor  
San Bernardino, CA 92415  
[Amy.Rossig@WeAreHarris.com](mailto:Amy.Rossig@WeAreHarris.com)

**Subject:** Glacier Power & Gas Solar (Project)  
Mitigated Negative Declaration (MND)  
SCH# 2026010238

Dear Amy Rossig:

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

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

## **CDFW ROLE**

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

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

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Glacier Power and Gas, LLC

**Objective:** The Project Proponent has submitted an application to San Bernardino County for a Conditional Use Permit (CUP 2022-00081) for a proposed 10 megawatt (MW)

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

photovoltaic (PV) solar energy-generating facility on approximately 24.12 acres. The Project will consist of solar arrays, access roads, fencing, electrical transformers, and other miscellaneous connecting infrastructure. A 26-foot perimeter road will surround the arrays, with 20-foot interior access roads every 300 feet throughout the arrays. All on-site electrical cables will be in buried conduit. Construction activities would include grading, trenching, and placing components securely.

**Location:** The Project is located in the community of Yermo, in unincorporated San Bernardino County, approximately 0.2 mile south of the I-15 Freeway, on Calico Boulevard approximately one mile west of Minneola Road, on Assessor's Parcel Number (APN) 0538-161-29.

**Timeframe:** The Project is anticipated to be operational within one year of starting construction.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

### **COMMENT #1: Project Description**

#### **MND, Page 11**

**Issue:** The MND states that the facility will be connected to the grid via elevated electrical lines, and that the applicant has entered into an agreement with Southern California Edison (SCE) to bring the necessary transmission lines to the Project site. Approvals related to the construction of these lines will be initiated and obtained by SCE as a separate project. The MND does not provide further explanation, and it is unclear whether the transmission lines would result in additional impacts to biological resources.

**Evidence impact would be significant:** CEQA is predicated on a complete and accurate description of the proposed Project, including reasonably foreseeable future phases of the proposed Project. Without a complete and accurate Project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources.

**CDFW Recommendations:** The MND should provide additional information regarding the agreement with SCE, including where and how the Project will connect to the grid, as well as potential associated impacts.

### **COMMENT #2: Assessment of Biological Resources and Special-Status Species**

#### **MND Section IV, Pages 28-30 and Appendix C: Biological Resources Assessment**

**Issue:** CDFW is concerned that the MND has not adequately described or fully established the biological resources onsite, limiting the County's and CDFW's ability to analyze the Project's potential impacts, avoidance, and/or mitigation measures on candidate, sensitive, or special status species, including desert tortoise (*Gopherus agassizii*) and burrowing owl (*Athene cunicularia*).

The MND bases its analysis of impacts to biological resources on reconnaissance-level surveys conducted on July 30 and July 31, 2023. CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for plants to be valid for a period of up to three years. Recent studies during the appropriate times of the year are needed to inform and identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and to determine whether impacts to biological resources have been mitigated to a level that is less than significant.

**Specific impact:** Potential Project impacts to candidate or special-status species may be mischaracterized, resulting in avoidable, unminimized, or unmitigated impacts not analyzed by the MND (e.g., potential take of special-status species and loss of habitat).

**Why impact would occur:** Absent appropriate avoidance and minimization measures, 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:** CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the MND. Without a complete and accurate description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed.

**CDFW Recommendations:** The MND should include a Project impact analysis on each sensitive species based on professionally accepted survey methodologies, including but not limited to desert tortoise and burrowing owl. Further recommendations for resource-specific mitigation measures are detailed in the sections below.

### **COMMENT #3: Desert Tortoise (*Gopherus agassizii*)**

#### **MND Section IV, Page 29**

**Issue:** The Project site lies within the range of and contains potentially suitable habitat for desert tortoise, a CESA-endangered species. The MND states that because the site is located within designated critical habitat, protocol surveys were conducted using the 2018 USFWS Desert Tortoise Protocol. However, the Biological Resources Assessment does not indicate when these surveys were conducted or provide any additional information regarding these surveys, and it is unclear if they were completed concurrently with the reconnaissance surveys. If concurrent, the survey was not completed according to protocol.

**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 G. Code, §§ 2081 & 2085). Consequently, if a project, including project construction or any project-related activity during the life of the project results in take of a CESA-listed species, CDFW recommends that the Project Proponent seek appropriate authorization prior to project implementation. This may include an incidental take permit (ITP) (Fish and G. Code, §§ 2081.1 & 2081.)

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. 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.

**Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant:** CDFW recommends the County replace Mitigation Measure BIO-1 with the following measures for desert tortoise (edits are in ~~strikethrough~~ and additions are in **bold**).

**Mitigation Measure BIO-1: Desert Tortoise Survey.** ~~Although desert tortoise was absent from the site during the survey, there is suitable habitat within the southeast corner of the parcel. As such, it is recommended that pre-construction surveys be completed for this species prior to any ground-disturbing activities. These activities should be conducted by a qualified biologist and at an appropriate time of day/year to observe signs of desert tortoise. Surveys should also be conducted using the current survey protocol from the USFWS.~~ **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-1b (NEW) shall be implemented.**

**Mitigation Measure BIO-1b (NEW): Desert Tortoise Avoidance.** If pre-construction desert tortoise surveys (MM BIO-1) 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 Project Proponent obtains appropriate authorization (i.e., CESA incidental take permit under the Fish and Game Code section 2081).

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

##### **MND Section IV, page 29**

**Issue:** On October 25, 2024, burrowing owl was designated as a candidate CESA-listed species. The Project site is within the range of and contains suitable habitat for burrowing owl and could impact the species and its habitat. The biological survey that was conducted in July of 2023 concurrent with other biological resource surveys 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:** Absent a focused survey for the species, western burrowing owls and burrows may go undetected, and ground disturbance, site

preparation, and grading could destroy habitat and result in take of burrowing owl. Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, and evicting them from nesting, roosting, and 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). CDFW considers habitat to be occupied when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years.

**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 owls are 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:** CDFW supports the inclusion of Mitigation Measure BIO-2, with the following revisions:

**Mitigation Measure BIO-2: Burrowing Owl Survey:** ~~A Burrowing Owl Protocol Survey shall be conducted by a qualified biologist prior to any ground disturbance activities. Surveys shall be completed following the recommendations and guidelines provided within the Burrowing Owl Survey Instructions of the 2012 BUOW Staff Report provided by the CDFW. Surveys should be conducted during weather that is conducive to observing owls outside their burrows and detecting burrowing owl signs. Surveys will not be accepted if they are conducted during rain, high winds (>12.5 mph), dense fog, or temperatures over 90° F. Surveys should be conducted between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight. Count and map all burrowing owl sightings, occupied burrows, and burrows with owl sign. Record the location of all owls including numbers of pairs and juveniles and any behavior such as courtship and mating. Map the extent of all suitable habitat. It should be noted that owl signs may not be detectable if surveys are conducted within 5 days following rain. This survey is in addition to the required 30-day pre-construction survey.~~

#### ~~30-Day Pre-Construction Survey~~

~~After protocol surveys have been completed and before any construction starts, a 30-day pre-construction survey should be conducted. Surveys shall be completed following the recommendations and guidelines provided within the 2012 BUOW Staff Report provided by CDFW.~~

**One pre-construction western 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 western burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife 2012 Staff Report on Western**

**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 western burrowing owls, active western burrowing owl burrows, or sign thereof are detected, the Project Proponent shall prepare and submit to CDFW for review and approval a Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed full avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of western burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures.**

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

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

##### **MND Section IV, Page 29**

**Issue:** The Project site and immediate surrounding area contains habitat for nesting birds and is therefore 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, and from impacted foraging and nesting habitat. Additionally, construction during the nesting season could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success.

**Evidence impact would be significant:** It is the Project Proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. 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:** CDFW recommends the following revisions to Mitigation Measure BIO-3 to avoid impacts to nesting birds:

**Mitigation Measure BIO-3: Nesting Bird Survey:** ~~Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season,~~ **Regardless of time of year, a qualified CDFW-approved Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) no more than three days prior to Project-related disturbance to nestable vegetation to identify active nests. Pre-construction NBS 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 no active nests are found, no further action will be required. If an active nest is found **within the Project area or within 500 feet of the Project area**, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting

species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field **with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas.** ~~within which no disturbance activity shall commence~~ **The nest area shall be avoided** until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

#### **COMMENT #6: Lake and Streambed Alteration Program**

##### **MND Section IV, Page 30 and Appendix C**

**Issue:** The MND states that according to the Biological Resources Assessment, “no riparian vegetation exist on the Project Site or in the adjacent habitats and no drainage channels, wetlands, or vernal pools were observed on the Project Site during surveys”. CDFW is concerned that the assessment of jurisdictional features relied heavily on a desktop survey through the USGS National Hydrography Dataset for hydrological connectivity and by comparing aerial imagery with the surrounding USGS 7.5-minute topographic quadrangle maps. Such an analysis could miss ephemeral drainages which are subject to Fish and Game Code section 1602. In the Project description on page 11, the MND states that “as the existing terrain is flat, minimal grading, limited to leveling for equipment, will not alter current drainage patterns”, indicating that such ephemeral features may exist on the Project site.

**Specific impact:** Project activities, including grading, solar panel installation, vehicle and equipment staging, and site access could divert or obstruct stream flows; substantially alter the bed, channel, or bank 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 otherwise 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 Proponent should provide written notification of Lake or Streambed Alteration (LSA) to CDFW and obtain a Lake or 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 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:** CDFW recommends that the MND include a delineation to identify stream resources subject to Fish and Game Code section 1602. Should the Project be unable to avoid impacts to stream resources, the Project Proponent 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. 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 (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **ENVIRONMENTAL DOCUMENT FILING FEES**

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

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist San Bernardino County 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 at (760) 218-0022 or [Rose.Banks@wildlife.ca.gov](mailto:Rose.Banks@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
4D759253408941E...

Brandy Wood  
Environmental Program Manager

## **Attachments**

Attachment A: Mitigation Monitoring and Reporting Program for CDFW-Proposed Measures

Amy Rossig  
San Bernardino County  
February 11, 2026  
Page 9 of 9

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



## Attachment A

### Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

#### 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
<p><b>MM BIO-1: <u>Desert Tortoise Survey.</u></b> 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-1b (NEW) shall be implemented.</p>	<p>Prior to Project construction activities</p>	<p>Project Proponent</p>
<p><b>MM BIO-1b: <u>Desert Tortoise Avoidance.</u></b> If pre-construction desert tortoise surveys (MM BIO-1) 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 Project Proponent obtains appropriate authorization (i.e., CESA incidental take permit under the Fish and Game Code section 2081).</p>		<p>Project Proponent</p>
<p><b>MM BIO-2: <u>Burrowing Owl Survey.</u></b> One pre-construction western 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 western burrowing owl shall be conducted in accordance with protocols established in the California</p>		<p>Project Proponent</p>

<p>Department of Fish and Wildlife 2012 Staff Report on Western burrowing owl Mitigation or current version. The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat.</p> <p>If western burrowing owls, active western burrowing owl burrows, or sign thereof are detected, the Project Proponent shall prepare and submit to CDFW for review and approval a Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed full avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of western burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Plan.</p> <p>If the Project Proponent cannot ensure western burrowing owls and their burrows are fully avoided, the Project Proponent shall consult with CDFW on next steps, including obtaining an ITP for western burrowing owl prior to initiation of ground disturbing activities.</p>		
<p><b>MM BIO-3: Nesting Bird Survey.</b> Regardless of time of year, a CDFW-approved Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) no more than three days prior to Project-related disturbance to nestable vegetation to identify active nests. Pre-construction NBS 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 no active nests are found, no further action will be required. If an active nest is found within the Project area or within 500 feet of the Project area, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. The nest area shall be avoided until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.</p>		