# SAN BERNARDINO COUNTY
# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
# ENVIRONMENTAL CHECKLIST FORM

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

## PROJECT LABEL:

| | | | |
|---|---|---|---|
| ***APNs:*** | 3097-581-04, -05, -07 | ***USGS Quad:*** | Baldy Mesa |
| ***Applicant:*** | Allard Engineering | ***T, R, Section:*** | T05N R06W Sec. 36 |
| ***Location*** | North of Lindero Road and South of Olivine Road, Phelan CA 92371 | | |
| ***Project No:*** | PROJ-2020-00178 | ***Community Plan:*** | PHELAN/PINON HILLS Community Action Guide |
| ***Rep*** | Ray Allard | ***LUC:*** ***Zone:*** | Very Low Density Residential (VLDR) Single Residential One-Acre Minimum Lot Size (RS-1) |
| ***Proposal:*** | TENTATIVE TRACT MAP (TT) 20360 TO SUBDIVIDE 19.74 GROSS ACRES INTO EIGHT (8) PARCELS. | ***Overlays:*** | Biological Resource - Desert Tortoise Mojave Ground Squirrel, and Burrowing Owl |

## PROJECT CONTACT INFORMATION:


***Lead agency:*** County of San Bernardino
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

***Contact person:*** Irene Romero, Planner
***Phone No:*** (909) 601-4726 ***Fax No:*** (760) 995-8167
***E-mail:*** Irene.Romero@lus.sbcounty.gov


## PROJECT DESCRIPTION:

### *Summary*

The proposed project is a Tentative Tract Map 20360 to subdivide 19.74 gross acres into eight (8) 2.4-acre parcels for future development. No land disturbance or grading is proposed at this time. The project lies in the unincorporated portion of the County of San Bernardino in the Community of Phelan, north of Lindero Road and south of Olivine Road (see Figure 2-Vicinity Map). The County's Land Use Category designates the project area as Very Low Density Residential (VLDR) and Land Use Zoning Designation as Single Residential One Acre Minimum Lot Size (RS-1). The site is regulated by the Biotic Resources (BR) overlay and the FEMA Flood Zone D area.

## *Surrounding Land Uses and Setting*

The Project Site is within the boundaries of the unincorporated Community of Phelan, County of San Bernardino. As shown on the County of San Bernardino Land Use Map, the Project Site is within the County's Land Use Category of Very Low Density Residential (VLDR) and Land Use Zoning of Single Residential One Acre Minimum Lot Size (RS-1). The following table lists the existing adjacent land uses and zoning.

| Existing Land Use and Land Use Category | | | |
|---|---|---|---|
| **Location** | **Existing Land Use** | **Land Use Category** | **Zoning** |
| **Project Site** | Undeveloped and Vacant | Very Low Density Residential (VLDR) | Single Residential One Acre Minimum Lot Size (RS-1) |
| North | Undeveloped and Vacant | City of Victorville | City of Victorville |
| South | Single-Family Residential | Very Low Density Residential (VLDR) | Single Residential One Acre Minimum Lot Size (RS-1) |
| East | Undeveloped and Vacant | Very Low Density Residential (VLDR) | Single Residential One Acre Minimum Lot Size (RS-1) |
| West | Single-Family Residential | Very Low Density Residential (VLDR) | Single Residential One Acre Minimum Lot Size (RS-1) |

### *Project Site Location, Existing Site Land Uses and Conditions*

This site is located north of Lindero Road and south of Olvine Road, in the unincorporated Community of Phelan in the County of San Bernardino. The Project occurs in the Land Use Category of Very Low Density Residential (VLDR) and the Land Use Zoning District of Single Residential- One Acre Minimum Lot Size (RS-1). The project site is currently undeveloped and vacant. The relatively flat site, approximately 1,040 meters above sea level, show signs of moderate disturbance in the past, with native vegetation occurring throughout the property. The property consists of Bryman loamy fine sand, which has a 2-5 percent slope, well-drained soil, with no frequency of flooding, and moderate available water capacity. Surrounding uses include residential land use to the south and west, along with vacant land to the north and east. The project proposed is to subdivide 19.74 gross acres into eight (8) 2.4-acre parcels to support future residential development.

## ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None

Regional: Colorado River Basin Regional Water Quality Control Board; Mojave Desert Air Quality Management District

County of San Bernardino: Land Use Services Department: Building and Safety, and Land Development; Public Health: Environmental Health Services; Special Districts, County Fire: Public Works: Surveyor, Solid Waste Management, and Traffic.

Local: None

**Figure 1 Regional Map**

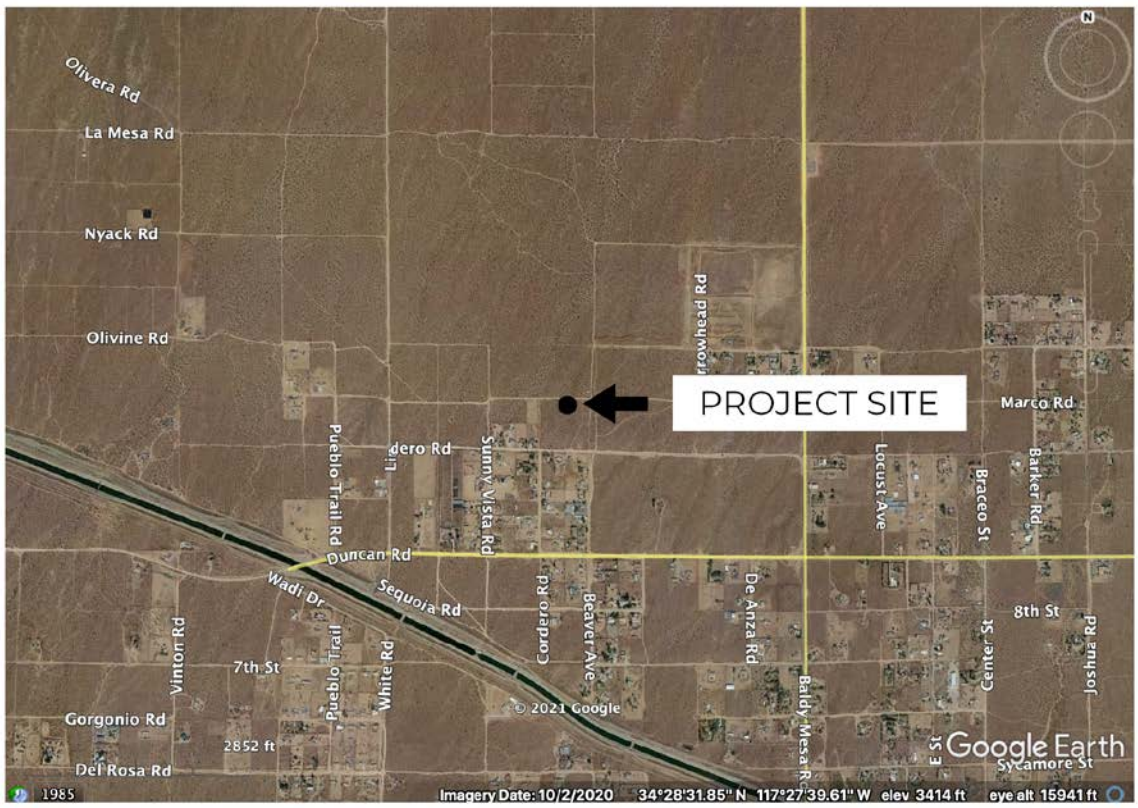
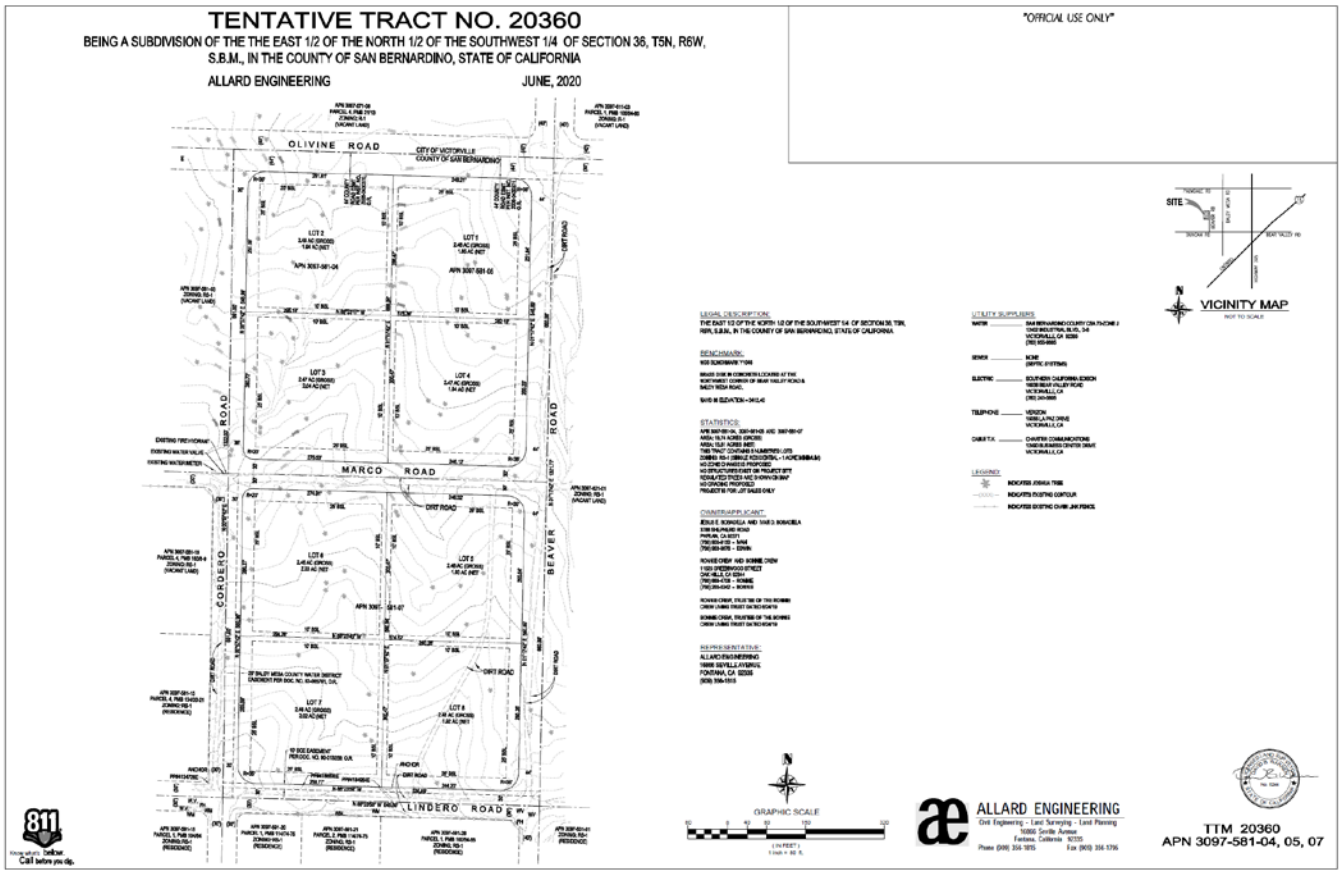


**Figure 2 Vicinity Map**

**Figure 3 Site Plan**



## CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentially, etc.?

On October 6, 2020, the County of San Bernardino mailed notification pursuant to AB52 to the following tribes: Colorado River Indian Tribes, Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, Fort Mojave Indian Tribe, and San Manuel Band of Mission Indians. Requests for consultations were due to the County by November 6, 2020. The table below shows a summary of comments and responses. One Comment letter was provided and is included in Appendix A – AB 52 Tribal Consultation Correspondence.

**AB 52 Consultation**

| Tribe | Comment Letter Received | Summary of Response | Conclusion |
|---|---|---|---|
| Colorado River Indian Tribes | None | n/a | n/a |
| Twenty-Nine Palms Band of Mission Indians | None | n/a | n/a |
| Morongo Band of Mission Indians | None | n/a | n/a |
| Fort Mojave Indian Tribe | None | n/a | n/a |
| San Manuel Band of Mission Indians | Yes | Cultural MM | No concerns |

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

## EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

| Potentially Significant Impact | Less than Significant With Mitigation Incorporated | Less than Significant | No Impact |
|---|---|---|---|

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact**: No impacts are identified or anticipated, and no mitigation measures are required.

2. **Less than Significant Impact**: No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

3. **Less than Significant Impact with Mitigation Incorporated**: Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)

4. **Potentially Significant Impact**: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

At the end of the analysis the required mitigation measures are restated and categorized as being either self- monitoring or as requiring a Mitigation Monitoring and Reporting Program.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

| | | | | | |
|---|---|---|---|---|---|
| ☐ | Aesthetics | ☐ | Agriculture and Forestry Resources | ☐ | Air Quality |
| ☒ | Biological Resources | ☒ | Cultural Resources | ☐ | Energy |
| ☒ | Geology/Soils | ☐ | Greenhouse Gas Emissions | ☐ | Hazards & Hazardous Materials |
| ☐ | Hydrology/Water Quality | ☐ | Land Use/Planning | ☐ | Mineral Resources |
| ☐ | Noise | ☐ | Population/Housing | ☐ | Public Services |
| ☐ | Recreation | ☐ | Transportation | ☐ | Tribal Cultural Resources |
| ☐ | Utilities/Service Systems | ☐ | Wildfire | ☐ | Mandatory Findings of Significance |

**DETERMINATION:** Based on this initial evaluation, the following finding is made:

| | |
|---|---|
| ☐ | The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared. |
| ☒ | Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared. |
| ☐ | The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. |
| ☐ | The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. |
| ☐ | Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. |

Irene Romero
Signature: (Irene Romero, Planner) — Date: March 1, 2022

Chris Warrick
Signature: (Chris Warrick, Supervising Planner) — Date: March 1, 2022

| | *Issues* | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **I.** | ***AESTHETICS*** – Except as provided in Public Resources Code Section 21099, would the project: | | | | |
| a) | Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☒ |
| b) | Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☒ |
| c) | In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | ☐ | ☐ | ☐ | ☒ |
| d) | Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:*** *(Check ☐ if project is located within the view-shed of any Scenic Route listed in the County Wide Plan):*

***San Bernardino Countywide Plan, adopted October 27, 2020*; *Bloomington Community Plan 2007; San Bernardino Countywide Plan Draft EIR; San Bernardino County Development Code***

*a) Have a substantial adverse effect on a scenic vista?*

**No Impact.** The Project Site is located within in an area where surroundings lands are sparsely developed with residential uses. The proposed project is for the subdivision of three (3) parcel that total 19.74 gross acres into eight (8) 2.4-acre parcel. There is no grading or development being proposed with this application. The Countywide Plan (adopted October 27, 2020) identifies Pearblossom Highway as a scenic road within the vicinity, approximately 4.88 miles north from the Project Site.[1]. Therefore, the project will not have an impact on a scenic vista.

*b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?*

[1] San Bernardino Countywide Plan. Adopted October 27, 2020. NR-3-Scenic-Routes-Highways-201027.pdf (countywideplan.com). Accessed January 10, 2022.

**No Impact.** The Project Site is not adjacent to a state scenic highway. There are protected Joshua Trees on site, however as a minor subdivision of land, there will be no impacts. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**No Impact.** The proposed project would not substantially degrade the existing visual character of the site and its surroundings. The proposed project would allow for future single-family residential development pursuant to the current zoning/land use designation of Single Residential-One Acre Minimum (RS-1). The conditions of approval will include requirements for future development to comply with all County Development Codes and ordinances. Therefore, the current project would have no impact on the existing visual character and quality of the site and its surrounding.

d) *Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?*

**No Impact.** The project does not propose any additional light-poles, or lighting. Any future proposed on-site lighting must comply with the Glare and Outdoor Lighting requirements in the Desert Region, which includes shielding. The project would result in no impact relative to light and glare. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

**No significant adverse impacts are identified or anticipated, and no mitigation measures are required**

| | *Issues* | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **II.** | **AGRICULTURE AND FORESTRY RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | | | | |
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | ☐ | ☐ | ☐ | ☒ |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| c) | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | ☐ | ☐ | ☐ | ☒ |
| d) | Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| e) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:*** *(Check ☐ if project is located in the Important Farmlands Overlay):*

***Countywide Plan*; *California Department of Conservation Farmland Mapping and Monitoring Program; San Bernardino County Agricultural Resources GIS Map; Submitted Project Materials***

*a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

**No Impact.** The California Department of Conservation's Farmland Mapping and Monitoring Program does not identify the Project Site as to be part of the Farmland Mapping and Monitoring Program in its California Important Farmland Finder.[2] No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or within the immediate vicinity.[3] The Proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

*b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No Impact.** The Project Site is zoned Single Residential-One Acre Minimum Lot Size (RS-1) and not under or adjacent to any lands under a Williamson Contract[4][5] and therefore, the project would not conflict with either existing zoning for agricultural use, or Williamson Act contract. There is no impact and no further analysis warranted. No impact is expected.

*c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

**No Impact.** The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The proposed project has never been designated as forestland or timberland because the site is within the desert region, which does not contain forested lands. There will be no impact.

*d) Result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact.** The proposed project would not result in the loss of forestland or conversion of forest land to non-forest use. The proposed project site is within the desert region of the county and does not contain forested lands. There is no impact and no further analysis warranted.

[2] State of California, Department of Conservation https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed January 14, 2022.
[3] San Bernardino County. San Bernardino Countywide Plan Draft EIR. Figure 5.2-2 "Agricultural Resources." Accessed January 14, 2022.
[4] San Bernardino County. San Bernardino Countywide Plan Draft EIR. Figure 5.2-2 "Agricultural Resources." Accessed January 14, 2022.
[5] https://www.arcgis.com/apps/webappviewer/index.html?id=fcb9bc427d2a4c5a981f97547a0e3688. Accessed January 14, 2022.

*e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

**No Impact.** The proposed project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. The proposed project site does not contain forested lands. There is no impact and no further analysis is warranted.

**No impacts are identified or anticipated, and no mitigation measures are required.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **III.** | **AIR QUALITY -** Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project: | | | | |
| a) | Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ |
| b) | Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard? | ☐ | ☐ | ☐ | ☒ |
| c) | Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ |
| d) | Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:*** *(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):*

***Countywide Plan*; *Submitted Project Materials; CalEEMod Output***

*a) Conflict with or obstruct implementation of the applicable air quality plan?*

**No Impact.** The Project Site is located in the Mojave Desert Air Quality Management District (MDAQMD). The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over air quality issues and regulations within the MDAQMD. The Air Quality Management Plan (AQMP) for the region establishes a program of rules and regulations administered by MDAQMD to obtain attainment of the state and federal air quality standards. The most recent AQMP (2016 AQMP) was adopted by the SCAQMD on March 3, 2017. The 2016 AQMP incorporates the latest scientific and technological information and planning assumptions, including transportation control measures developed by the Southern California Association of Governments (SCAG) from the 2016 Regional

Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories.

A project is inconsistent with the AQMP if: (1) it does not comply with the approved County Wide Plan; or (2) it uses a disproportionately large portion of the forecast growth increment (change population or employment levels). The County of San Bernardino currently designates the Project Site as Single Residential One Acre Minimum (RS-1) under which the Proposed project is an allowable use.

*b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?*

**No Impact.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Air quality impacts include construction exhaust emissions generation from diesel and gasoline-powered construction equipment, vegetation clearing, grading, fugitive dust, construction worker commuting, construction material deliveries, and operational activities upon project completion. As proposed, the project will not engage in any of the aforementioned activities. There will be no impact.

There is no proposed grading or construction associated with this project. As such, the project would not exceed MDAQMD criteria pollutant emission thresholds. Cumulative emissions are part of the emission inventory included in the AQMP for the project area. Therefore, there would be no cumulatively considerable net increase of the criteria pollutants that are in nonattainment status in the Mojave Desert Air Quality Region.

*c) Expose sensitive receptors to substantial pollutant concentrations?*

**No Impact.** The proposed project would not expose sensitive receptors to any pollutant concentrations. No construction is proposed thus would not result in any air pollutant emissions.

*d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?*

**No Impact.** The proposed project does not contain land uses typically associated with emitting objectionable odors. As proposed potential odor sources associated with the project do not exist. Future development will be required to comply with all County Development Code and Ordinances that aim to mitigate objectionable odors that may result from a specific land use. There will be no impact.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

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

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

***Countywide Plan*; *Submitted Project Materials; General Biological Assessment***

*a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**Less Than Significant Impact**. RCA Associates, Inc. performed a biological site assessment at the Project site on March 19, 2021. As part of the environmental process, CDFW and USFWS data sources were reviewed. Following the data review, surveys were performed on the site, during which the biological resources on the site and in the surrounding areas were documented by biologists from RCA Associates, Inc. As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas. Focused surveys were also conducted for both desert tortoise and burrowing owl and a habitat assessment was performed for the Mohave ground squirrel.

The site supports a creosote bush community which covers most of the property. Plant species present on the site included creosote bush (Larrea tridentata), rubber rabbitbrush (Ericameria nauseosa), fiddleneck (Ansickia tessellata), cheatgrass (Bromus tectorum), Nevada jointfir (Ephedra nevadensis), California buckwheat (Eriogonum fasciculatum).

Birds observed included ravens (Corvus corax), house finch (Carpodacus mexicanus), black-throated sparrow (Amphispiza bilineata), yellow-rumped warbler (Setophaga coronata), white-crowned sparrow (Zonotrichia leucophrys), and European starling (Sturnus vulgaris).

Mammals observed on sight were limited to only the Antelope ground squirrel (Ammospermophilus leucurus) and California ground squirrel (Spermophilus beecheyi) during the March 19, 2021, surveys. Merriam's kangaroo rats (Dipodomys merriamii) may also occur on the site given their wide-spread distribution in the region.

No reptiles were observed during the field investigations. No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations. No riparian vegetation (e.g., cottonwoods, willows, etc.) exist on the site or in the adjacent habitats.

Burrowing owl is listed as a Species of Special Concern by the CDFW. A habitat assessment (Phase 1) was conducted for the burrowing owl in conjunction with the general biological surveys to determine if the site supports suitable habitat for the species. Following completion of the habitat assessment, it was determined that the site does support suitable habitat for the burrowing owl. This opinion was based on the observation of a few suitable burrows within the site boundaries or zone of influence. As part of the burrowing owl survey, meandering transects were walked throughout the site during which any suitable burrows were evaluated for owls and owl sign. Burrowing owls typically utilize burrows which have been excavated by other animals (squirrels, coyotes, foxes, dogs, etc.) since owls rarely dig their own burrows. CDFW protocol also requires surveys be conducted in the surrounding area out to a distance of about 500 feet; therefore, the zone of influence (ZOI) surveys were performed in the

area surrounding the site where accessible. If present on a site, CDFW typically requires the owls to be passively relocated during the non-breeding season.

Desert tortoise is listed as federally Threatened under the Endangered Species Act and as Threatened by the state of California Endangered Species Act. A habitat assessment was conducted and a survey was also performed for the presence of any potential tortoise burrows by biologists from RCA Associates, Inc. Ten-meter, parallel belt transects were walked in a north-south direction until the entire property had been checked for any tortoise sign (burrows, tracks, scats, etc.). Surveys in the zone of influence (ZOI) were also conducted in the area north, east, and northwest of the site where accessible. Comprehensive field investigations were conducted throughout the site during the biological surveys and no tortoises or tortoise sign were identified on the site or zone of influence.

The Mohave ground squirrel is a state threatened species that occurs within the known distribution. There is no recent observation of Mohave ground squirrels within the area, and it is the opinion of RCA Associates, Inc. that the habitat is not prime Mohave ground squirrel habitat and is very unlikely to support populations of the species.

Sensitive Plants: There are two plant species that have been documented in the Baldy Mesa quad, the short-joint beavertail cactus and sagebrush loeflingia. In recent years, only one observed sagebrush loeflingia and two observed short-joint beavertail cactus have been recorded in the quad. The site does have suitable habitat for the species, desert scrub, although none were observed on the site during the March 19, 2021 survey and are not expected to occur in the foreseeable future, the project is not expected to impact any sensitive species.

Sensitive Wildlife: Within the Baldy Mesa quad, there are 4 species that are labeled as Species of Special Concern. These species are the burrowing owl, loggerhead shrike, coast horned lizard, and yellow warbler. The property does not contain suitable habitat for the yellow warbler, which occupies riparian habitats, and is therefore not expected to occur on the site. The other three species could potentially occur on the site, but no signs of these three species were observed on the site. The site does contain suitable burrows for burrowing owls, but no signs of owls (e.i. scat, feathers) were found on the property and they are unlikely to inhabit the site in the future given the lack of sign found near any of the few suitable burrows observed.

There were approximately 100 Joshua Trees (Yucca brevifolia) observed on site during the March 19, 2021 field investigations. Joshua tree are a CDFW candidate-endangered species and removal and/or relocation will require coordination with CDFW as well as attainment of an Incidental Take Permit (ITP).

With incorporation of Mitigation Measures **BIO-1**, **BIO-2**, **BIO-3**, **BIO-4,** and **BIO-5** direct and/or indirect impacts through habitat modifications on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS would be less than significant.

*b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?*

**Less Than Significant Impact.** There were approximately 100 Joshua Trees (Yucca brevifolia) observed on site during the March 19, 2021 field investigations. Joshua tree are a CDFW candidate-endangered species and removal and/or relocation will require coordination with CDFW as well as attainment of an Incidental Take Permit (ITP). With incorporation of Mitigation Measures **BIO-5** impacts would be less than significant.

*c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means*

**No Impact.** The General Biological Surveys Report prepared by RCA Associates, Inc. states there is no sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations within the Project site boundary or in the adjacent buffer areas. The Project as proposed would not result in impacts to riparian vegetation community because these resources do not occur on the Project site or within the area of project impacts. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

*d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Less Than Significant Impact.** The Project site is not with in an area that includes sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.). The proposed Project is not anticipated to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites since the site does not include disturbances to any sensitive areas. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

*e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**Less Than Significant Impact.** The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance because future construction or land disturbance is required to adhere to the County's Tree & Plant Protection Ordinance. The project proponent will be required to obtain a Tree & Plant Removal Permit prior to any land disturbance for the removal of any Native Desert Plant listed in Chapter 88.01.060(c).

Joshua trees are now protected by the State of California as a candidate for listing as an endangered species. At this time, the County cannot issue a permit to remove or transplant any Joshua tree. Any proposal to remove, transplant or disturb the area within 10 feet of a Joshua Tree shall require approval from the State of California Department of Fish and Wildlife.

With incorporation of Mitigation Measures **BIO-5** impacts would be less than significant.

*f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?*

**No Impact.** The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as identified in the California Department of Fish and Wildlife's California Natural Community Conservation Plans Map (April 2019).[6] No impacts are identified or are anticipated, and no mitigation measures are required.

**Mitigation Measures**
Mitigation:
**IV.**
**(a)**
**BIO-1 Preconstruction Nesting Bird Surveys**
If it is not feasible to avoid the nesting bird season (February 1 through August 31), a qualified biologist shall conduct a pre-construction nesting bird survey to determine presence/absence, location, and status of any active nest. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than seven (7) days prior to the commencement of construction.

In the event active nests are discovered, a suitable buffer (distance to be determined by a qualified biologist) shall be established around active nests and no construction within the buffer allowed, until the biologist has determined the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

**(a)**
**BIO-2 Preconstruction Burrowing Owl Surveys**
A qualified biologist will perform preconstruction clearance surveys for western burrowing owl year-round and no more than 30-days prior to ground disturbance. The survey will be conducted during day-light hours and the biologist will visually cover 100% of the site. Preconstruction clearance surveys for burrowing owl shall follow the CDFW 2012 Staff Report guidelines. If burrowing owl are not observed on site, a Memorandum of Findings will be provided to CDFW. If burrowing owl are observed occupying the site, a 250-foot buffer will be established around all active burrows and CDFW will be immediately of nesting/occupation activities. Mitigation Measure BIO-3 describes the activities associated with relocation to reduce the impacts to less than significant.

[6] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline. Accessed January 14, 2022.

All active burrows will be monitored no less than once a week to determine the level of activity.

**(a)**
**BIO-3 Passive or Active Relocation of Burrowing Owls**
If burrowing owls are observed on the Project site during preconstruction surveys, CDFW shall be immediately notified to determine if avoidance of the nest is appropriate until the nest is vacated, or to gain concurrence from CDFW on active or passive relocation actions. All passive or relocation activities shall be in concurrence with CDFW guidelines (Staff Report on Burrowing Owl Mitigation 2021).

If burrowing owl are present and nesting on-site the following steps shall be necessary to reduce impacts to less than significant. These steps may be augmented by recommendations from CDFW:

a. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that: (1) owls have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

b. A qualified biologist shall exclude all owls from active burrows using one-way doors. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.

c. Following and 24 to 48-hour observation period, all vacated burrows shall be collapsed.

d. A qualified biologist shall conduct a post-exclusion survey confirming the absence of burrowing owls on the Project site. Should newly occupied burrows be discovered on the Project site the exclusion activities shall be repeated.

**(a)**
**BIO-4 Preconstruction Desert Tortoise Survey**
A USFWS authorized biologist shall survey the Project site (including buffer where accessible) for the presence of desert tortoise no more than 14 days prior to the commencement of project activities.

If desert tortoise and/or active burrows are observed, the authorized biologist shall contact USFWS for concurrence and direction on relocation of the tortoise. In general, desert tortoise shall be moved no more than 1,000 feet for juveniles and adults, and 300 feet for hatchlings.

**(a, b, e)**
**BIO-5 Incidental Take Permit from California Department of Fish and Wildlife**
An Incidental Take Permit shall be required from CDFW for the removal of Joshua trees on the Project site. An Incidental Take Permit (ITP) application and supporting documentation shall be submitted to CDFW for review and approval for removal of Joshua trees on the Project site. An ITP establishes a performance standard requiring that the impacts be “minimized and fully mitigated” with “measures that are roughly proportional in extent to the impact of the authorized taking on the species.” Therefore, additional mitigation measures, such as the purchase of credits from an approved conservation or mitigation bank, land acquisition, or entry into a

conservation easement, will be determined in consultation with CDFW to meet ITP requirements. Because the Joshua tree was designated as a candidate species in October 2020 and is still subject to a status review by CDFW, it is impractical to determine the specific details of mitigation, beyond compliance with the ITP.

An ITP application requires a completed CEQA document to accompany the ITP application and fee. CDFW requires the CEQA document have a state clearing house number, show proof of filing fees, and proof the document has been circulated. CDFW will then review the ITP and CEQA document and make a determination of mitigation.

**Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5.**

| | *Issues* | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **V.** | **CULTURAL RESOURCES** - Would the project: | | | | |
| a) | Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | ☐ | ☒ | ☐ | ☐ |
| b) | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☒ | ☐ | ☐ |
| c) | Disturb any human remains, including those outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ |

***SUBSTANTIATION:*** (Check if the project is located in the Cultural ☐ or Paleontologic ☐ Resources overlays or cite results of cultural resource review):

***Phase I Cultural Resources Investigation***

*a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

**Less than Significant with Mitigation.** McKenna et al. prepared a Phase I Cultural Resources Investigation and Assessment for the proposed Project, dated July 12, 2021. The purpose of the assessment was to identify and document any cultural and/or paleontological resources that may potentially occur within the Project site. The investigation was completed for compliance with the California Environmental Quality Act (CEQA), as amended, and the San Bernardino County policies and guidelines. Mckenna et al. obtained historic and prehistoric resource data through research conducted through the California State University, Fullerton, South Central Coastal Information Center; American Heritage Commission; San Bernardino County Museum Division of Earth Science; Bureau of Land Management General Land Office; and local history resources.

The Cultural Resources Investigation included an archaeological records search at the California State University, Fullerton South Central Coastal Information Center (June 22, 2021). The research resulted in the identification of one cultural resource running through the southeastern corner of Parcel -07 and another thirteen (13) resources within one mile of the project area. The resource identified as crossing the southeastern corner of the project area (in Parcel -07) was described as the alignment of the Tejon Road-Lane's Cutoff. This alignment was originally recorded by Reynolds (1981) based on a review of historic maps and not the result of any physical survey. McKenna et al. visited the area of Section 36 (T5N; R6W) and Section 21 (T5N; R5W) in 1993 and reports no evidence of the alignment. Subsequently, Stanton and Norris (2005) and Ballester (2006 and 2007) attempted to relocated segments of the historic alignment. Stanton and Norris completed their re-search in Section 30 (T5N; R5W) and reported negative findings. Ballester surveyed an area in the northwestern portion of Section 1 (T4N; R5W) and reported negative findings but noted a small depression he suggested might represent the scant remains of the Wagon Road.

The research completed by McKenna et al. concluded that the Project area is sensitive for both paleontological resources and prehistoric archaeological resources, despite the surface survey yielding no physical evidence of either. The project area has yielded evidence of historic archaeological resources but these resources, limited to the concrete foundation, driveways, and sparse artifact scatter, are dominated by modern and intrusive items. The only truly historic elements are concrete slab foundation (within Parcel-05) and related dirt driveways and these were found to be insignificant and lack any integrity or elements rendering them historically relevant.

To ensure that the proposed Project results in a less than significant impact, Mitigation Measure **CUL-1** provides requirements to evaluate and preserve any cultural resources within the parcel boundary.

*b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

**Less than Significant with Mitigation.** The extensive research and a field survey, conducted by McKenna et al. dated July 12, 2021 concluded that no prehistoric archaeological resources were identified. While there is always a potential for buried resources and/or missed resources, McKenna et al. considered the potential for resources within the project area to be low. To ensure that the proposed Project results in a less than significant impact, Mitigation Measure **CUL-2** provides requirements to evaluate and preserve any cultural resources within the parcel boundary.

*c) Disturb any human remains, including those outside of formal cemeteries?*

**Less than Significant with Mitigation.** The likelihood of encountering human remains during Project construction is minimal. However, construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. Field surveys conducted as part of the Cultural Resource Investigation did not encounter any evidence of human remains, and the Project site is not located on or near a known cemetery. However, these findings do not preclude the existence of previously unknown human remains located below the grounds surface. As a result, Mitigation Measure **CUL-3** has been identified to reduce potentially significant impacts to previously unknown human remains that may be unexpectedly discovered during Project implementation to a less than significant level. Consistent with State law, if at any time during grading human remains are found, the Project is to be conditioned to halt work and contact the San Bernardino County Coroner's Office. Based on compliance with existing regulations and the implementation of Mitigation Measure **CUL-3**, the Project's potential to disturb human remains is considered less than significant with mitigation.

Mitigation Measures
Mitigation:
V.

**(a)**

**CUL-1 Inadvertent Discovery**

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 San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) 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.

**(b)**

**CUL-2 Paleontological Monitoring**

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 SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

**(c)**

**CUL-3 Archaeological Monitoring**

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.

**Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measures CUL-1, CUL-2, and CUL-3.**

| | *Issues* | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **VI.** | **ENERGY** – Would the project: | | | | |
| a) | Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | ☐ | ☐ | ☐ | ☒ |
| b) | Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION: California Energy Consumption Database; Title 24 Building Energy Efficiency Standards; Submitted Project Materials***

*a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

**No Impact. Energy Resources:** The project will not impact nor cause a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during the project construction or operation because no construction is being proposed.

*b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**No Impact.** The project will not conflict or obstruct state or local plan for renewable energy or energy efficiency. The use of renewable energy will not be effected by the proposed subdivision of land.

**Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.**

| | *Issues* | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **VII.** | **GEOLOGY AND SOILS** - Would the project: | | | | |
| a) | Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| | i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☒ |
| | ii. Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☒ |
| | iii. Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☒ |
| | iv. Landslides? | ☐ | ☐ | ☐ | ☒ |
| b) | Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☒ |
| c) | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☒ |
| d) | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | ☐ | ☐ | ☐ | ☒ |
| e) | Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | ☐ | ☐ | ☒ | ☐ |
| f) | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☒ | ☐ |

***SUBSTANTIATION:*** *(Check ☐ if project is located in the Geologic Hazards Overlay District):*

***Countywide Plan; Submitted Project Materials; Fault Activity Map of California, 2010; California Important Land Finder; Phase I Cultural Resources Investigation***

*a)* Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

*i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42*

**No Impact.** The project site is not located within an official earthquake fault zone or within a quarter of a mile of a mapped fault however, all of Southern California is subject to major earthquake activity. In terms of proximity to an active fault the impact can be considered less than significant.

*ii) Strong seismic ground shaking?*
**No Impact.** The subject property is within an area that is subject to severe ground shaking as is most of Southern California. Adherence to California Building Code Seismic Design Standards, Chapter 16: *Structural Design* help to assure a less than significant impact.

*iii) Seismic-related ground failure, including liquefaction?*

**No Impact.** The project site is not located in an area of high liquefaction susceptibility however, adherence to California Building Code Seismic Design Standards, Chapter 16: *Structural Design* would further assure a less than significant impact due to liquefaction.
*iv) Landslides?*

**No Impact.** The project site is in a generally level area of the Desert and is not in close proximity to hillsides, foothills or mountains that could have the potential to slide during a ground disturbing event such as an earthquake. There would be no impact.

*b)*

*Result in substantial soil erosion or the loss of topsoil?*

**No Impact.** The project will not result in substantial soil erosion or the loss of topsoil because no development is proposed at this time. At the time any development occurs, on-site erosion and sediment control measures will be in place as required by the County Development Code and the Building and Safety Division. As discussed in Section III b) of this document, the MDAQMD requires measures be in place during grading and land disturbance activities to minimize fugitive dust in the form of a Dust Control Plan (DCP). Grading plans, an approved grading permit, Dust Control Plan (DCP) and erosion and sediment control plan is required prior to any land disturbance from the Building and Safety Division, in addition, an erosion and sediment control plan must be approved and implemented during grading activity with regular inspections by the County's Land Development Division. A condition of approval from the Building and Safety Division will require a note be placed on the Composite Development Plan (CDP)

stating, "An Erosion and Sediment Control plan must be submitted and approved by the Building official prior to any land disturbance". The County's Landscape & Irrigation design element of the Development Code will require at a minimum landscaping on disturbed portions of the future developed parcels to ensure minimal soil erosion, the County prohibits the clearing of natural vegetation in the Desert Region for no purpose.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

**No Impact.** The Project Site is relatively flat with no prominent geologic features occurring on or within the vicinity of the Project Site. The elevation of the Project Site averages about 1,040 meters above sea level. The Project Site is not within an area susceptible to liquefaction or landslides[7]. The Geologic Hazard Overlay includes any areas of adverse soil conditions, such as those underlain by hydropcollapsible, expansive, and/or corrosive soils. The project site is not mapped as being in the Geologic Hazard Overlay. Any new construction will be required to meet the latest adopted California Building Code and all measures required by the County's Geologist.

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

**No Impact.** The project is not located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial risks to life or property. As mention in section c) above, the project site is not within the County's mapped Geologic Hazard Overlay, including areas as having expansive soils. Any future construction on the newly created parcels must meet the requirements of the latest adopted California Building Code and any requirements set forth by the County's Geologist. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

**Less Than Significant Impact.** The site will require future single-family residences to have an Environmental Health Services approved wastewater treatment device or connect to sewer service. The County's Environmental Health Services Department reviewed the subject project and will require, as a condition of approval, a percolation test to be completed prior to recordation. A note placed on the Composite Development Plan will state "An approved percolation report, (EHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with EHS. A plot plan showing the location of the septic system shall be submitted to EHS prior to the issuance of building permits for the individual lots." If the percolation report indicates that soils exist that are incapable of adequately supporting the use of onsite waste water

[7] San Bernardino Countywide Plan Draft EIR. Geology and Soils. Figure 5.6-3 "Liquefaction and Landslide Susceptibility."

treatment, septic permits will not be issued and development of the subject parcels will not be allowed until an alternative form of wastewater treatment is available.

*f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**Less Than Significant Impact.** The site does not contain unique geologic features and is not expected to contain unique paleontological resources and the project does not propose any development or grading at this time.

**Therefore, potential impacts can be reduced to less than significant level with implementation of mitigation measures above.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **VIII.** | **GREENHOUSE GAS EMISSIONS –** Would the project: | | | | |
| a) | Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☒ | ☐ |
| b) | Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ |

***SUBSTANTIATION:***
***Countywide Plan; Submitted Project Materials***

*a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**Less Than Significant Impact.** On December 6, 2011, the San Bernardino County Board of Supervisors adopted the County Greenhouse Gas (GHG) Emissions Reduction Plan. The GHG Plan established a GHG emissions reduction target for the year 2020 that is fifteen (15) percent below 2007 emissions. San Bernardino County achieved this 2020 GHG reduction target. On September 21, 2021, the San Bernardino County Board of Supervisors adopted the Greenhouse Gas Reduction Plan Update. This GHGRP Update presents a target for the year 2030, which is to reduce emissions to 40 percent below 2007 levels. This goal would put the County on a path toward the State's long-term goal to achieve statewide carbon neutrality (zero net emissions) by 2045. Through successful implementation of this GHGRP Update, the County will demonstrate the potential economic, social, and environmental benefits of reducing GHG emissions and providing environmental stewardship within the community.

CEQA Guidelines provide that the environmental analysis of specific projects may be tiered from a programmatic GHG plan that substantially lessens the cumulative effect of GHG emissions. If a public agency adopts such a programmatic GHG Plan, the environmental review of subsequent projects may be streamlined. A project's incremental contribution of GHG emissions will not be considered cumulatively significant if the project is consistent with the adopted GHG Plan.

*b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*

**Less Than Significant Impact.** The Proposed Project would comply with applicable County GHG Plan strategies. Any project that does not exceed 3,000 MTCO2e per year will be considered to be consistent with the SCAQMD's AQMP and determined to have a less than significant individual and cumulative impact for GHG emissions. With implementation of Mitigation Measures GHG-1 to GHG-5, the Proposed Project would

not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measures GHG-1 to GHG-5.

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **IX.** | **HAZARDS AND HAZARDOUS MATERIALS –** Would the project: | | | | |
| a) | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ |
| b) | Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☒ |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| d) | Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |

| | | | | | |
|---|---|---|---|---|---|
| g) | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:***

***Submitted Project Materials; EnviroStor Database; San Bernardino Countywide Plan Draft EIR: Hazards and Hazardous Materials***

*a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**No Impact.** The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because allowed uses in the RS-1 zone will not transport, use or dispose of hazardous materials. If a use is proposed in the future that transports, uses or disposes of hazardous materials a permit and inspection by the Hazardous Materials Division of the County Fire Department is required.

*b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**No Impact.** The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because the project is a subdivision for future residential use and no hazardous materials will be on site. Any proposed future use or construction activity that might use hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department.

*c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**No Impact.** The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school, because the project does not propose the use of hazardous materials and all existing and proposed schools are more than 1/4 mile away from the project site.

*d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**No Impact.** The project site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5 and therefore, will not create a significant hazard to the public or environment.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

**No Impact.** The Project Site is not within an airport safety review area or Airport Runaway Protection Zone.[8] The Project Site is not located within the vicinity of a private or public airstrip. The nearest airport to the Project Site is the Adelanto Airport, approximately 8.7 miles northeast of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

*f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from one or more directions via Beaver Avenue and Marco Road. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

*g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**No Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with lands because prior to any construction occurring on any parcel, the applicant shall contact the County Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. The County Wide Plan does not designate the project site as being within a Fire Safety Review Area 1 (FS1) Overlay.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **X.** | **HYDROLOGY AND WATER QUALITY -** Would the project: | | | | |
| a) | Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | ☐ | ☐ | ☐ | ☒ |
| b) | Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | ☐ | ☐ | ☐ | ☒ |
| c) | Substantially alter the existing drainage pattern of the site or area, including through | | | | |

[8] San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-2 "Airport Safety Zones."

| | | | | | |
|---|---|---|---|---|---|
| | the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | | | | |
| | i. result in substantial erosion or siltation on- or off-site; | ☐ | ☐ | ☐ | ☒ |
| | ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; | ☐ | ☐ | ☐ | ☒ |
| | iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or | ☐ | ☐ | ☐ | ☒ |
| | iv. impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ |
| d) | In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | ☐ | ☐ | ☐ | ☒ |
| e) | Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☒ | ☐ |

***SUBSTANTIATION:***

***Countywide Plan; Submitted Project Materials; Preliminary WQMP; Hydrology and Hydraulics Report***

a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

**No Impact.** The project will not violate any water quality standards or waste discharge requirements. Any future on-site wastewater treatment systems associated with residential development must be approved by the San Bernardino County Department of Public Health -Environmental Health Services Division based on requirements set by the Colorado River Regional Water Quality Control Board.

b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**No Impact.** The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The project site has been authorized by the Department of Public Health – Environmental Health Services Division for individual wells on each parcel. EHS will require documentation that substantiates sufficient well water of acceptable quality to serve the project prior to building permit issuance.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

*i) Result in substantial erosion or siltation on- or off-site;*

**No Impact.** The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site because the project does not propose any alteration to a drainage pattern, stream or river. The project will not require the alteration of any drainage pattern of the site or area.

*ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;*

**No Impact.** The project would not substantial increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite based off of the findings in the preliminary drainage analysis prepared by RCA associates, Inc. (survey conducted on March 19, 2021) that states "The estimated runoff from the offsite tributary area (81 acres) is 183 cfs and will pass through the site (15.81 acres) which generates and additional runoff of 7.7 cfs. Total anticipated runoff of 190.7 cfs will exit from the site and will drain within natural drainage courses to the closest master storm drain system (E-01-04, 60"RCP) to the north in La Masa Road."

*iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or*

**No Impact.** The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff. Based off of the project description, no development is being proposed.

*iv) Impede or redirect flood flows?*

**No Impact.** The project site is in a mapped FEMA area that is determined to be Zone D, which indicates a chance of flood. However, no development is being proposed.

d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

**No Impact.** The project will not be impacted by inundation by seiche, tsunami, or mudflow. The project is not adjacent to any body of water that has the potential of seiche or tsunami or is the project site in the path of any potential mudflow according to the County's Flood Hazard Overlay map.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

**Less Than Significant Impact.** The Project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. At this time, no development is proposed. If future development occurs, permits from the Land Development as well as Environmental Health Services will need to be obtained to ensure no conflict.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **XI.** | **LAND USE AND PLANNING** - Would the project: | | | | |
| a) | Physically divide an established community? | ☐ | ☐ | ☐ | ☒ |
| b) | Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:***

***Countywide Plan; Submitted Project Materials***

*a) Physically divide an established community?*

**No Impact.** The project will not physically divide an established community, because the project is a logical and orderly extension of the planned land uses and development that are established within the surrounding area. The proposed subdivision will create residential parcels that conform to the Single Residential minimum parcel size development standards and the residential density of the County Wide Plan. The subject property is surrounded by public rights-of-way that allow continued access to adjacent and neighboring property and neighborhoods.

*b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**No Impact.** The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. The project is consistent with all applicable land use policies and regulations of the County Code, County Wide Plan, and the plans, policies, laws and regulations of responsible agencies. The project complies with all hazard protection, resource preservation and land use modifying Overlay District regulations

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **XII.** | **MINERAL RESOURCES** - Would the project: | | | | |

| | | | | | |
|---|---|---|---|---|---|
| a) | Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? | ☐ | ☐ | ☐ | ☒ |
| b) | Result in the loss of availability of a locally important mineral resource recovery site delineated on a local County Wide Plan, specific plan or other land use plan? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:*** *(Check ☐ if project is located within the Mineral Resource Zone Overlay):*

***Countywide Plan; Submitted Project Materials; Mineral Land Classification***

a) *Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?*

**No Impact.** The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state because no known mineral resources are on site. The project site is not located in the any Mineral Resources overlay for metallic mineral resources as indicated in the *Mineral Land Classification of a Part San Bernardino County, California:* The project site is not currently mined, is not mapped as an area for a potential future mining operation and has no known mineral resources of significance or value.

b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local County Wide Plan, specific plan or other land use plan?*

**No Impact.** The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local County Wide Plan, specific plan or other land use plan, because the project site is not identified as a recourse recovery site on the County Wide Plan, specific plan or other land use plan. The County Wide Plan has mapped sites that are existing surface mining activities, areas where mining activity is expected to take place in the future and areas adjacent to current or proposed mining activity as the Mineral Resource (MR) Overlay. The project site is not within the MR Overlay of the County Wide Plan; therefore, no impact is anticipated in this area.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

| ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|
| **XIII. NOISE** - Would the project result in: | | | | |

| | | | | | |
|---|---|---|---|---|---|
| a) | Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local County Wide Plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☒ |
| b) | Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ |
| c) | For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:*** *(Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the County Wide Plan Noise Element ☐):*

***Countywide Plan; Submitted Project Materials; Noise Impact Analysis***

a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local County Wide Plan or noise ordinance, or applicable standards of other agencies?*

**No Impact.** The project will not expose persons to or generate noise levels in excess of standards established in the local County Wide Plan or noise ordinance, or applicable standards of other agencies. The project is required to comply with the noise standards of the County Development Code. Noise exceeding these standards is not anticipated to be generated by the allowed uses of the Single Residential land use district and future construction activities. The subject site is not located near any activity that generates noise levels in excess of the Single Residential land use zoning district standards. A note will be placed on the CDP that future residences, "shall submit an acoustical information sheet demonstrating that the County's exterior and interior residential noise standards will not be exceed and if exceeded, the manner in which those levels will be mitigated to an acceptable level". This information is to be submitted to the County's Department of Public Health, Environmental Health Services Division for review and approval.

b) *Generation of excessive groundborne vibration or groundborne noise levels?*

**No Impact.** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. Any land disturbance conducted in the future, as part of a residential development will have to adhere to the County Development Code for grading and construction noise. The project location is not in the

surrounding area of any industries or activities that generate excessive ground borne vibration.

c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?*

**No Impact.** The project is not located within an airport land-use plan area or within two miles of a public/public use airport.

**Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.**

| | Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|---|---|---|---|---|---|
| **XIV.** | **POPULATION AND HOUSING** - Would the project: | | | | |
| a) | Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☒ | ☐ |
| b) | Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:***

***Countywide Plan; Submitted Project Material***

a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**Less Than Significant Impact.** The project will not induce substantial population growth in an area either directly or indirectly. The proposed subdivision will create an additional parcel that is allowed one primary dwelling unit, and accessory dwelling unit and a junior accessory dwelling unit. The County Wide Plan has anticipated and planned for this level of development on the project site.

b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No Impact.** The proposed use will not displace any people necessitating the construction of replacement housing elsewhere, because the project will not displace any existing housing or existing residents.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **XV.** | **PUBLIC SERVICES** | | | | |
| a) | Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| | Fire Protection? | ☐ | ☐ | ☐ | ☒ |
| | Police Protection? | ☐ | ☐ | ☐ | ☒ |
| | Schools? | ☐ | ☐ | ☐ | ☒ |
| | Parks? | ☐ | ☐ | ☐ | ☒ |
| | Other Public Facilities? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:***

***Countywide Plan, 2020; Submitted Project Materials***

a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

*Fire Protection?*

**No Impact.** There is one station located within the Project's vicinity. CAL FIRE BDU, Phelan Fire Station located at 9600 Centola Road.

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented into project design to minimize the potential for fires to occur during construction and operations. The Proposed Project would be required to comply with County fire suppression standards, provide adequate fire access and pay required development impact fees. Therefore, no impacts are identified or anticipated.

*Police Protection?*

**No Impact.** The San Bernardino County Sheriff's Department (SBCSD) serves the Community of Phelan and other unincorporated portions of the County. The nearest Sheriff's Department is located at 4050 Phelan Road, approximately 7.8 miles southwest of the Project Site. The SBCSD reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Additionally, development impact fees are collected at the time of building permit issuance to offset project impacts. Therefore, no are identified or anticipated.

*Schools?*

**No Impact.** The Project Site is served by the Snowline Joint Unified School District. The Proposed Project would not result in substantial population growth. The Proposed Project is not expected to draw any new residents to the region that would require expansion of existing schools or additional schools. With the collection of development impact fees, impacts related to school facilities are expected to be less than significant. Therefore, no impacts are identified or anticipated.

*Parks?*

**No Impact.** The Proposed Project would not induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of any facilities would result. The Proposed Project would place no demands on parks because it would not involve the construction of housing and would not involve the introduction of a permanent human population into the area. Therefore, no impacts are identified or anticipated.

*Other Public Facilities?*

**No Impact.** The Proposed Project would not result in an increased residential population or a significant increase in the work force. Implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

| | *Issues* | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **XVI.** | **RECREATION** | | | | |
| a) | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? | ☐ | ☐ | ☐ | ☒ |
| b) | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:***

***Submitted Project Materials***

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?*

**No Impact.** This project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Any impacts from this proposed minor subdivision will be minimal because only approximately three (3) residential units may be generated at final build-out. The County Wide Plan requires new residential development to provide a local park and recreation facilities at a rate of not less than 3 acres per 1,000 residents. Therefore, the Proposed Project would not result in an increase in the use of existing neighborhood or regional parks, or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. The Project Applicant's payment of required fees will serve to mitigate any potential impacts related to the use of existing parks and other recreational facilities from the Proposed Project. No impacts are identified or anticipated.

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

**No Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, because the type of project proposed will not result in an increased demand for recreational facilities. No development of new parkland is required per the County Wide Plan and discussed in section XVI. a), above.

**Therefore, no adverse impacts are identified or anticipated, and no mitigation measures are required.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **XVII.** | **TRANSPORTATION** – Would the project: | | | | |
| a) | Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | ☐ | ☐ | ☒ | ☐ |
| b) | Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)? | ☐ | ☐ | ☒ | ☐ |
| c) | Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| d) | Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |

***SUBSTANTIATION:***

***Countywide Plan; Submitted Project Materials; Traffic Analysis***

a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

**Less Than Significant Impact.** The future development of eight (8) parcels will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Local roads are currently operating at a Level Of Service (LOS) at or above C the standard established by the County Wide Plan.

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?*

**Less Than Significant Impact.** The project will not exceed, either individually or cumulatively, a level of service (LOS) standard established by the county congestion management agency for designated roads or highways.

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**No Impact.** The Project Site is almost perfectly rectangular-shaped and will be square after subdivision is recorded and is not adjacent to windy roads. Moreover, the

Proposed Project is the subdivision of three parcel into eight (8) parcels. It does not include a geometric design or incompatible uses that would substantially increase hazards. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

d) *Result in inadequate emergency access?*

**Less Than Significant Impact.** Access into the site would be via a road dedication on Lindero Road, Cordeno Road, Beaver Road, and Marco Road. Prior to building permits being issued, the San Bernardino County Fire Department requires the access road to be paved or an all-weather surface to be installed with turnouts. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

| ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|
| **XVIII. TRIBAL CULTURAL RESOURCES** | | | | |
| a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | ☐ | ☒ | ☐ | ☐ |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | ☐ | ☒ | ☐ | ☐ |

***SUBSTANTIATION:***

***Phase I Cultural Resources Investigation***

a) *i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or;*

*ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources*

*Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

**Less than Significant with Mitigation.** California Assembly Bill 52 (AB52) was approved by Governor Brown on September 25, 2014. AB52 specifies that CEQA projects with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource may have a significant effect on the environment. As such, the bill requires lead agency consultation with California Native American tribes traditionally and culturally affiliated with the geographic area of a proposed project, if the tribe requested to the lead agency, in writing, to be informed of proposed projects in that geographic area. The legislation further requires that the tribe-requested consultation be completed prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

On October 6, 2020, the County of San Bernardino E-mailed notification pursuant to AB-52 and SB-18 to the following tribes: the Morongo Band of Mission Indians, San Manuel Band of Mission Indians, Colorado River Indian tribes, Fort Mojave Indian Tribe, and Twenty-Nine Palms Band of Mission Indians. The AB-52 consultation concluded on November 6, 2020.

Consultation with the Morongo Band of Mission Indians, San Manuel Band of Mission Indians, Colorado River Indian tribes, Fort Mojave Indian Tribe, and Twenty-Nine Palms Band of Mission Indians. Planning Staff has received Mitigation Measures **TR-1, TR-2, TR-3, and TR-4** from the San Manuel Band of Mission Indians.

**Mitigation Measures**
Mitigation:
**XVIII.**
**(a)**

**TR-1: Mitigation Measure.** The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in TR-3, 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, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

**TR-2: Mitigation Measure.** 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 SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

**TR-3: Mitigation Measure.** 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 San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TR-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.

**TR-4: Mitigation Measure.** 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 SMBMI for review and comment, as detailed within TR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

**Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measures TR-1, TR-2, TR-3 and TR-4.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **XIX.** | **UTILITIES AND SERVICE SYSTEMS -** Would the project: | | | | |
| a) | Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| b) | Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years? | ☐ | ☐ | ☒ | ☐ |
| c) | Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☒ |
| d) | Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | ☐ | ☐ | ☐ | ☒ |

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| e) | Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ |

***SUBSTANTIATION:***

***Countywide Plan; Submitted Project Materials; California Energy Commission Energy Report***

a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

**Less Than Significant Impact.** The Project would require the expansion of new water system, relocation or construction wastewater (septic system), storm water drainage facilities, electric power, and telecommunications facilities to serve the Project.

b) *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?*

**Less Than Significant Impact.** The proposed project will require or result in construction of new water expansion of existing facilities. The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources, as Victorville Water District has given assurance that it has adequate water service capacity to serve the projected demand for the project after the requirements of the conditional availability of service have been met.

c) *Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*

**No Impact.** There is no wastewater treatment provider serving the project area. Onsite wastewater treatment systems will serve future residences. These onsite wastewater treatment systems must be approved by the County Environmental Health Services based on requirements by the Colorado River Water Quality Control Board; therefore there will be no impact in this area.

d) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

**No Impact.** Waste generated from the Proposed Project is not expected to significantly impact solid waste collection systems. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**No Impact.** The project is required to comply with federal, state, and local statutes and regulations related to solid waste.

**Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.**

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **XX.** | **WILDFIRE:** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | |
| a) | Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| b) | Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire? | ☐ | ☐ | ☒ | ☐ |
| c) | Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | ☐ | ☐ | ☐ | ☒ |
| d) | Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | ☐ | ☐ | ☒ | ☐ |

***SUBSTANTIATION:***

***County of San Bernardino Countywide Plan; Submitted Project Materials; CalFire VHFHSZ in LRA***

a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** The Project Site is located within a Moderate Fire Hazard Severity Zone[9]. The Proposed Project will not impair an adopted emergency response plan or emergency evacuation plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?*

[9] San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-5 "Fire Severity and Growth Areas in the Desert Regions."

**Less Than Significant Impact.** The site is relatively flat, approximately 1,040 meters above sea level. The Project Site is located within a Moderate Fire Hazard Severity Zone.[10]

The Project Site is vacant. It is surrounded by residential development to the west and south. The property to the north and east remains vacant. Natural vegetation occurs on-site and could be potential for wildfire fuel factors within the Project Site, the risk of wildfires could be moderate. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**No Impact.** The Proposed Project does not include the installation or maintenance of associated infrastructure that would exacerbate fire risk. Implementation of new infrastructure would reduce the risk of wildfires by eliminating some natural vegetation at and around building footprint and provide some hardscape. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

**Less Than Significant Impact.** The site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the Project Site is not subject to post-fire slope instability. The Project Site is not located within a 100-Year Federal Emergency Management Agency (FEMA) flood zone, or a 500-year FEMA flood zone, and is not located within a 100-year Department of Water Resources Awareness Zone.[11] Moreover, there are no dams, reservoirs, or large bodies of water near the Project Site. Therefore, the Proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No significant impacts are identified or anticipated, and no mitigation measures are required.

[10] San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-5 ”Fire Severity and Growth Areas in the Desert Regions.”

[11] San Bernardino Countywide Plan Draft EIR. Hydrology and Water Quality. Figure 5.9-3 “Flood Hazard Zones in the Desert Regions.”

| | ***Issues*** | *Potentially Significant Impact* | *Less than Significant with Mitigation Incorporated* | *Less than Significant* | *No Impact* |
|---|---|---|---|---|---|
| **XXI.** | **MANDATORY FINDINGS OF SIGNIFICANCE:** | | | | |
| a) | Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☐ | ☒ | ☐ |
| b) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | ☐ | ☐ | ☒ | ☐ |
| c) | Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☒ | ☐ |

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

**Less Than Significant Impact.** As a Major Subdivision to create eight (8) parcels with no proposed grading or development, the project is not expected to have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

If cultural resources are identified in any new construction once the subdivision is recorded, the County of San Bernardino and the local tribes would be notified.

Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

**Less Than Significant Impact**. The project does not have impacts that are individually limited, but cumulatively considerable. Special studies prepared to analyze impacts of the proposed project consider and evaluate existing and planned conditions of the surrounding area and the region. Existing and planned infrastructure in the surrounding area has been planned to accommodate planned build out of the area, including the project site.

c) *Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?*

**Less Than Significant Impact.** All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

The incorporation of design measures, County of San Bernardino policies, standards, and guidelines and proposed mitigation measures as identified within this Initial Study would ensure that the Proposed Project would have no significant adverse effects on human beings, either directly or indirectly on an individual or cumulative basis.

**Therefore, no significant adverse impacts are identified or anticipated with incorporation of mitigation measures.**

**MITIGATION MEASURES** (Any mitigation measures, which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval. (Compliance monitoring will be verified by existing procedures for condition compliance)

**BIO-1 Preconstruction Nesting Bird Surveys**
If it is not feasible to avoid the nesting bird season (February 1 through August 31), a qualified biologist shall conduct a pre-construction nesting bird survey to determine presence/absence, location, and status of any active nest. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than seven (7) days prior to the commencement of construction.

In the event active nests are discovered, a suitable buffer (distance to be determined by a qualified biologist) shall be established around active nests and no construction within the buffer allowed, until the biologist has determined the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

**BIO-2 Preconstruction Burrowing Owl Surveys**
A qualified biologist will perform preconstruction clearance surveys for western burrowing owl year-round and no more than 30-days prior to ground disturbance. The survey will be conducted during day-light hours and the biologist will visually cover 100% of the site. Preconstruction clearance surveys for burrowing owl shall follow the CDFW 2012 Staff Report guidelines. If burrowing owl are not observed on site, a Memorandum of Findings will be provided to CDFW. If burrowing owl are observed occupying the site, a 250-foot buffer will be established around all active burrows and CDFW will be immediately of nesting/occupation activities. Mitigation Measure **BIO-3** describes the activities associated with relocation to reduce the impacts to less than significant.

All active burrows will be monitored no less than once a week to determine the level of activity.

**BIO-3 Passive or Active Relocation of Burrowing Owls**
If burrowing owls are observed on the Project site during preconstruction surveys, CDFWshall be immediately notified to determine if avoidance of the nest is appropriate until the nest is vacated, or to gain concurrence from CDFW on active or passive relocation actions. All passive or relocation activities shall be in concurrence with CDFW guidelines (Staff Report on Burrowing Owl Mitigation 2021).

If burrowing owl are present and nesting on-site the following steps shall be necessary to reduce impacts to less than significant. These steps may be augmented by recommendations from CDFW:

a. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through non-invasive methods that: (1) owls have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

b. A qualified biologist shall exclude all owls from active burrows using one-way doors. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.

c. Following and 24 to 48-hour observation period, all vacated burrows shall be collapsed.

d. A qualified biologist shall conduct a post-exclusion survey confirming the absence of burrowing owls on the Project site. Should newly occupied burrows be discovered on the Project site the exclusion activities shall be repeated.

**BIO-4 Preconstruction Desert Tortoise Survey**
A USFWS authorized biologist shall survey the Project site (including buffer where accessible) for the presence of desert tortoise no more than 14 days prior to the commencement of project activities.

If desert tortoise and/or active burrows are observed, the authorized biologist shall contact USFWS for concurrence and direction on relocation of the tortoise. In general, desert tortoise shall be moved no more tha 1,000 feet for juveniles and adults, and 300 feet for hatchlings.

**BIO-5 Incidental Take Permit from California Department of Fish and Wildlife**
An Incidental Take Permit shall be required from CDFW for the removal of Joshua trees on the Project site. An Incidental Take Permit (ITP) application and supporting documentation shall be submitted to CDFW for review and approval for removal of Joshua trees on the Project site. An ITP establishes a performance standard requiring that the impacts be “minimized and fully mitigated” with “measures that are roughly proportional in extent to the impact of the authorized taking on the species.” Therefore, additional mitigation measures, such as the purchase of credits from an approved conservation or mitigation bank, land acquisition, or entry into a conservation easement, will be determined in consultation with CDFW to meet ITP requirements. Because the Joshua tree was designated as a candidate species in October 2020 and is still subject to a status review by CDFW, it is impractical to determine the specific details of mitigation, beyond compliance with the ITP.

An ITP application requires a completed CEQA document to accompany the ITP application and fee. CDFW requires the CEQA document have a state clearing house number, show proof of filing fees, and proof the document has been circulated. CDFW will then review the ITP and CEQA document and make a determination of mitigation. At the time of the writing of this document, CDFW is not accepting relocation of Joshua tree for mitigation or to lessen mitigation obligations.

**CUL-1 Inadvertent Discovery**

In the event that cultural resources are discovered during project activities, all work in the immediate vicinity find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards be hired to assess the find. Work on the other portions of the project outside of the buffered area may co during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Reso Department (SMBMI) shall be contacted, as detailed within **TCR-1**, regarding any pre-contact and/or histor finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the so as to provide Tribal input with regards to significance and treatment.

**CUL-2 Paleontological Monitoring**

If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015 discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment the drafts of which shall be provided to SMBMI for review and comment, as detailed within **TCR-1**. The archaeo shall monitor the remainder of the project and implement the Plan accordingly.

**CUL-3 Archaeological Monitoring**

If human remains or funerary objects are encountered during any activities associated with the project, work i 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.

**TR-1: Mitigation Measure.** The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in TR-3, 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, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

**TR-2: Mitigation Measure.** 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 SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

**TR-3: Mitigation Measure.** 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 San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TR-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.

**TR-4: Mitigation Measure.** 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 SMBMI for review and comment, as detailed within TR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

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