

**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:	0357-122-09	USGS Quad:	Cajon
Applicant:	Mark Alnakoud	T, R, Section:	T03N, R05W, Section 28
Location	12077 State Hwy 138 Hesperia, CA 92345	Thomas Bros	Not Applicable
Project No:	PROJ-2021-00088	Community Plan	Not Applicable
Rep	Mark Alnakoud 12077 State Hwy 138 Hesperia, CA 92345	LUC: Zone:	CG (General Commercial)
Proposal:	A Minor Use Permit to demolish an existing 2,166 square foot (SF) convenience store for the construction of a new 4,091 sf convenience store, operating from 5 AM to 12 AM with a 903 SF drive-through coffee shop (Totaling 4,994 SF) with no indoor dining; expand and relocate the two existing double-sided fuel dispensers and replace with four double-sided fuel dispensers and add a canopy; convert an existing 2,172 SF residence to a feed store and construct a new 4,900 SF storage building within the General Commercial Zone (CG); and two new driveway approaches (one on Hwy 138 and one on Summit Valley Road).	Overlays:	Not Applicable

PROJECT CONTACT INFORMATION:

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

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Fax No: (760) 995-8167

PROJECT DESCRIPTION:

Summary

Mark Alnakoud (Project Applicant) is requesting approval to demolish an existing 2,166 square foot (SF) convenience store and construct a new 4,091 sf convenience store, operating from 5 AM to 12 AM with a 903 SF drive-through coffee shop with no indoor dining; a gas station with four double-sided fuel dispensers with canopy; convert existing 2,172 SF residence to a feed store and a 4,900 SF storage building (no hay) within the General Commercial Zone; two new driveways approaches (one on Hwy 138 and one on Summit Valley Road). The Project Site is not located within any Countywide Plan Area.

Entitlements include the following:

- A Minor Use Permit to demolish an existing 2,166 square foot (SF) convenience store for the construction of a new 4,091 sf convenience store, operating from 5 AM to 12 AM with a 903 SF drive-through coffee shop (Totaling 4,994 SF) with no indoor dining; expand and relocate the two existing double-sided fuel dispensers and replace with four double-sided fuel dispensers and add a canopy; convert an existing 2,172 SF residence to a feed store and construct a new 4,900 SF storage building within the General Commercial Zone (CG); and two new driveway approaches (one on Hwy 138 and one on Summit Valley Road).

Zoning

The Project occurs within one parcel (APN 0357-122-09) that totals 3.58 acres and is zoned General Commercial (CG). The CG (General Commercial) land use zoning district provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses.

Project Site Location, Existing Site Land Uses and Conditions

The Project Site is located at 12077 State Hwy 138 (SR-138), in the unincorporated area of San Bernardino County known as the Summit Valley near Hesperia. Regionally, the Project Site is located approximately 4.5 miles west of Interstate 15, and approximately 4 miles east of Lake Silverwood, approximately 2.5 miles south of the City of Hesperia and approximately 2.5 miles north of the San Bernardino Mountain area (see **Figure 1- Regional Location** and **Figure 2 – Project Location: Aerial** and **Figure 3 – Project Location: USGS**).

The Project Site is located on the south side of SR-138; the developed Summit Valley Road exists on the north side of SR-138 across from the Project Site. SR-138 is a major thoroughfare from the San Bernardino Mountains, Lake Silverwood and the southern areas of the City of Hesperia

to reach the I-15. The Project Site is currently developed with an existing 2,166 square foot (SF) convenience store; a gas station with two, double-dispensers; and a 2,172 SF residence.

The Project Site is within the *Cajon* quadrangle of the United States Geological Survey’s (USGS) 7.5-minute topographic map series, within Section 28 of Township 3 North, Range 5 East. On-site surface elevation is approximately 1,070 meters or 3,514 feet above sea level. The Project Site consists mainly of non-native plants and grasses.

Table 1 – Existing Land Use and Zoning lists the existing adjacent land uses and zoning for the Project Site and the area adjacent to and surrounding the Project Site. **Figure 4 – Existing Zoning** identifies the Project Site’s existing zoning.

**Table 1
 Existing Land Use and Zoning**

Location	Existing Land Use	Land Use Category	Zoning
Project Site	Store, market, gas station	CG (General Commercial)	General Commercial
North	SR-138, Summit Valley Road, Undeveloped and Vacant land	RS-1 (Single Residential)	RS-1 (Single Residential)
South	Rural residential	RS-1 (Single Residential)	RS-1 (Single Residential)
East	Undeveloped portion of Summit Valley Road, Vacant land, vehicle storage	RS-1 (Single Residential)	RS-1 (Single Residential)
West	Vehicle and RV/trailer storage	RS-1 (Single Residential)	RS-1 (Single Residential)

Land Use Designation

The Project Site and surrounding properties in unincorporated San Bernardino County are governed by the San Bernardino Countywide Plan (Countywide Plan) and the County Development Code. There is no Countywide Plan associated with the Project Site and surrounding properties. The General Plan designates the Project Site as (CG) General Commercial and the surrounding properties as (RS-1) Single Residential. The CG (General Commercial) land use zoning district provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses.

The Project Site and surrounding properties are identified as being with County Fire Safety Overlay District FS-1.

Site Development

The proposed Site plan is shown in **Figure 5 – Site Plan** and **Figure 6 – Elevations**. Project implementation would allow for the demolition of the existing 2,166 SF convenience store and replace it with a new 4,091 SF convenience store with a 903 SF drive-through coffee shop and

no indoor dining; removal of the existing two dual gas pumps and replace them with four dual dispenser pumps and add a canopy; convert the existing convert existing 2,172 SF residence to a feed store; construct a new 4,900 SF storage building for feed storage except for hay; two new driveways approaches (one on SR-138 and one on Summit Valley Road).

The existing convenience store operates from 5:30 am to 10 pm; the new convenience store would operate from 5 AM to 12 AM, whereas the drive-through would be open from 5:30 am to 7 pm. The number of employees would increase from 3 to approximately 5 to 7.

The new convenience store building would be located in approximately the same location as the current building, with the drive through facing the south side of the building with parking along adjacent to the store's west side and south of the drive through. The gas pumps would be in approximately the same position but moved closer to the building and away from SR-138. While the existing underground storage tanks are anticipated to be able to remain in place, one tank may be required to be moved, which will be determined in final design.

The existing residence is located to the west of the convenience store, and the new storage building would be constructed near the southern property line, south of the existing residence. The new convenience store building would have a maximum building height of 22 feet, which is under the maximum 35-foot height limit for the General Commercial Zoning District. The Proposed Project would include paved drive aisles and parking areas, a loading zone, and trash enclosures.

As shown in Figure 6 and Appendix G, the architectural style of the market retains its existing "western" style with the use of wood, lap siding and stone veneer accents.

Off-Site Improvements

SR-138 is currently a two-lane roadway, approximately 42 feet wide, with dirt shoulders and dip crossings utilized as drainage (**Figure 7 – Proposed Road Improvements and Rights-of-Way**).

In general, the Project would develop a right-in/right-out driveway from SR-138 along the Project frontage, constructed per Caltrans specifications. The southern leg of Summit Valley Road, currently an earthen unimproved roadway, would be improved with paving, sidewalk and curb and gutter to a width that would vary from approximately 62 feet at the intersection with SR-138 to approximately 42 feet wide at the edge of the new, proposed driveway on the property's southern boundary and would accommodate two-way traffic. An all-way-stop control would be installed at the intersection of Summit Valley Road and SR-138 in accordance with Caltrans specifications.

Improvements to SR-138

West of Summit Valley Road Intersection – South Side. To facilitate the right-in/right-out Project driveway and an additional eastbound left turn lane along the south side of SR-138, the existing SR-138 would be widened and restriped from its existing 42-foot width, beginning approximately 1,070 feet west of the SR-138/Summit Valley Road intersection, tapering to approximately 66 feet wide at the SR-138/Summit Valley Road intersection. New curb and gutter would be installed along the Project frontage. No sidewalks or ADA ramps are proposed.

Because the widening of SR-138 west of the Project Site encroaches over private property, but where Caltrans takes primary maintenance responsibilities, the Project includes the acquisition of 52 feet of right-of-way (representing a point from the current centerline of SR-138 to the maximum edge of all improvements) from each of the following APNs: 0357-122-13; 0357-122-12; 0357-122-11; and 0357-122-10. The new right-of-way represents a total area of approximately 0.85 acre.

The Project would also grade new driveways to three residential parcels within the newly established right-of-way west of the site. Each driveway is proposed to be approximately 24-feet wide from SR-138 to: APNs 0357-122-13 and 0357-122-12 (shared driveway) and 0357-122-10 (adjacent parcel). APN 0357-122-11 is vacant so no driveway would be established by the Project Applicant. The driveways would be accessed by a new, approximately 8-foot-wide paved shoulder that would be striped and/or installed as new, on the south side of SR-138 in front of the new driveways. The new driveways would be unpaved.

West of Summit Valley Road Intersection – North Side. No improvements to the existing pavement are anticipated to occur, and no new right-of-way is anticipated to be required.

East of Summit Valley Road Intersection – South Side. SR-138 would be widened from the existing approximately 21 feet wide beginning approximately 240 feet east of the intersection, tapering to approximately 32 feet wide to provide for one 8-foot-wide paved shoulder, one 12-foot-wide travel lane, and one tapered 12-foot-wide striped median. All improvements would occur within the existing road right-of-way. No drainage improvements are anticipated, as the improvements would occur immediately outside of an existing roadway drainage swale.

Improvements to Summit Valley Road

North of and at SR-138 Intersection. Summit Valley Road is paved and contains two, 12-foot-wide lanes. The Project would maintain the existing road width, and only conduct minor restriping that would include a Stop bar and directional arrows. This portion of Summit Valley Road is maintained by San Bernardino County. No sidewalks or ADA ramps are proposed.

South of and at SR-138 Intersection. The existing southern leg of Summit Valley Road along the Project's eastern property boundary is unimproved and functions more as a dirt lot. The Project would pave Summit Valley Road to approximately 42 feet wide at the southern end of the property boundary, widening to approximately 62 feet wide at the SR-138 intersection on the north end of the property boundary. The intersection would also be striped with Stop bars and directional arrows. To accommodate the Project improvements, approximately 40 feet of right-of-way would be acquired from the adjacent APN 0357-123-57 along the Project's eastern boundary, or approximately 0.2 acre. The newly developed southern leg of Summit Valley Road would be dedicated to San Bernardino County for maintenance. No sidewalks or ADA ramps are proposed.

Parking and Circulation

Existing access is currently via SR-138, and there is currently no curb and gutter. Curb and gutter to County standards would be provided on both SR-138 and Summit Valley Road along the Project frontages. Vehicular access to the site would be provided from two drive aisles, one located along SR-138 and one located on Summit Valley Road. The SR-138 drive isle would be 26 feet wide and provide a right-turn-only from SR-138. The new 40-foot-wide driveway on

Summit Valley Road, located approximately 200 feet south of SR-138, would not be restricted for ingress and egress.

The Project would provide 38 parking stalls, pursuant to San Bernardino County Development Code Chapter 83.11 Parking and Loading Standards. Of the 38 parking stalls, 2 stalls would be dedicated for Americans with Disabilities (ADA), and 6 stalls for electric vehicle (EV) charging.

Landscaping

Approximately 7,143 (6.64 percent) of the Project Site would be landscaped. Landscaping would be provided along the SR-138 and Summit Valley Road frontages, as well as along the eastern property boundary, as well as adjacent to the eastern and southern sides of the building and southern parking areas. Water-efficient landscaping would be used throughout the landscaped areas of the Project Site.

In the area of the residence and feed storage building, there would be no landscaping but a compacted gravel base will be placed in the area around the feed store and storage building.

Utility Infrastructure

The Proposed Project would be served by the existing utility infrastructure, and no new utilities are required. The Project is served by an existing water well, and a new 40,000 gallon water tank that will be constructed in the feed storage area for both domestic water and fire flow.

The existing wastewater system for the existing store will be abandoned in place. The existing 1,000-gallon septic tank at the feed store will remain in place and will be routed to a distribution box that leads to the leach lines in the vicinity of the feed store area. A new 2,500-gallon septic tank will be placed on site to serve the new convenience store and drive through.

The existing site drains from west to east toward Summit Valley Rd at approximately 1.5 percent slope. In the proposed conditions, the north half of the site surface would drain to an inlet which discharges through an outlet onto Summit Valley Road; the south half of the site surface would drain to the south east corner of the site where flows would be directed onto a rip rap pad located at the southeast corner of the property near Summit Valley Road, that would slow flow as it continues into the natural adjacent drainage which flows easterly; no work is anticipated in the creek to the south of the property.

Grading and Demolition

The existing disturbed area of the Project is 31,175 SF. The Proposed Project would disturb approximately 85,825 SF of the total 106,459 SF parcel, and approximately 10,814 SF of grading would be required for Summit Valley Road on the east side of the Project. The Project grading is anticipated to balance over the site so there would be little or no need for import/export of material. Over excavation would reach depths of at least 5 feet below existing grade and at least 5 feet below proposed building pad subgrade elevation.

The existing 2,166 SF convenience store, constructed in 1980 will be demolished. The existing building is a standard wood construction and is anticipated to yield approximately 2,400 cubic yards in construction waste. Other demolition would include old pavement and various piping.

Initial Study PROJ-2021-00088
Silverwood Market, 12077 State Hwy 138 Hesperia, CA 92345
APN: 0357-122-09
January 2024

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None.

State of California: California Department of Transportation – encroachment permit for new driveways

San Bernardino County: Land Use Services Department-Building and Safety, Public Health-Environmental Health Services, Special Districts, and Public Works.

Regional: None

Local: None

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APN: 0357-122-09
December 2023

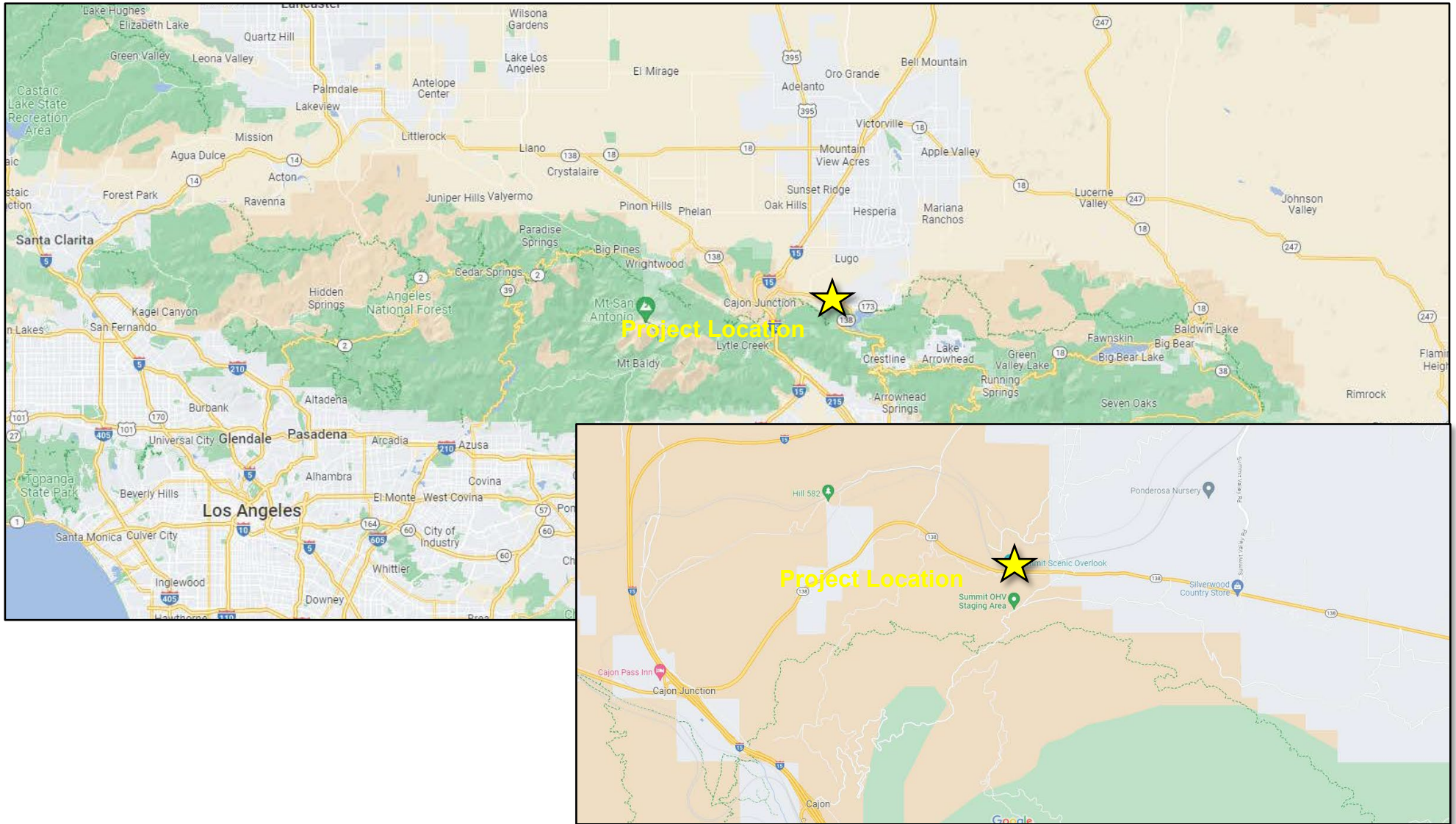


Figure 1: Regional Vicinity Map

Source: Google Maps

Not to Scale 

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Silverwood Market, 12077 State Hwy 138 Hesperia, CA 92345
APN: 0357-122-09
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Not to Scale 

Figure 2: Project Location -Aerial
Source: San Bernardino County Public Parcel Viewer
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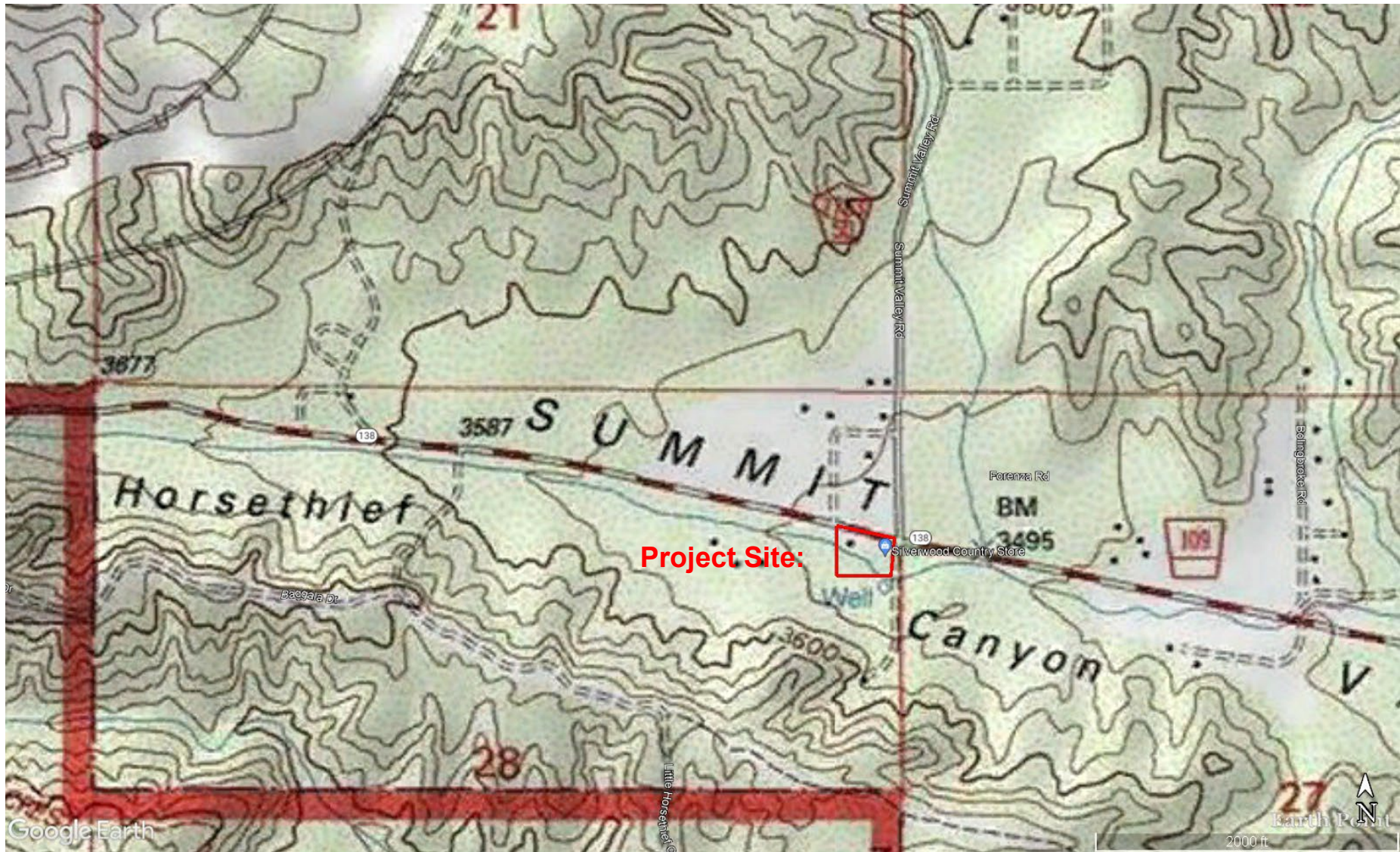
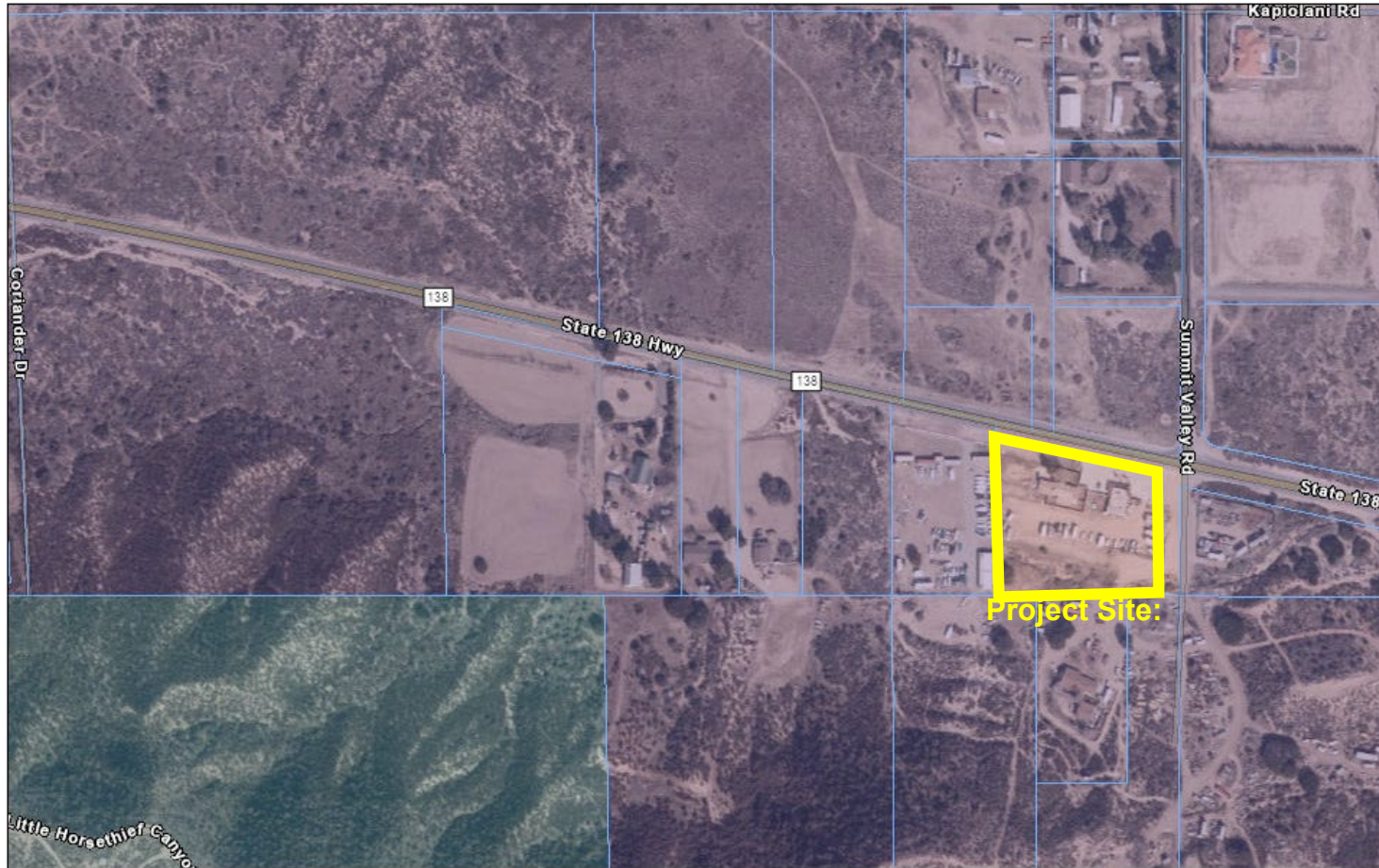


Figure 3: Project Location -USGS

Source: Google Earth Point Topo
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 Silverwood Market, 12077 State Hwy 138 Hesperia, CA 92345
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 January 2024



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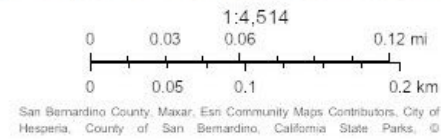
Parcels

Zoning for San Bernardino County - Land Use Districts

CG

RC

RS-1



San Bernardino County, Maxar | County of San Bernardino | Esri Community Maps Contributors, City of Hesperia, County of San Bernardino, California State Parks, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA

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Figure 4: Existing Zoning
 Source: San Bernardino County Parcel Viewer
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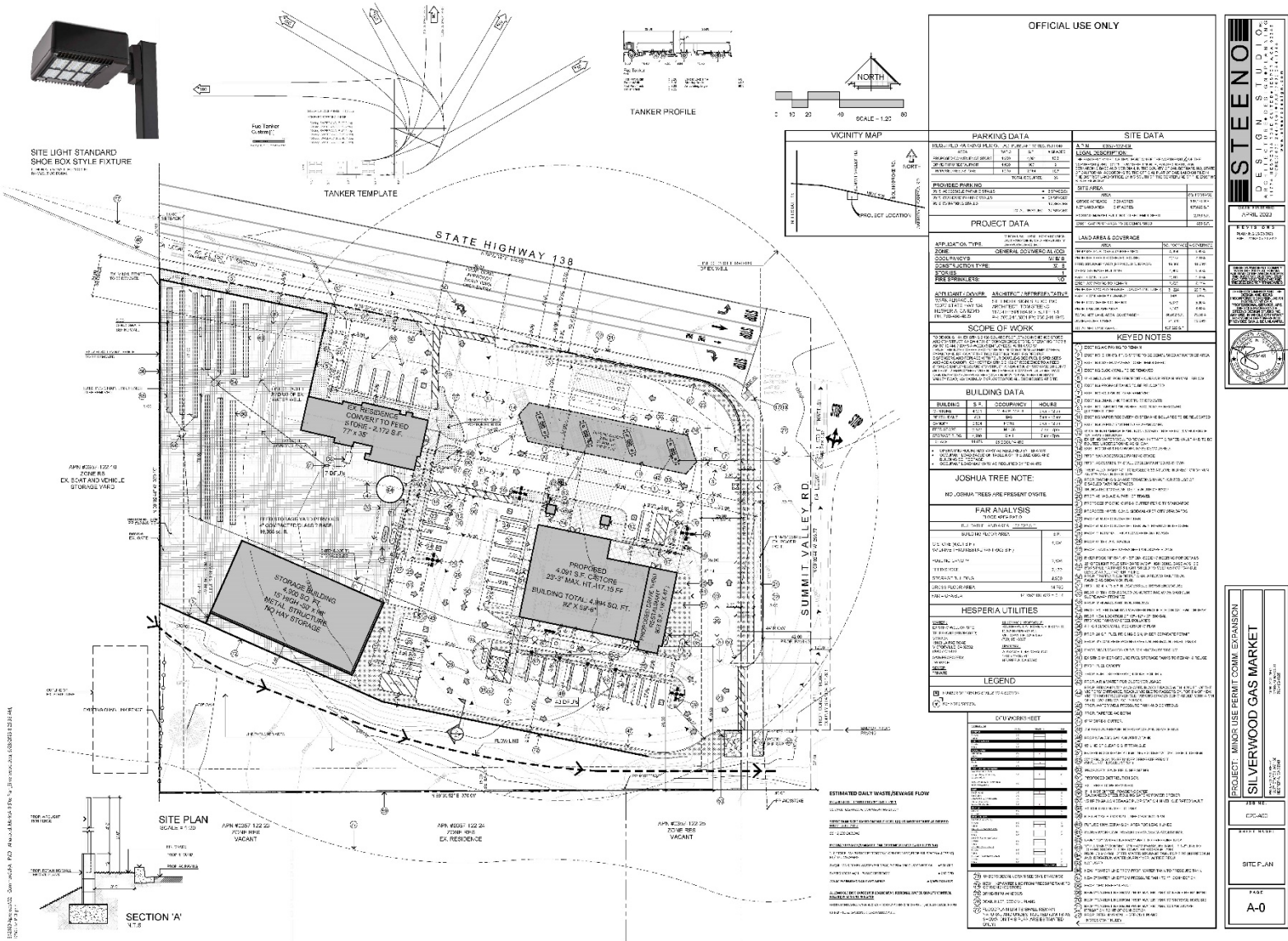
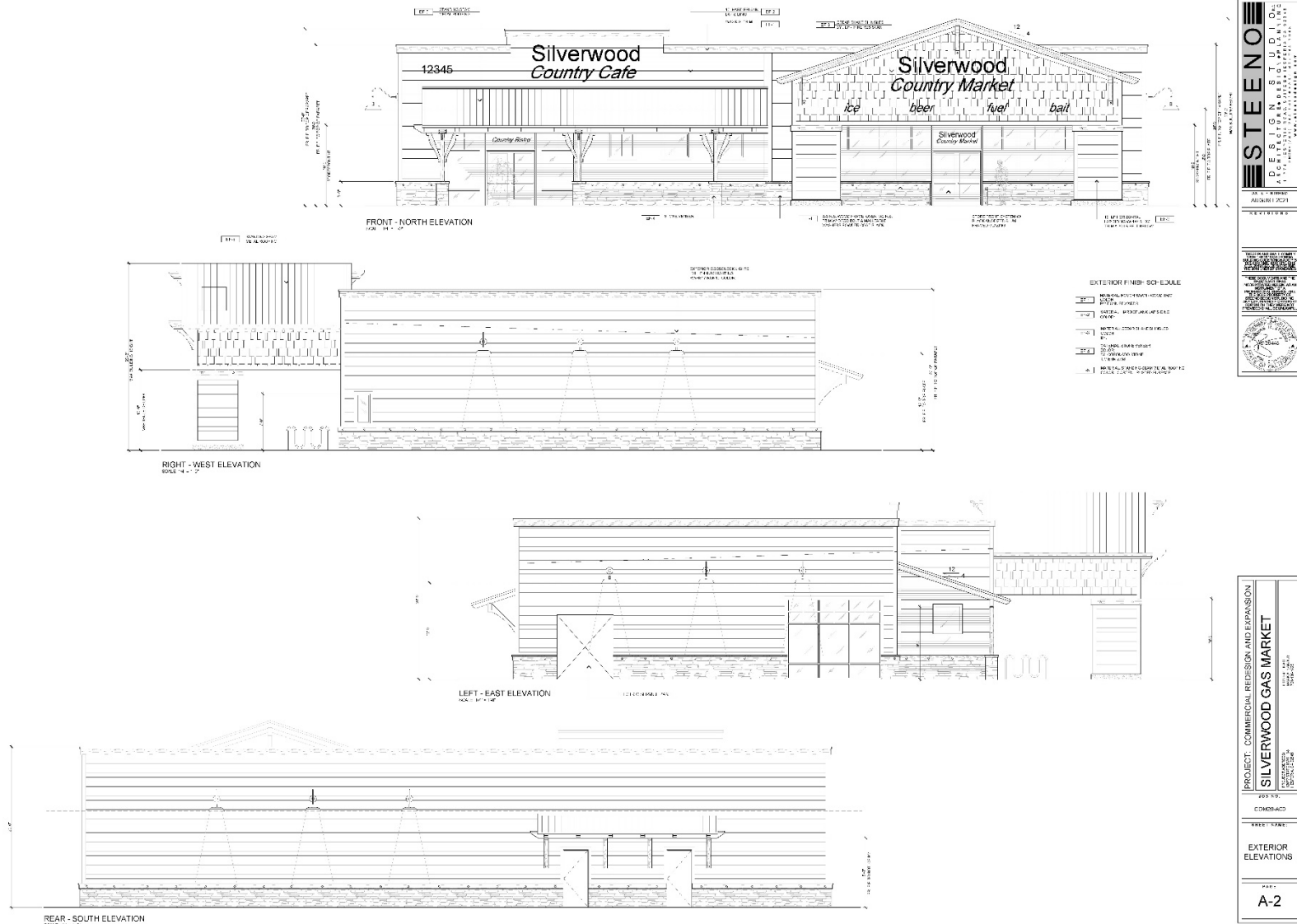


Figure 5: Site Plan
 Source: Steeno Designs
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 Silverwood Market, 12077 State Hwy 138 Hesperia, CA 92345
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Not to Scale

Figure 6: Elevations
 Source: Steeno Designs
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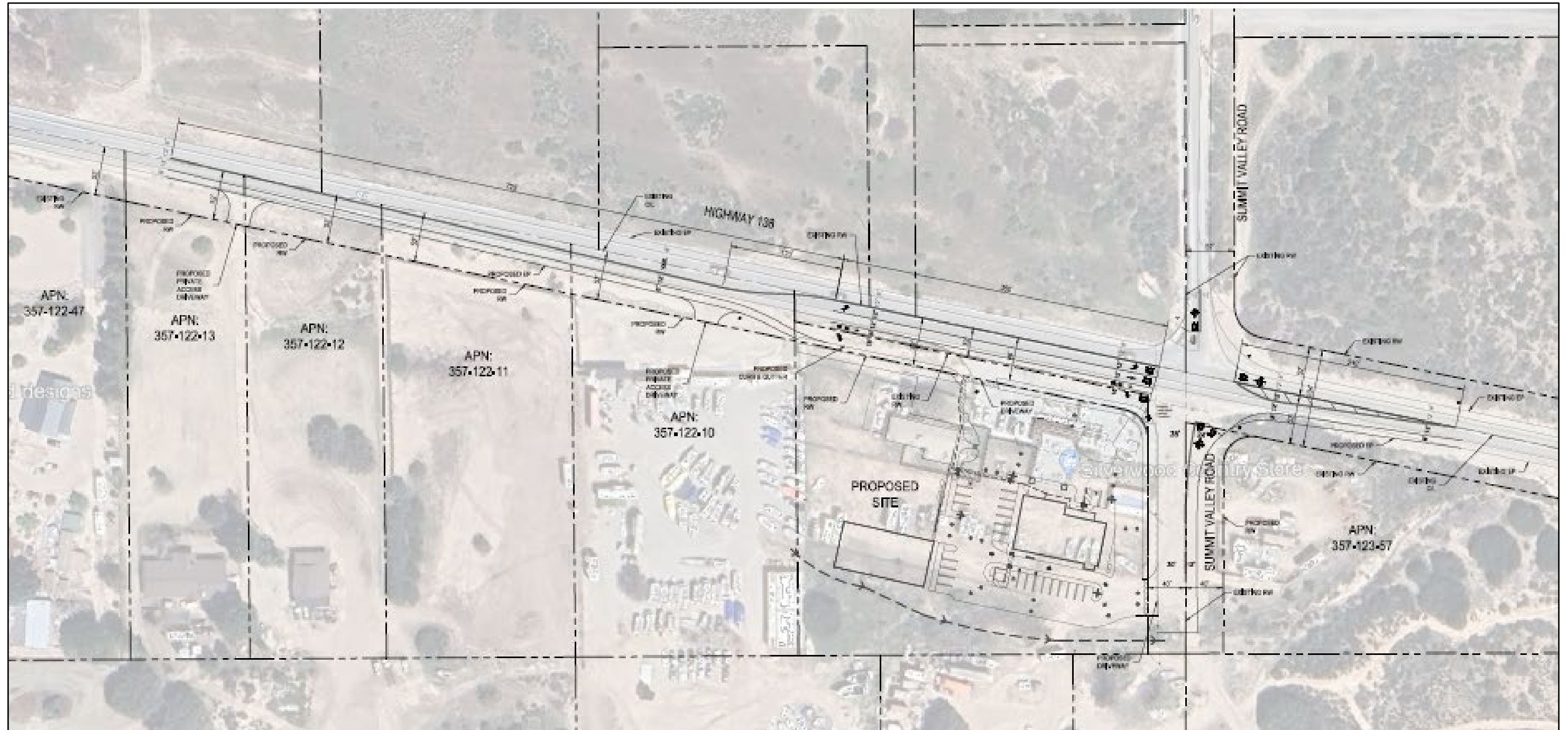


Figure 7: Proposed Road Improvements and Rights-of-Way

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 confidentiality, etc.?

On July 5, 2023, the County of San Bernardino mailed notification pursuant to AB52 to the following tribes: Morongo Band of Mission Indians, Yuhaaviatam of San Manuel Nation (formerly known as the San Manuel Band of Mission Indians, and the Colorado River Indian Tribes. Requests for consultations were due to the County by August 5, 2023. The table below shows a summary of comments and responses. Comment letters are available for review at the County.

AB 52 Consultation

Tribe	Comment Letter Received	Summary of Response	Conclusion
Morongo Band of Mission Indians	8/2/23	Requested information; information emailed 9/21/23	No response within 30 days of receipt of information requested. YSMN measures modified to include general protective measures for Morongo tribe.
Yuhaaviatam of San Manuel Nation	7/26/23	Requested information; information emailed 9/21/23, 11/09/23; mitigation measures provided 1/30/24	Mitigation measures included in Initial Study with agreement to work with Morongo Band of Mission Indians
Colorado River Indian Tribes (CRIT) 29-Palms Band of Mission Indians	8/25/23	Requested a mitigation measure to avoid resources where possible.	Mitigation measures for avoidance of unanticipated resources included in Initial Study. Consultation concluded.
Twenty-Nine Palms Band of Mission Indians	8/25/23	No response	Consultation Concluded

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. Technical studies and data were summarized herein to provide analyses of various environmental factors (e.g. air quality model results, biological resources assessment, cultural resources investigation, traffic study); these are cited herein where appropriate and included in the list of references.

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
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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.

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

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)

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. If no items are checked, there were no “Potentially Significant” impacts that could not be mitigated to a level of less than significant.

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

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

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.

Jon Braginton
 Signature: (Jon Braginton, Planner)

02/13/2024
 Date

Chris Warrick
 Signature: (Chris Warrick, Supervising Planner)

02/13/2024
 Date

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
I. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUBSTANTIATION: (Check <input type="checkbox"/> if project is located within the view-shed of any Scenic Route listed in the General Plan):				
San Bernardino Countywide Policy Plan, approved October 27, 2020, adopted November 27; San Bernardino Countywide Policy Plan Draft EIR; San Bernardino County Development Code				

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

The CEQA Guidelines do not provide a definition of what constitutes a “scenic vista” or “scenic resource” or a reference as to from what vantage point(s) the scenic vista and/or resource, if any, should be observed. Scenic resources are typically landscape patterns and features that are visually or aesthetically pleasing and that contribute affirmatively to the definition of a distinct community or region such as trees, rock outcroppings, and historic buildings.

A scenic vista is generally identified as a public vantage viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. Common examples may include a public vantage point that provides expansive views

of undeveloped hillsides, ridgelines, and open space areas that provide a unifying visual backdrop to a developed area.

The Project Site is along SR-138, a major state highway in a rural flat area that represents the division between the mountains to the south and the desert to the north. Drivers along SR-138 are afforded expansive views of the mountains and desert. The height of the new store and the new building would be approximately 23 feet high, which is similar to that which exists on site and would not block the views of the mountains to the south (refer to the plans provided in Appendix G).

Therefore, the impact to scenic areas would be less than significant, and no mitigation measures are required.

Less Than Significant Impact

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

The Project Site is located on SR-138, which is designated as a County Scenic Route in the Countywide Plan (*Policy Plan, Policy Map NR-3 Scenic Routes & Highways*) and as an eligible State scenic highway according to the Caltrans database¹.

The existing Silverwood Market was constructed in the 1980s and is not considered a historic building (refer to Appendix C - Cultural Report). The new building will replace the existing building in approximately the same location and will retain the same “western” style architectural features which incorporates wood siding, rusted metal roofing & wall accents, wood shake shingle accents at the gables, roof transitions, stone columns scrolled corbels at the wood posts & brown tone colors. All of these elements together create a country / western themed architecture. The existing residence exterior would remain relatively unchanged. The new storage building along the southwest property boundary would be metal siding, approximately 17.4 feet high and painted red and white to reflect a typical “red barn” style (refer to architectural plans in Appendix G).

Road improvements to SR-138 include creating a right in only driveway and curb and gutter to Caltrans specifications.

There are no trees, rock outcroppings, therefore, there would be no impacts to these features.

Therefore, although the Project Site is along an eligible State Scenic Highway, the Project would not remove buildings or trees and rock outcroppings. The impact would be less than significant, and no mitigation measures are required.

Less Than Significant Impact

¹ <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed May 10, 2023.

- 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?*

The Project Site is located in a non-urbanized area within the Summit Valley area of San Bernardino County. The site would be visible from SR-138, which is a County Scenic Route and State-eligible scenic route. The Proposed Project is the removal and reconstruction/expansion of the existing Silverwood Market, the addition of feed store services and storage, the expansion of the number of gas pumps, and the addition of a drive-through coffee shop. The new building will replace the existing building in approximately the same location and apply the same “western” style wood architectural treatment. The surrounding properties are rural residential with storage for vehicles, boats and recreational vehicles, as well as some working ranches in the vicinity. The existing Silverwood Market serves the local community as well as the increasing number of residents and visitors that travel SR-138 from the San Bernardino Mountains and the southern portion of the City of Hesperia to reach I-15 or Lake Silverwood. Therefore, the scale of the development is appropriate for the services that need to be provided.

All structures proposed for development of the Proposed Project would not exceed approximately 23 feet high, which would not exceed the 35-foot height limit as required by the General Commercial zone. Compliance with this height limit would minimize potential obstruction of views of the surrounding mountains and other public views. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Project Site contains an existing commercial building and residence, both of which have some lighting for the store and at the existing gas pumps. New lighting is proposed in the parking area. However, the lighting would be consistent with San Bernardino County Development Code, Title 8, Division 3, Chapter 83.07 (“Light Trespass”), which relates to the County’s lighting standards with a primary focus on the issue of light pollution and light trespass, with Section 83.07.060 for Mountain and Desert Requirements. Specifically, Section 83.07.040 (a)(2) – Glare and Outdoor Lighting – Mountain and Desert Regions. It states:

Shielding requirements. New permitted lighting for new construction, unless exempt in compliance with Subsection 83.07.040(e) (Exempt lighting and fixtures), below, shall be shielded in compliance with the requirements outlined in Table 83-7 (Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region), in order to preclude light pollution or light trespass on:

- (A) Adjacent property;*
- (B) Other property within the line of sight (direct or reflected) of the light source or*
- (C) Members of the public who may be traveling on adjacent roadways or rights-of-way.*

The lighting planned for the Silverwood Market is being designed to meet the County Dark Sky Ordinance no. 4419 standards. All outdoor lighting would be shielded and would be located/orientated so that there is no light trespass exceeding one-tenths foot-candles measured at adjacent property lines, per section 83.07.060 (f) Allowable Light Trespass.

The Proposed Project would be designed to adhere to these lighting standards, to ensure that the Project does not create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area. Demonstration of compliance would be required prior to issuance of a building permit. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: (Check if project is located in the Important Farmlands Overlay):
Countywide Policy Plan; California Department of Conservation Farmland Mapping and Monitoring Program; 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?*

The California Department of Conservation farmland map identifies the Project Site as “Other Lands” which is land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land. Therefore, the Proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

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

The Project Site is not under, or adjacent to any lands under a Williamson Act Contract.^{2,3} The parcel has a current zoning of General Commercial (CG). With the approval of the Minor Use Permit, the Proposed Project would be consistent with the Countywide Policy Plan and would not conflict with existing zoning for agricultural uses or a Williamson Act Contract. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

² San Bernardino County. San Bernardino Countywide Policy Plan Draft EIR. Figure 5.2-1 “Agricultural Resources.”
³ San Bernardino County. NR-5 Agricultural Resources.
<https://www.arcgis.com/apps/webappviewer/index.html?id=fcb9bc427d2a4c5a981f97547a0e3688>. Accessed April 1, 2021.

No Impact

- 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))?*

The Project Site is currently zoned General Commercial (CG). Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

The Project area supports a mixture of undeveloped, developed, and disturbed land. No forest land exists on site and no impact to forest lands will occur.

No Impact

- 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?*

The Project Site is currently zoned General Commercial. The Project Site has been an existing market and gas station. Implementation of the Proposed Project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Countywide Policy Plan; Submitted Project Materials; Air Quality Impact Analysis, Urban Crossroads, March 14, 2023 (Appendix A-1)

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

The Project Site is located in the Mojave Desert Air Basin (MDAB). The Mojave Desert Air Quality Management District (MDAQMD) includes the desert portion of the San Bernardino County. The MDAQMD is responsible for controlling emissions primarily from stationary sources within the MDAB and also maintains air quality monitoring stations to document historical and current levels of air quality within the District. The MDAQMD is also responsible for developing, updating, and implementing the Ozone Attainment Plan (MDAQMD 2004) which establishes a plan to implement, maintain, and enforce a program of emission control measures to attain and maintain the federal ozone air quality standards. Attainment plans prepared by the various air pollution control districts throughout the state are used to develop the State Implementation Plan (SIP) for the State of California. The Proposed Project is located within the MDAQMD and, thus, is subject to the rules and regulations of the MDAQMD. The MDAQMD and Southern California Association of Governments (SCAG) are responsible for formulating and implementing the air quality attainment plan (AQAP) for the Basin.

According to the MDAQMD, a project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast. An example of a non-conforming project would be one that increases the gross number of dwelling units, increases the number of trips, and/or increases the overall vehicle miles traveled in an affected area (relative to the applicable land use plan). The "one map" approach" is employed by the County of San Bernardino, as it permits the use of a single map showing both General Plan land use designations and zoning classifications. The one-

map approach assures that there will always be land use consistency between the County's General Plan and its Zoning Code.

The Project is to expand an existing market and gas station, and add a storage building to expand its animal feed services. The Project's proposed land use designation for the subject site is consistent with the land use designation discussed in the General Plan. Furthermore, the Project would not exceed the applicable regional thresholds for emissions. Therefore, The Proposed Project is not anticipated to significantly increase local air emissions (refer to threshold III.b) and therefore would not conflict with or obstruct implementation of the Plan. No impact would occur.

No Impact

- 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?*

An *Air Quality Impact Analysis* was prepared for the Proposed Project by Urban Crossroads (Appendix A-1) to evaluate potential air quality impacts with the Proposed Project. Construction and operational emissions were screened using the latest CalEEMod model. The MDAQMD currently recommends that projects with construction-related and/or operational emissions that exceed any of the following emissions thresholds should be considered significant:

- 25 tons per year or 137 pounds per day of VOC
- 25 tons per year or 137 pounds per day of NOx
- 100 tons per year or 548 pounds per day of CO
- 25 tons per year or 137 pounds per day of Sox
- 15 tons per year or 82 pounds per day of PM10
- 12 tons per year or 65 pounds per day of PM2.5

Construction Emissions

The Project generally entails demolition, site preparation, grading, building construction, paving and architectural coating. This was conservatively estimated in CalEEMod as a 17-month construction period beginning January 2024 and operation of the Project beginning in August 2025. The estimated maximum daily construction emissions without mitigation are summarized on Table 2. The construction emissions for the Proposed Project would not exceed MDAQMD's daily emissions thresholds as demonstrated in Table 2, and therefore impacts would be considered less than significant.

Table 2
Regional Significance - Construction Emissions (pounds/day)

Year	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
<i>Summer</i>						
2024	3.75	36.00	34.50	0.05	7.49	4.21
2025	5.52	11.40	14.60	0.03	0.60	0.45
<i>Winter</i>						
2024	2.69	25.00	22.70	0.03	1.32	1.03
2025	1.24	11.40	14.50	0.03	0.55	0.45
Maximum Daily Emissions	5.52	36.00	34.50	0.05	7.49	4.21
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Operational Emissions

Operational or long-term emissions would occur over the life of the Proposed Project. Operational activities associated with the proposed Project will result in emissions from the following primary sources, as outlined in **Table 3: Summary of Peak Operational Emissions:**

- Mobile Source Emissions – fugitive dust from paved roads
- Area Source Emissions – generally, building maintenance, landscape maintenance, and fuel off-gas emissions from gas pumps
- Energy Source Emissions – use of natural gas
- Fueling Stations/Gasoline Dispensing Emissions – the Project would use enhanced vapor recovery for the fueling nozzles in compliance with State regulations, therefore, the emissions would not exceed the daily thresholds set by MDAQMD.

**Table 3
 Summary of Peak Operational Emissions**

Source	Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summer						
Mobile Source	15.60	9.73	85.30	0.17	5.45	1.07
Area Source	0.41	< 0.005	0.57	< 0.005	< 0.005	< 0.005
Energy Source	0.02	0.30	0.25	< 0.005	0.02	0.02
Fueling Station	1.47	0.00	0.00	0.00	0.00	0.00
Total Maximum Daily Emissions	17.50	10.03	86.12	0.17	5.47	1.09
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	NO	NO	NO	NO	NO	NO
Winter						
Mobile Source	13.40	10.50	70.00	0.15	5.45	1.07
Area Source	0.32	0.00	0.00	0.00	0.00	0.00
Energy Source	0.02	0.30	0.25	< 0.005	0.02	0.02
Fueling Station	1.47	0.00	0.00	0.00	0.00	0.00
Total Maximum Daily Emissions	15.21	10.80	70.25	0.15	5.47	1.09
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Table 3 shows that the project does not exceed the MDAQMD emissions thresholds. Therefore, operational emissions are considered to be less than significant.

As identified in Tables 2 and 3, construction and operations emissions would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

Sensitive receptors are considered land uses or other types of population groups that are more sensitive to air pollution than others due to their exposure. Sensitive population groups include children, the elderly, the acutely and chronically ill, and those with cardio-

respiratory diseases. A sensitive receptor would be a location where a sensitive individual could remain for 24-hours or longer, such as residences or hospitals.

MDAQMD recommends avoiding siting new sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities within 1,000 feet of a major transportation project (50,000 or more vehicles per day). The Proposed Project involves the demolition and reconstruction/expansion of an existing market, fuel station and a feed store. The closest existing sensitive receptors (to the Project Site) is a residential land use located approximately 300 feet to the south.

Pollutant concentrations can range from CO hotspots to toxic air contaminants (TACs, specifically diesel particulate matter) from on-site construction and asbestos.

Tables 2 and 3 identify that the proposed Project would not exceed construction or operational emissions, and therefore, would not expose sensitive receptors to pollutant concentrations.

Carbon Monoxide Hot Spots

It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. An adverse carbon monoxide (CO) concentration, known as a "hot spot", would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur.

Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the air basin is now designated as attainment for CO.

MDAQMD has not established its own guidelines for CO hotspots analysis. The Bay Area Air Quality Management District (BAAQMD) has concluded that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour - or 24,000 vehicles per hour where vertical and/or horizontal air does not mix in order to generate a significant CO impact (Appendix A-1). In the SCAQMD, traffic volumes generating the CO concentrations for a "hot spot" analysis was calculated at Wilshire Blvd. and Veteran Ave., which has a daily traffic volume of approximately 100,000 vehicles per day and AM/PM traffic volumes of 8,062 vehicles per hour and 7,719 vehicles per hour respectively. The 2003 AQMP estimated that the 1-hour concentration for this intersection was 4.6 ppm; this indicates that, should the daily traffic volume increase four times to 400,000 vehicles per day, CO concentrations ($4.6 \text{ ppm} \times 4 = 18.4 \text{ ppm}$) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm).

The proposed Project considered herein would generate 3,325 total trips, of which 1,520 are "pass-through," leaving a total trip generation of approximately 1,840 trips per day. The existing trip generation is estimated at 481 trips per day, therefore, there would be a 1,359

trip increase over existing. Therefore, the Project would not produce the volume of traffic required to generate a CO “hot spot” either in the context of the 2003 Los Angeles hot spot study or based on representative BAAQMD CO threshold considerations. Therefore, CO “hot spots” are not an environmental impact of concern for the proposed Project. Localized air quality impacts related to mobile-source emissions would therefore be less than significant.

Asbestos Emissions

It is possible that the existing onsite structures to be demolished may contain asbestos which was commonly used in some building materials such as piping joints and floor tiles. The MDAQMD is delegated to enforce the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), as specified under 40 CFR 61, Subpart M per District Rule 1000 as it applies to asbestos removal and demolitions.

The MDAQMD requires notification of demolition / renovation along with application fees and asbestos survey must be submitted to MDAQMD 10 working days prior to the start of any demolition, or non-exempt renovation work that disturbs more than 160 square feet (260 linear feet on pipes or 35 cubic feet off facility components), and applicable fees must be paid in full. If abatement equipment is present district permit(s) for abatement equipment will be required.

Therefore, compliance with the MDAQMD rules reduces potential impacts associated with significant exposure of sensitive receptors to substantial pollutant concentrations during construction would be less than significant, and no mitigation would be required.

Less Than Significant Impact

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

Potential sources that may emit odors during construction activities include the application of materials such as asphalt pavement. The objectionable odors that may be produced during the construction process would be short-term in nature and the odor emissions are expected to cease upon the drying or hardening of the odor-producing materials. Diesel exhaust and Volatile Organic Compounds would be emitted during construction of the project, which are objectionable to some; however, emissions would disperse rapidly from the Project Site and therefore should not reach an objectionable level at the nearest sensitive receptors. Due to the short-term nature and limited amounts of odor producing materials being utilized, no significant impact related to odors would occur during construction of the Proposed Project.

Potential sources that may emit odors during the on-going operations of the Proposed Project would include vehicle odor emissions from the store patrons, drive-through vehicular emissions, fueling station, and trash storage areas. As discussed in threshold III.c, vehicles are becoming cleaner and are not anticipated to generate significant odors. The Project would be designed to the latest County standards with respect to design and containment of trash enclosures, and the nearest sensitive receptors are located approximately 300 feet from the Project boundaries, no significant impact related to odors

would occur during the on-going operations of the Proposed Project. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

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

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

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 Policy Plan; Submitted Project Materials; General Biological Resources Assessment, APN: 0357-122-09, prepared by RCA Associates, April 26, 2023 (Appendix B-1) and Joshua Tree Survey and Evaluation, prepared by RCA Associates, December 20, 2022 (Appendix B-2).

- 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?

A General Biological Resources Assessment (BRA, Appendix B-1) was prepared for the Proposed Project to address potential project-related impacts on designated critical habitats and/or any special status species protected under the federal Endangered Species Act (ESA), California Endangered Species Act (CESA), California Department of Fish and Wildlife (CDFW) and/or California Native Plant Society (CNPS).

The Project Site is within the *Cajon* quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series, within Section 28 of Township 3 North, Range 5 West. The Project Site is relatively flat, with the on-site surface elevation at approximately 1,070 meters above mean sea level.

A literature review and records search were conducted as part of the BRA in Appendix B-1 to identify potential species commonly found within the area. The Project Site is completely disturbed, with the exception of shrubs and non-native vegetation occurring along the southern and eastern property fringe.

The BRA identified that the Project Site does not support 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.

The BRA study also included a Phase 1 Habitat Assessment for Burrowing Owl. The results indicated there are no suitable burrows on site for burrowing owls and no burrowing owls were observed.

The site was also evaluated for the presence of Western Joshua Tree, which is a candidate "threatened" species to the California Endangered Species Act (CESA). The evaluation in Appendix B-1 identified that there are no Joshua Trees on site.

Therefore, the Project Site does not support 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, and a less than significant impact would occur.

Less Than Significant Impact

- b, c) *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? 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?*

There is no riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service present on the Project Site (Appendix B-1).

There is a drainage feature on the south property boundary, but there are no vernal pools or wetlands. As shown in the Site Plan (Figure 5 and Appendix G), no work is anticipated to occur within the drainage feature. The impact would be less than significant.

Less Than Significant Impact

- 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?*

Wildlife movement and the fragmentation of wildlife habitat are recognized as critical issues that must be considered in assessing impacts to wildlife. Habitat fragmentation is the division or breaking up of larger habitat areas into smaller areas that may or may not be capable of independently sustaining wildlife and plant populations. Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. Habitat linkages provide links between larger undeveloped habitat areas that are separated by development.

A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

According to the San Bernardino County General Plan, the Project Site has not been identified as occurring within a Wildlife Corridor or Linkage. The open and natural habitats in the Project vicinity allow for local wildlife to move into the undeveloped areas surrounding the Project Site in search of food, shelter, or nesting habitat.

Given that the Project Site and some of the adjacent area contains some desert shrubs and non-native grasses, there would be a potential for non-sensitive native birds to nest within or adjacent to the Project Site. Implementation of Mitigation Measure BIO-1 would be required to reduce impacts to less than significant.

Mitigation Measure BIO-1:

Pre-Construction Nesting Bird Clearance Survey. All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. Compliance with the MBTA shall be accomplished by completing the following:

Construction activities involving vegetation removal shall be conducted between September 1 and January 31. If construction occurs inside the peak nesting season (between February 1 and August 31), a pre-construction survey by a qualified Biologist shall be conducted within 72 hours prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.

If the Biologist finds an active nest within the pre-construction survey area and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

With implementation of Mitigation Measure BIO-1, the Proposed Project would not 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. Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measures BIO-1.

Less than Significant with Mitigation

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

San Bernardino County Development Code – Plant Protection and Management (Chapter 88.01; San Bernardino County 2009) identifies various native desert plants that require a permit from the County prior to removal. None of the plants identified by San Bernardino County as requiring a permit were observed on-site during the field investigation.

No Impact

- 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?*

The General Plan does not identify the Project site, nor the vicinity to be within a Habitat Conservation Plan (HCP) and will not conflict with the provisions of an adopted HCP, Natural Community Conservation Plan (NCCP), or other approved local, regional or State HCP since there is no adopted HCP or NCCP in the Project area or local region. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Therefore, less than significant adverse impacts are identified with the mitigation measures incorporated.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
V. CULTURAL RESOURCES - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Cultural/Paleontological Resources Services for Silverwood Gas Market, Near Hesperia, County of San Bernardino, California, Duke CRM, September 18, 2023 (Appendix C)

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

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

A Cultural Resources Assessment/Inventory, dated September 5, 2023 was prepared for the Proposed Project by Duke CRM (Appendix C) to determine whether the Proposed Project would cause substantial adverse changes to any “historical resources,” as defined by CEQA, that may exist in or around the Project Site. In order to identify such resources, Duke CRM conducted a historical/archaeological resources records search, pursued historical background research, contacted Native American representatives, and carried out a systematic field survey.

The report identified that there are nine cultural resources within one-half mile of the Project. Only one resource, historic Summit Valley Road (designated as P-36-004256, also known as Hesperia Road), is within the Project Area, located on the eastern side of the Project Site. Summit Valley Road, on the eastern edge of the property. The cultural resources report in Appendix C identified that the historic Hesperia Road has been previously evaluated as not eligible for the National Register and concurred that the segment in the Project area was also not eligible for the California Register of Historical Resources or National Register.

As a result of the analysis in Appendix C, there are no resources within the Project boundaries that would qualify as a “historical resource” under CEQA.

No other cultural resources of prehistoric or historical origin were identified within the Project Site, however, there is always a potential for buried archaeological resources. Therefore, Mitigation Measure CR-1 and CR-2 are required to accommodate unanticipated finds.

Mitigation Measure CR-1:

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) and/or the Morongo Band of Mission Indians (MBMI) shall be contacted, 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.

Mitigation Measure CR-2:

Cultural Resource Management Plan. Prior to any ground-disturbing activities the project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

Implementation of Mitigation Measure CR-1 and Mitigation Measure CR-2 would ensure that no significant impacts to historical and archaeological resources would occur.

Less than Significant with Mitigation

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

There were no known cemeteries within the Project area identified in Appendix C. Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. To ensure adequate and compliant management of any buried remains that may be identified during project development, the Mitigation Measure CR-3 is required as a condition of project approval to reduce any potential impacts to a less than significant level.

Mitigation Measure CR-3:

- A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
- B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
- C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and

make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98 D. If MBMI or YSMN has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

With implementation of Mitigation Measure CR-3, the Proposed Project would not have a significant impact on human remains. Therefore, less than significant impacts would occur with implementation of Mitigation Measure CR-3.

Less than Significant with Mitigation

Therefore, less than significant impacts are identified with the mitigation measures incorporated.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?*

The Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation. Electricity used for the Project during construction and operations would be provided by Southern California Edison, which serves more than 15 million customers. SCE derives electricity from varied energy resources including:

fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. Natural gas would be provided to the Project by Southern California Gas (SoCalGas). Project-related vehicle trip energy consumption will be predominantly gasoline and diesel fuel. Gasoline (and other vehicle fuels) are commercially provided commodities and would be available to the Project patrons and employees via commercial outlets.

Construction of the Proposed Project would require the typical use of energy resources. There are no unusual Project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Project construction is required to comply with applicable California Air Resources Board (CARB) regulations regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Compliance with these measures would result in a more efficient use of construction-related energy and would minimize or eliminate wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption.

Additionally, as required by California Code of Regulations Title 13, Motor Vehicles, Section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than five minutes, thereby minimizing or eliminating unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Enforcement of idling limitations is realized through periodic site inspections conducted by County building officials, and/or in response to citizen complaints.

Therefore, Project compliance with State regulations will reduce impacts to less than significant and no mitigation is required.

Operations

Energy consumption in support of or related to project operations would include transportation energy demands (energy consumed by employee and patron vehicles accessing the project site) and facilities energy demands (energy consumed by building operations and site maintenance activities).

The Project is an expansion of an existing convenience store, fueling station and would add feed storage areas and a drive-through coffee shop. In 2020, the non-residential sector of the County of San Bernardino consumed approximately 9,866 million kWh of electricity.

Energy use in buildings is divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building such as in plug-in appliances. In California, the California Building Standards Code Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting. Non-building energy use, or "plug-in" energy use can be further subdivided by specific end-use (refrigeration, cooking, appliances, etc.). The Proposed

Project is required to comply with Title 24 standards, which require that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials.

The Proposed Project has been designed to comply with the 2019 Building Energy Efficiency Standards. The County of San Bernardino would review and verify that the proposed Project plans would be in compliance with the most current version of the Building and Energy Efficiency Standards. The proposed Project would also be required adhere to CALGreen, which establishes planning and design standards for sustainable developments and energy efficiency. The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Proposed Project would be designed to comply with the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, and the State Building Energy Efficiency Standards (Title 24). The Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are recommended.

Less Than Significant Impact

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

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

Countywide Policy Plan; Submitted Project Materials; Preliminary Geotechnical Interpretive Report, Proposed Commercial Development Expansion, Assessor's Parcel Number 0357-122-09, Located at 12077 State Highway 138 in the Hesperia Area, San Bernardino County, California, prepared by Patel & Associates, Inc, May 24, 2021 (Appendix D-1); Onsite Wastewater Treatment System Report, Proposed Commercial Development, Assessor's Parcel Number 0357-122-09, Located on State Highway 138, Hesperia Area, San Bernardino County, California, prepared by Patel & Associates, Inc., September 20, 2022 (Appendix D-2)

- 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

A Preliminary Geotechnical Interpretive Report was prepared for the Project Site (Appendix D-1). The Project site is located in Southern California, a seismically active area and susceptible to the effects of seismic activity include rupture of earthquake faults. The proposed development site lies outside of any Alquist Priolo Special Studies Zone (Appendix D-1). The nearest known active fault is Cleghorn Fault with an approximate source to site distance of 3.43 kilometers to the south of the Project Site is the closest known active fault anticipated to produce the highest ground accelerations, with an anticipated maximum modal magnitude of 7.5. The primary fault zones of the area are found in the western half of the province and have a general northwest-southeast trend. These zones are the San Andreas, Helendale, Lenwood and Lockhart in the Project Site vicinity. In addition to these major zones, there are numerous secondary fault zones in the area and many smaller fault zones in the eastern half of the Mojave Desert geomorphic province. Many of the secondary fault zones in the province have a general east-west trend. More specific to the Project Site, the Project Site is in an area geologically mapped to be underlain by alluvium, and no active faults were determined to be mapped in the immediate Project Site vicinity. Potential for surface rupture on-site is considered low due to the absence of known faults within the immediate Project vicinity. However, rupture potential cannot be dismissed as rupture may occur along unidentified traces that extend from known faults. The Proposed Project would be required to comply with California Building Code requirements, Uniform Fire Code requirements, and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Compliance with these codes and standards would address potential impacts resulting from an earthquake event. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

ii) Strong seismic ground shaking?

Although no active faults traverse through the Project site, the site is subject to ground shaking due to faults in the surrounding region. The Project site has a medium ranking for earthquake shaking potential and will experience a lower level of shaking with low frequency. However, ground shaking may result at the Project site due to earthquakes associated with nearby and more distant faults, as is the case for most areas within Southern California. The Geotechnical Interpretive Report in Appendix D-1 identified site-specific ground motion parameters for the Project site and estimated 0.678g of peak ground acceleration. The design of any structures on-site would incorporate measures to accommodate projected seismic ground shaking in accordance with the California Building Code (CBC) and San Bernardino County Building Code. The CBC is designed to preclude significant adverse effects associated with strong seismic ground shaking. Compliance can ensure that the proposed Project would not expose people or structures to substantial adverse effects, including loss, injury, or death, involving seismic ground shaking. Therefore, a less than significant impact would occur, and no mitigation is required.

Less Than Significant Impact

iii) Seismic-related ground failure, including liquefaction?

Liquefaction is a process in which cohesion-less, saturated, fine-grained sand and silt soils lose shear strength due to ground shaking and behave as fluid. Areas overlying groundwater within 30 to 50 feet of the surface are considered susceptible to liquefaction hazards. Ground failure associated with liquefaction can result in severe damage to structures. The Project Site is not located in an area susceptible to liquefaction.⁴ Additionally, the Geotechnical Interpretive Report in Appendix D-1 identified that due to the lack of shallow groundwater at the Project Site and relatively dense nature of the subsurface soils, the liquefaction potential for this project is considered low. Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

iv) Landslides?

Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The Project Site is not located within an area susceptible to landslides.⁵ Additionally, the Geotechnical Interpretive Report in Appendix D-1 noted that the Project Site is relatively flat, and there would be no potential for seismic induced landslides or lateral spreading. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

b) Result in substantial soil erosion or the loss of topsoil?

The Geotechnical Interpretive Report provided in Appendix D-1 identified that the on-site soils are generally considered suitable for reuse as engineered fill, as required, provided they are free from vegetation, debris, oversized materials (~6 inches) and other deleterious material. The Proposed Project would encompass approximately 28-acres of disturbance and would therefore be subject to the National Pollutant Discharge Elimination System (NPDES) permit. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction Permit include the removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one (1) or more acres. The General Construction Permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The Project development would occur over approximately 3.8 acres, therefore, a SWPPP is required to be prepared. The SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP shall include BMPs to prevent project-related pollutants from impacting surface waters. Construction activities associated with the Project would

⁴ San Bernardino Countywide Policy Plan Draft EIR. Geology and Soils. Figure 5.6-3 "Liquefaction and Landslide Susceptibility."

⁵ San Bernardino Countywide Policy Plan Draft EIR. Geology and Soils. Figure 5.6-3 "Liquefaction and Landslide Susceptibility."

involve earth movement and the exposure of soil, which would temporarily increase soil erosion susceptibility. In the long-term, development of the Project site would increase impervious surface cover and permanent landscaping, thereby reducing the potential for erosion and loss of topsoil that currently occurs. Once constructed, stormwater runoff generated by the Project would be directed into the southeast corner of the site where flows are slowed by a rip rap pad on the property adjacent the existing drainage and Summit Valley Road. No sediment erosion would occur; therefore, a less than significant impact would occur.

Less Than Significant Impact

- 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?*

The portion of the Project Site to be developed is relatively flat with no prominent geologic features. The Project Site is not within an area susceptible to liquefaction or landslides.⁶ In addition, the Proposed Project would be required to comply with the California Building Code. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- 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?*

Expansive soils (shrink-swell) are fine-grained clay silts subject to swelling and contracting in relation to the amount of moisture present in the soil. Structures built on expansive soils may incur damage due to differential settlement of the soil as expansion and contraction takes place. A high shrink-swell potential indicates a hazard to structures built on or with material having this rating. The Geotechnical Investigation in Appendix D identified the on-site soils as alluvium with a “very low” expansion index of 0-20.

Less Than Significant Impact

- 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?*

The Project proposes to construct a septic system as its wastewater system. Sewer lines would connect each proposed structure to the proposed leachfield located near the parking lot on the west side of the Project Site. In 2021, an infiltration test boring for the purpose of ensuring that the soils would support an underground septic system was performed on various portions of the Project Site (Appendix D-2). The test results and soil conditions encountered during the infiltration testing indicated “favorable” conditions. The generally rapid percolation rates determined by testing were consistent

⁶ San Bernardino Countywide Policy Plan Draft EIR. Geology and Soils. Figure 5.6-3 “Liquefaction and Landslide Susceptibility.”

with the sandy conditions of the near surface soils throughout the site. The septic system would be certified by a qualified professional in accordance with the County Environmental Health Services requirements, that the system functions properly, meets code, and has the capacity required for the Proposed Project. The impacts would be less than significant, and no mitigation measures are required.

Less Than Significant Impact

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

A paleontological assessment was included as part of the Cultural Resources Assessment located in Appendix C in order to identify paleontological resource localities that may exist in or near the Project Site and to assess the possibility for such resources to be encountered during the project, BCR Consulting initiated records searches at the appropriate repositories, conducted a literature review, and carried out a systematic field survey of the Project Site. The results of these research procedures indicate that the Proposed Project's soils is Holocene alluvial units which are considered to be of high preservation value, however, the material found on the Project Site is unlikely to be fossil material due to the relatively modern associated dates of the deposits. The Western Science Center also reported that it did not have documented localities within the Project area or within a 1 mile radius. Therefore, there is a potential that paleontological resources could be uncovered during digging or earthwork at the Project site. Mitigation Measures CR-1 is required that provides for unanticipated finds during Project excavation. By adhering to Mitigation Measure GEO-1, the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature would be minimized. Therefore, with Mitigation Measure GEO-1 incorporated, the Project would result in a less than significant impact.

Mitigation Measure GEO-1:

Prior to the issuance of the first grading permit or permit for ground disturbance activities, the applicant shall provide evidence to the satisfaction of the County of San Bernardino retention of a qualified paleontologist. A qualified paleontologist shall attend the pre-grading meeting and discuss the site's sensitivity and recommend when paleontological monitoring is necessary. The paleontological monitor shall actively monitor all project related grading in sensitive sediments and shall have the authority to temporarily divert, redirect, or halt grading activity to allow recovery of paleontological resources. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

Less than Significant with Mitigation

Therefore, less than significant impacts are identified with the implementation of mitigation measures.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

Countywide Policy Plan; Submitted Project Materials; Silverwood Gas Market, Greenhouse Gas Analysis, prepared by Urban Crossroads, March 12, 2023 (Appendix E)

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

The Project would comply with the MDAQMD regulations and the County of San Bernardino "Greenhouse Gas Emissions Reduction Plan" (*GHG Reduction Plan Update* adopted June 2021). The County includes a GHG Development Review Process (DRP) that specifies a two-step approach in quantifying GHG emissions. First, a screening threshold of 3,000 MTCO₂e/yr is used to determine if additional analysis is required. Projects that exceed the 3,000 MTCO₂e/yr will be required to either achieve a minimum 100 points per the Screening Tables or a 31 percent reduction over 2007 emissions levels.

The County's GHG Reduction Plan includes a two-tiered development review procedure to determine if a project could result in a significant impact related greenhouse gas emissions or otherwise comply with the GHG Reduction Plan pursuant to Section 15183.5 of the state CEQA Guidelines.

The MDAQMD has identified thresholds of 100,000 tons per year or 548,000 pounds per day of CO₂e emissions for individual projects.

For construction phase Project emissions, GHGs are quantified and amortized over the life of the Project. MDAQMD follows the SCAQMD recommendation in calculating the total GHG emissions for construction activities by amortizing the emissions over the life of the Project by dividing it by a 30-year project life then adding that number to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions.

Construction

GHG emissions were screened using CalEEMod in Appendix A-2 to quantify potential pollutants from construction. The greenhouse gas emissions from Project construction equipment and worker vehicles are shown in **Table 5 – Construction Greenhouse Gas Emissions**. The emissions are from all phases of construction. The total construction emissions amortized over a period of 30 years are estimated at 16.50 metric tons of CO₂e per year.

**Table 5
 Construction Greenhouse Gas Emissions**

Year	Emissions (MT/yr)				
	CO ₂	CH ₄	N ₂ O	R	Total CO ₂ e
2023	343.00	0.01	< 0.005	0.03	344
2024	151.00	0.01	< 0.005	0.01	151.00
Total GHG Emissions	494.00	0.02	0.00	0.04	495.00
Amortized Construction Emissions	16.47	0.00	0.00	0.00	16.50

Source CalEEMod annual construction-source emissions are presented in Appendix A.

Operations

Operational emissions occur over the life of the Project. **Table 6 - Opening Year Project-Related Greenhouse Gas Emissions** shows that the subtotal for the Proposed Project would result in approximately 2,899 MT CO₂e per year which would not exceed the San Bernardino County screening threshold of 3,000 metric tons per year of CO₂e. As shown in Table 5, the project's total GHG emissions would also not exceed the MDAQMD annual threshold of 100,000 MTCO₂e or the MDAQMD daily threshold of 548,000 pounds of CO₂e.

**Table 6
 Opening Year Project-Related Greenhouse Gas Emissions**

Emission Source	Emissions (MT/yr)				
	CO ₂	CH ₄	N ₂ O	R	Total CO ₂ e
Amortized Construction Emissions	16.47	6.67E-04	0.00E+00	1.33E-03	16.50
Mobile Source	2,649.00	0.15	0.15	4.47	2,701.00
Area Source	0.19	< 0.005	< 0.005	0.00	0.19
Energy Source	131.00	0.01	< 0.005	0.00	132.00
Water Usage	4.07	0.10	< 0.005	0.00	7.27
Waste	10.40	1.04	0.00	0.00	36.40
Refrigerants	0.00	0.00	0.00	6.27	6.27
Total CO₂e (All Sources)	2,899.63				

Less Than Significant Impact

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

According to the County of San Bernardino GHG Reduction Plan, the County assesses performance standards as follows:

- *County Performance Standards. All development projects, including those otherwise determined to be exempt from CEQA will be subject to applicable Development Code provisions, including the GHG performance standards, and state requirements, such as the California Building Code requirements for energy efficiency. With the application of the GHG performance standards, projects that are exempt from CEQA and small projects that do not exceed 3,000 MTCO₂e per year will be considered consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. The GHG Reduction Plan also states that "the 3,000 MTCO₂e per year value was chosen as the medial value and is used in defining small projects that must include the Performance Standards but do not need to use the Screening Tables or alternative GHG mitigation analysis.*

And

- *Projects Using Screening Tables. For projects exceeding 3,000 MTCO₂e per year of GHG emissions, the County will develop Screening Tables as a tool to assist with calculating GHG reduction measures and the determination of a significance finding. Projects that garner a 100 or greater points would not require quantification of project specific GHG emissions. The point system will be devised to ensure project compliance with the reduction measures in the GHG Plan such that the GHG emissions from new development, when considered together with those from existing development, will allow the County to meet its 2020 target and support longer-term reductions in GHG emissions beyond 2020. Consistent with the CEQA Guidelines, such projects are consistent with the Plan and therefore will be determined to have a less than significant individual and cumulative impact for GHG emissions. (See Appendix F for a full description of the Screening Tables and methodology.)*

The Project's total net operational GHG emissions, without accounting for applicable regulatory requirements, would result in 2,899.63 MTCO₂e/yr, which do not exceed the County's screening threshold of 3,000 MTCO₂e per year. Therefore, the Proposed Project does not need to accrue points using the screening tables and is consistent with the GHG Reduction Plan. The Proposed Project is expected to comply with the performance standards for commercial uses as detailed in the GHG Reduction Plan. The Proposed Project will not result in substantial emissions of greenhouse gases and will not conflict with the GHG Plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:

Submitted Project Materials; EnviroStor Database; San Bernardino Countywide Policy 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?*

Construction

The Proposed Project is to remove an existing convenience store and gas pumps and replace it with a larger convenience store, add two more fuel pumps, and construct a storage building. The two existing 12,000 fuel tanks would remain in place and remain in use for the Proposed Project, and no new tanks are proposed. Construction of the Proposed Project would require the routine transport, use, storage, and disposal of limited quantities of common hazardous materials such as gasoline, diesel fuel, oils, solvents, paint, fertilizers, pesticides, and other similar materials. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and state requirements, which the project construction activities are required to strictly adhere to. The use, transport, storage, and disposal of hazardous materials must comply with existing regulations established by several agencies, including the Department of Toxic Substances Control (DTSC), the Environmental Protection Agency (EPA), the US Department of Transportation (USDOT), the Occupational Safety and Health Administration (OSHA), the California Code of Regulations (CalOSHA), and the State Unified Hazardous Waste and Hazardous Materials Management Regulatory Program.

During the demolition, should the removal of asbestos-containing materials involve at least 100 square feet, then a 14-calendar day written notification to the South Coast Air Quality Management District (SCAQMD) in accordance with Rule 1403, and a 24-hour written notice to Cal/OSHA prior to the initiation of such activities are required. Notification to employees and contractors working within the building should be made per the California Health and Safety Code, Section 25915 et.seq., and Proposition 65.

Operations

The project includes the construction and operation of a new fueling station with underground fuel storage tanks. Diesel and regular gasoline would be transported to the site to fill the new tanks. However, the transport of fuel to storage tanks at retail fuel centers is a routine procedure and is regulated by various state and federal regulations. The storage of automobile fuel in underground storage tanks will be carried out in accordance with California Code of Regulations Title 23, Division 3, Chapter 16, California Health and Safety Code Section (25280 – 25299.8).

Compliance with local, state, and federal requirements for proper storage and handling of hazardous materials, includes development of a hazardous materials business plan. that would identify Best Management Practices to minimize impacts in the event of a spill or release of hazardous materials used on site. These include, but are not limited to routine cleaning, inspection, and maintenance, development of procedures to mitigate spills, provide signage in construction areas, proper storage and handling procedures, and providing secondary containment of liquid materials.

Compliance with all local, State and federal regulations related to hazardous materials use and transport would reduce potential hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.

A hydrocarbon filter will be placed along the fuel canopy to contain any spills. Any liquid that surpasses the hydrocarbon filter will lead to a parkway drain in Summit Valley Road that leads to SR-138. A grate will be installed along the southern property line to prevent trash from leaving the site.

Other operations would include standard maintenance (i.e., landscape upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., pesticides, herbicides, gas, oil, paint, etc.) the use of which would not create a significant hazard to the public. All materials required during construction would be kept in compliance with State and local regulations and Best Management Practices.

Therefore, Project construction and operations would not create a significant hazard to the public or environment due to the use of hazardous materials. Therefore, less than significant impacts would occur, and no mitigation measures are required.

Less Than Significant Impact

- 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?*

Construction

Hazardous or toxic materials transported in association with construction of the Proposed Project may include items such as oils, paints, and fuels. All construction materials would be kept in compliance with State and local regulations.

The applicant is required to comply with all regulations regarding asbestos-containing materials (ACMs) during demolition of the existing building. Therefore, because the applicant is required to comply with federal, State, and local regulations, impacts associated with the handling, transport, use, and disposal of hazardous materials and the release of hazardous materials into the environment would be less than significant.

Operations

Operations of the gas station would include the use, transport and regular handling of gasoline to refill USTs, refilling USTs and pumping gasoline to fuel dispensers, and regular use of the fuel dispensers by motorists. As a result, the proposed project could result in potentially adverse impacts to people and the environment as a result of hazardous materials being accidentally released into the environment (e.g. operators or motorists could spill gasoline while refueling, USTs or pipes dispensing fuel from USTs could leak, automobiles could crash into fuel dispensers, or motorists could refuel while having engine running causing a fire hazard).

However, the Proposed Project would be required to operate in compliance with all with applicable federal, state, and local requirements which lessen the potential for these impacts. Some of these regulations include but are not limited to:

- SWRCB Health and Safety Code, Section 25280 - leak detection systems and secondary containment, groundwater monitoring, etc.

- EPA Efficacy requirements - require that leak detection methods be able to detect certain leak rates and that they also give the correct answer consistently.
- Various federal, state, and local regulations, that govern underground storage tanks and associated fuel delivery infrastructure (i.e., fuel dispensers)
- High-efficiency Phase I and Phase II enhanced vapor recovery (EVR) systems to capture and control gasoline fumes.
- Various federal, state, and local regulations that govern the handling, transport, use, and disposal of hazardous materials.

Other operational activities include standard maintenance that involve the use of commercially available products, such as spill prevention kits, landscaping maintenance and general cleaning supplies, which would not create significant hazard to the public or the environment through reasonably foreseeable upset or accidental release of hazardous materials into the environment. Therefore, less than significant impacts would occur, and no mitigation measures are required.

Less Than Significant Impact

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

There are no schools within one-quarter mile of the Project Site. Schools are primarily located in the City of Hesperia, approximately 4 miles to the north of the Project Site. Therefore, the Proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

- 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?*

Section 65962.5(a)(1) requires that Department of Toxic Substance Control (DTSC) "shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all the following:(1) [a]ll hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code ("HSC")." The hazardous waste facilities identified in HSC § 25187.5 are those where DTSC has taken or contracted for corrective action because a facility owner/operator has failed to comply with a date for taking corrective action in an order issued under HSC § 25187, or because DTSC determined that immediate corrective action was necessary to abate an imminent or substantial endangerment. This is known as the "Cortese List." This is a very small and specific subgroup of facilities and they are

not separately posted on the DTSC or Cal/EPA's website. The following databases that meet the "Cortese List" requirements were reviewed for this Project.

- **Envirostore Database.** HSC § 25356(b)(1) requires "a listing of hazardous substance release sites selected for, and subject to, a response action under this chapter." HSC § 25356(b)(2) requires DTSC to "update the list of sites at least annually to reflect new information regarding previously listed sites or the addition of new sites requiring response action." The implementing regulations provide that sites may be listed pursuant to HSC § 25356 if (a) they are not owned by the Federal Government and (b) a release or threatened release of hazardous substances has been confirmed by on-site sampling. (California Code of Regulations, Title 22, Section 67400.1). DTSC's list of sites that meet those criteria as well as the criteria in HSC § 25356(c), is found in a report in DTSC's "Envirostor" database. There are no sites listed on the EnviroStore database within the Project area.
- **Geotracker Database.** Geotracker is the SWRCB's database that manages potential hazardous sites to groundwater. The Geotracker database identifies a number of gas stations and other facilities that potentially handle hazardous waste or that are located throughout the County of San Bernardino. However, the Project would occur along SR-138, and there are no corrective actions identified on the Project site, or adjacent to the Project site. Therefore, the Project would not be located on any site that has been identified in accordance with Section 65962.5 of the Government Code.

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

No Impact

- 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?*

The Project Site is located approximately 7 miles south of the Hesperia Airport. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

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

SR-138 is identified as an evacuation route for the Mountain Region. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Project operations occur off the highway, therefore there would be no interference with SR-138. Additionally, the convenience store and fueling station would offer evacuees a place to obtain supplies and fuel. The outdoor hay storage area could also be used to stage emergency operations, if needed. Therefore, there would be a less than significant impact, and no mitigation measures are required.

Less Than Significant Impact

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

The Project Site is located within a High or Very High Fire Hazard Severity Zone.⁷ The Proposed Project is subject to review and approval from the San Bernardino County Fire Marshal. Hay storage would be provided outside the building where it could be easily accessible should a fire develop, either on-site or a wildfire. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statues, codes, ordinances, and standards of the San Bernardino County Fire Department. Moreover, the Proposed Project the Project is required by 29 Code of Federal Regulations (CFR) 1910.39(b) to prepare a fire prevention plan and kept in the workplace and made available for employees to review. The Fire Prevention Plan would include but not be limited to: identifying all major fire hazards, proper handling and storage of combustible and flammable waste, procedures to prevent the accidental ignition of combustible materials. And while no significant adverse impacts are identified or are anticipated, Mitigation Measure HAZ-1 is required due to the Project Site containing flammable materials in a Very High Fire Zone:

Mitigation Measure HAZ-1:

Prior to County’s issuance of the Certificate of Occupancy, the Applicant shall submit a Fire Prevention Plan in accordance with 29 Code of Federal Regulations (CFR) 1910.39(b) to the County Fire Department for review and comment. The plan is to remain on site, and the Applicant will train employees on its contents.

Less than Significant with Mitigation

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

⁷ San Bernardino Countywide Policy Plan Draft EIR. Hazards and Hazardous Materials.

- sustainable groundwater management of the basin?
- 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;
 - 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 Policy Plan; Submitted Project Materials;

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

The Proposed Project would disturb approximately 3 acres and would therefore be subject to the construction activities covered under the State’s General Construction Permit include the removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include BMPs to prevent project-related pollutants from impacting surface waters.

The Regional Water Quality Control Board (RWQCB) has issued an area-wide National Pollutant Discharge Elimination System (NPDES) Storm Water Permit for the County of San Bernardino, the San Bernardino County Flood Control District and the unincorporated areas of San Bernardino County. The implementation of NPDES permits ensures that the State and Federal mandatory standards for the maintenance

of clean water are met. Therefore, less than significant impacts are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Project Site has an existing water well that will supply water to the new convenience store and drive-through restaurant. The on-site septic system is located to over the required 200' separation to the west of the existing water well in accordance with San Bernardino County LAMP, Chapter 3, Table 3.1. It is anticipated that the Project would not interfere with groundwater recharge because the septic system returns water to the ground in a similar amount that is used from the well. The existing well will be permitted through San Bernardino Environmental Health as a qualified public water system to service the proposed project.

Therefore, less than significant impacts are anticipated, and no mitigation measures are required.

Less Than Significant Impact

- 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;*

Erosion is the wearing away of the ground surface as a result of the movement of wind or water, and siltation is the process by which water becomes dirty due to fine mineral particles in the water. Soil erosion could occur due to a storm event. The SWPPP that will be prepared for the Project construction will list Best Management Practices (BMPs) for the construction to avoid and minimize soil erosion. Examples of BMPs may include but not be limited to installation of track-out control mats, silt fencing, stockpile controls, etc. Adherence to BMPs would prevent substantial soil erosion or the loss of topsoil. Natural infiltration capacity would be maximized by incorporating a design that promotes water retention through placement of proposed landscape, soil development, grading techniques, and allowing natural drainage into the landscaped areas. Existing vegetation will be protected in place to the extent feasible. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- 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?*

The existing disturbed area of the Project is 31,175 SF. The Proposed Project would disturb approximately 85,825 SF of the total 106,459 SF parcel. The existing site drains from west to east towards Summit Valley Rd at approximately 1.5 percent slope. In the proposed conditions, the north half of the site surface would drain to an inlet which outlets to Summit Valley Road; the south half of the site surface would drain to the south east corner of the site that would be directed onto a rip rap pad that would slow flows as it continues onto the roadway and then discharged into the adjacent drainage creek to the south; no work is anticipated in the creek to the south of the property. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

Due to the inland distance from the Pacific Ocean and any other significant bodies of water, tsunamis and seiches are not potential hazards in the vicinity of the Project Site. The Project Site is located in FEMA Flood Zone X, which is described as: "Area of Minimal Flood Hazard." Therefore, construction and operations would not occur in a floodplain. The Proposed Project is subject to the Construction General Permit requirements. The permit requires development and implementation of a SWPPP, which includes BMPs to control and abate pollutants. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Proposed Project is subject to the requirements of the Construction General Permit which would include development and implementation of a SWPPP, which is subject to RWQCB review and approval. The purpose of an SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction activities; and 2) identify, construct and implement stormwater pollution control measures to reduce pollutants and turbidity in stormwater discharges from the construction site during and after construction. The SWPPP would include BMPs to control and abate pollutants, and treat runoff that can be used for groundwater recharge. The Proposed Project would not otherwise substantially degrade water quality, as appropriate measures relating to water quality protection would be implemented as BMPs. Appropriate BMPs will be reviewed and approved by the County's Land Use Services (LUS) Land Development Drainage Division. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XI. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:
Countywide Policy Plan; Submitted Project Materials

- a) *Physically divide an established community? and*
- 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?*

The Project Site is located within an unincorporated area of the County and has a zoning designation of General Commercial and is not subject to a Community Plan. The Project Site is located at 12077 State Hwy 138 (SR-138), in the unincorporated area of San Bernardino County known as the Summit Valley near Hesperia.

The Project occurs over one parcel that totals 3.2 gross acres that are zoned General Commercial. The General Commercial (CG) land use zoning district provides sites for retail trade and personal services, lodging services, office and professional services, recreation and entertainment services, wholesaling and warehousing, contract/construction services, transportation services, open lot services, and similar and compatible uses.

The physical division of an established community is typically associated with construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility in an existing community or between a community and an outlying area. The Proposed Project does not include the construction of a linear feature such as a below-ground pipeline or above-ground transmission line. Therefore, the Proposed Project would neither physically divide an established community nor cause a significant environmental impact due to conflict with any land use plans or policies.

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

Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

Countywide Policy Plan; Submitted Project Materials

- 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?*

Per Policy NR-6.1 of the Countywide Policy Plan, development of land that would substantially preclude the future development of mining facilities in areas classified as Mineral Resource Zone (MRZ) 2a, 2b, or 3a is discouraged or prohibited. The Project Site is not located within any of these mineral resource zones.⁸ Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

The Project Site is neither located within an MRZ-2 nor an MRZ-3 mineral zone and no mineral resource recovery is occurring on site; therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

⁸ San Bernardino Countywide Policy Plan Draft EIR. Figure 5.11-1 Mineral Resource Zones 2 & 3 in the Southwest Quadrant of County.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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 general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Countywide Policy Plan; Submitted Project Materials

- 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 general plan or noise ordinance, or applicable standards of other agencies?*

Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). The A-scale weighting is typically reported in terms of A-weighted decibel (dBA), a scale designed to account for the frequency-dependent sensitivity of the ear. The sound level corresponding to a steady noise level over a given sample period is represented as Leq. A Community Noise Equivalent Level (CNEL) represents the average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and 10 decibels to sound levels in the night from 10:00 p.m. to 7:00 a.m.

County of San Bernardino Noise Standards

Chapter 83.01 General Performance Standards of the County's Municipal Code outlines the County's noise ordinance. Standards applicable to the Proposed Project include the following:

(c) *Noise Standards for Stationary Noise Sources.*

(1) *Noise Standards. Table 83-2 (Noise Standards for Stationary Noise Sources) describes the noise standard for emanations from a stationary noise source, as it affects adjacent properties:*

Table 83-2		
Noise Standards for Stationary Noise Sources		
Affected Land Uses (Receiving Noise)	7:00 a.m. – 10 p.m. Leq	10:00 p.m. – 7 a.m. Leq
Residential	55 dB(A)	45 dB(A)
Professional Services	55 dB(A)	55 dB(A)
Other Commercial	60 dB(A)	60 dB(A)
Industrial	70 dB(A)	70 dB(A)

Leq = (Equivalent Energy Level). The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period, typically one, eight or 24 hours.

dB(A) = (A-weighted Sound Pressure Level). The sound pressure level, in decibels, as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, placing greater emphasis on those frequencies within the sensitivity range of the human ear.

(d) *Noise Standards for Adjacent Mobile Noise Sources. Noise from mobile sources may affect adjacent properties adversely. When it does, the noise shall be mitigated for any new development to a level that shall not exceed the standards described in the following Table 83-3 (Noise Standards for Adjacent Mobile Noise Sources).*

Table 83-3			
Noise Standards for Adjacent Mobile Noise Sources			
Land Use		Ldn (or CNEL) dB(A)	
Categories	Uses	Interior⁽¹⁾	Exterior⁽²⁾
Residential	Single and multi-family, duplex, mobile homes	45	60 ⁽³⁾
Commercial	Hotel, motel, transient housing	45	60 ⁽³⁾
	Commercial retail, bank, restaurant	50	N/A
	Office building, research and development, professional offices	45	65
	Amphitheater, concert hall, auditorium, movie theater	45	N/A
Institutional/Public	Hospital, nursing home, school classroom, religious institution, library	45	65
Open Space	Park	N/A	65

Notes:

(1) The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors.

(2) The outdoor environment shall be limited to:

- Hospital/office building patios
- Hotel and motel recreation areas
- Mobile home parks
- Multi-family private patios or balconies
- Park picnic areas
- Private yard of single-family dwellings
- School playgrounds

(3) An exterior noise level of up to 65 dB(A) (or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dB(A) (or CNEL) with windows and doors closed. Requiring that windows and doors remain closed to achieve an acceptable interior noise level shall necessitate the use of air conditioning or mechanical ventilation.

CNEL = (Community Noise Equivalent Level). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night from 10:00 p.m. to 7:00 a.m.

(g) Exempt Noise. The following sources of noise shall be exempt from the regulations of this Section:

- (1) Motor vehicles not under the control of the commercial or industrial use.*
- (2) Emergency equipment, vehicles, and devices.*
- (3) Temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays.*

Existing Noise Environment

SR-138/Summit Valley Road is a relatively heavily traveled roadway, and the Silverwood Market is an existing market. The expanded operations of a larger convenience store, more fuel pumps, a feed store, and a drive through coffee shop are not anticipated to be greater than the existing noise because the traffic along SR-138 is the major noise generator. One residence exists approximately 300 feet south of the Project Site.

Construction Noise

Construction operations must follow the County's General Plan and the Noise Ordinance, which states that construction, repair or excavation work performed must occur within the permissible hours. There are no sensitive receptors within 1,000 feet of the Project Site, and the Project would comply with the County's Noise Ordinance. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Operations Noise

One residence exists approximately 300 feet south of the Project Site. For the purposes of calculating operational noise, it was assumed that noise from Project-related traffic would be generated. The nearest sensitive receptor for the purposes of evaluating Project-generated traffic noise would be the drive-through coffee shop, at approximately 300 feet from the residence. Quiet urban noise, which would be similar to the Project's commercial use with the traffic on SR-138, is anticipated to range from 50 to 60 decibels (dba), according to the Federal Aviation Administration⁹. The existing noise levels with the Project exterior noise levels was estimated to be similar to the FAA estimates, at 60 dbA. Therefore, the Project would be consistent with the County's Noise Ordinance with respect to the noise impacts from the Project's traffic and commercial use.

Less Than Significant Impact

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

Construction activities can produce vibration that may be felt by adjacent land uses. The construction of the Proposed Project would not require the use of equipment such as pile drivers, which are known to generate substantial construction vibration levels. The primary vibration source during construction would be from a bulldozer. A large bulldozer has a vibration impact of 0.089 inches per second peak particle velocity (PPV) at 25 feet which is perceptible but below any risk to architectural damage.

At a distance of 300 feet, a large bulldozer would yield a worst-case 0.0 PPV (in/sec) which means the vibration would not be perceptible during grading along the northeastern property line of the project site and is below any threshold of damage. There is no impact, and no mitigation is required

No Impact

- 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?*

The Project Site is not within an airport safety review area or Airport Runaway Protection Zone.¹⁰ The Project Site is not located within the vicinity of a private or public airstrip. The nearest airport to the Project Site is Hesperia Airport, located approximately 5 miles to the northeast, and the Project Site is not within the Airport Comprehensive Land Use Plan for that airport. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Therefore, less than significant adverse impacts are identified or anticipated with implementation of mitigation measures.

⁹ Fundamentals of Noise and Sound, Comparable Noise Levels (DBA), Federal Aviation Administration, accessed at https://www.faa.gov/regulations_policies/policy_guidance/noise/basics

¹⁰ San Bernardino Countywide Policy Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-2 "Airport Safety Zones."

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:
Countywide Policy 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)?*

The Proposed Project is the improvement of an existing commercial market and associated fuel pumps, and the addition of a feed store. The Project would revise the existing driveway off of SR-138, and would create a new entrance on Summit Valley Road to the south of the SR-138. The Project is designed to better serve the existing ranch community as well as the existing travelers who use SR-138. Construction activities would be temporary and would not attract new employees to the area. The Project Site has a current zoning designation of General Commercial. The Proposed Project does not involve construction of new homes so it would not induce unplanned population growth. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Proposed Project would convert one residence to a feed store. The residence is owned by the owner of the Proposed Project. The owner will either continue to live on the property or purchase an available home in the vicinity. Therefore, the Proposed Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. Therefore, there will be less than significant impacts, and no mitigation measures are required.

Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:
Countywide Policy 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?

San Bernardino County Fire Station 305, located at 8331 Caliente Road, Hesperia, is approximately 15 miles northwest of the Project Site, Station 2 at 1511 Devore Road, San Bernardino, approximately 13 miles south of the Project Site could service the Project. New development within the unincorporated county would not combine with other development in the county to result in a cumulatively considerable impact to fire and emergency services. The County would maintain sufficient services within its boundaries as well as expand to serve other incorporated jurisdictions to improve service and coverage.¹¹

The operation of the proposed fueling station would require refueling of the tanks. The San Bernardino County Office of the Fire Marshal Hazardous Materials Response Team (HMRT) is responsible for responding to issues related to hazardous materials including

¹¹ San Bernardino Countywide Policy Plan Draft EIR: Public Services. Page 5.14-17.

fuel. A fueling station already exists at Project Site, therefore, hazardous materials response is already anticipated for the Project Site, and no new response facilities are required as a result of the project.

The Hazardous Materials of the San Bernardino County Fire Protection District is designated by the State Secretary for Environmental Protection as the Certified Unified Program Agency or "CUPA" for the County of San Bernardino in order to focus the management of specific environmental programs at the local government level. Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be required by the CUPA 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 significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Police Protection?

The San Bernardino County Sheriff's Department (SBCSD) serves the unincorporated portions of the County. Calls for service would be provided by officers at either the Twin Peaks Station or any of the Victor Valley stations. While police stations are located in various areas of the County, the officers routinely patrol the areas, and officers are dispatched to the site based on officers who are closest to the Project Site at the time. 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 significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Schools?

The Project Site is served by the Hesperia Unified School District. Construction activities would be temporary and would not result in substantial population growth. The employees required for operations are expected to come from the local labor force. 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 significant impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Parks?

The Proposed Project would neither 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. Operation of 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, and no mitigation measures are required.

No Impact

Other Public Facilities?

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.

No Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?*

The Proposed Project’s employees are expected to come from the local labor force. The Proposed Project does not include development of residential housing or other uses that would lead to substantial population growth. 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 development impact fees and taxes 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, and no mitigation measures are required.

No Impact

- 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?*

The Proposed Project is for the replacement and expansion of an existing market, fuel pumps and the construction of a new drive through and feed store. The Project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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SUBSTANTIATION:
Countywide Policy Plan; Submitted Project Materials; Traffic Impact Analysis and Intersection Control Evaluation, dated October 28, 2022, prepared by David Evans and Associates, (Appendix F) and Traffic Study Scope – Silverwood Gas Market, dated May 4, 2021, prepared by David Evans and Associates (Appendix F)

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

Bicycle and Pedestrian Facilities

There are currently no bicycle or pedestrian facilities on or near the Project Site. The San Bernardino County Transportation Authority Bicycle Plan has no planned paths for the Project vicinity. Therefore, no conflict with a program plan, ordinance or policy addressing bicycle and pedestrian facilities are anticipated.

Transit Service

The Project Site and surrounding area is currently not served by any transit agency. There are no bus routes or stopes in the Project vicinity. The nearest transit services are provided by the Victor Valley Transit Authority in Hesperia and I-15. No bus stops are planned for the Proposed Project.

General Plan Consistency

The Proposed Project is the expansion of an existing market and fueling station, with the addition of a drive-through coffee outlet and a new feed store. A Traffic Impact Analysis and Intersection Control Evaluation dated October 28, 2022, was prepared for the Proposed Project (Appendix F). The existing market is projected to generate approximately 481 trips, while the Proposed Project is anticipated to generate approximately 1,840 trips, or an additional approximately 1,359 trips. The following details how the Proposed Project would be consistent with the Transportation and Mobility Element of the Countywide Policy Plan goals and policies:

Goal TM 1: Unincorporated areas served by roads with capacity that is adequate for residents, businesses, tourists and emergency services.

Policy TM-1.7: We require new developments to pay its fair share contribution towards off-site transportation improvements.

Consistent: The Project is along SR-138, however, road improvements to the southerly leg of Summit Valley Road would be made along the Project boundary to facilitate the

second driveway. Prior to the issuance of building permits, the Project Applicant shall pay the Project's fair share amount for recommended improvements.

Policy TM-1.8: *When considering new roadway improvement proposals for the Capital Improvements Program or Regional Transportation Plan, we consider the provision of adequate emergency access routes along with capacity expansion in unincorporated areas. Among access route improvements, we prioritize those that contribute some funding through a local area funding and financing mechanism.*

Consistent: The Project Site is adjacent to SR-138, which is an evacuation route within the County.¹² Adequate on-site access for emergency vehicles would be verified during the County's plan review process. The Project trips would result in some increases in traffic, but impacts are anticipated to be less than significant because the traffic using SR-138 either live or work in the immediate vicinity and use SR-138 to access I-15, the City of Hesperia, or the San Bernardino Mountains and would be included in any evacuation order.

Goal TM-2: Roads designed and built to standards in the unincorporated areas that reflect the rural, suburban, and urban context as well as the regional (valley, mountain, and desert) context.

Policy TM-2.2: *We require roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities. We require fewer improvements in rural areas and more improvements in urbanized areas, consistent with the Development Code. Additional standards may be required in municipal spheres of influence.*

Consistent: The Proposed Project includes a driveway easement from Caltrans and improvements to the southern portion of Summit Valley Road, including a new driveway. These improvements would be constructed to State and County standards as applicable and would be approved by the respective agencies prior to construction.

Policy TM-2.3: *We require new development to mitigate project transportation impacts no later than prior to occupancy of the development to ensure transportation improvements are delivered concurrent with future development.*

Consistent: Fair-share contributions, if any, would be paid prior to the issuance of building permits.

The Proposed Project would be consistent with the goals and policies as set forth in the Transportation and Mobility Element of the Countywide Policy Plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

¹² San Bernardino Countywide Policy Plan Draft EIR. Hazards and Hazardous Materials. Table 5.8-10 "Evacuation Routes in San Bernardino County."

Less Than Significant Impact

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

CEQA Guidelines Section 15064.3 subdivision (b) pertains whether the land use project will generate vehicle miles traveled (VMT) in excess of an applicable threshold of significance. The State of California Governor's Office of Planning and Research (OPR) Technical Advisory provides project screening criteria and guidance for analysis of VMT assessments under SB 743.

A VMT screening assessment was prepared for the Project as part of the "Traffic Study Scope – Silverwood Gas Market" (Appendix F). The County of San Bernardino guideline refers to the use of the San Bernardino County Transportation Authority (SBCTA) guidelines for analyzing a development project's VMT in conformance with SB 743. . No further VMT analysis is typically required for projects that satisfy one or more of the following screening criteria:

- Local Serving Land Uses
- Projects Generating Less Than 110 Daily Vehicle Trips
- Projects Located within a Transit Priority Area (TPA)
- Projects Located Within a Low VMT Area

The Project is to replace and expand an existing market and fueling station and to construct and operate a new feed store. Overall, the analysis in Appendix F identified that the Project is exempt from preparing a detailed VMT analysis as it can be considered a "local serving land use" because it serves the existing traffic along SR-138 as well as would serve the ranches in the Project vicinity..

Therefore, based on the VMT analysis no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Intersection Analysis in Appendix F studied various scenarios for the intersection of SR-138 and Summit Valley Road. It concluded that an all-way stop at the intersection of SR-138 and Summit Valley Road would be required to mitigate potential for accidents at the intersection. The Proposed Project would install the all-way stop, in accordance with Caltrans guidelines. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

d) *Result in inadequate emergency access?*

The Project Site is adjacent to SR-138, which is an evacuation route within the County.¹³ Adequate on-site access for emergency vehicles would be verified during the County's plan review process. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County Department of Public Works (DPW) Traffic Division. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

Cultural Resources Assessment, BCR Consulting, July 22, 2021 (Appendix C)

- 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;*

¹³ San Bernardino Countywide Policy Plan Draft EIR. Hazards and Hazardous Materials. Table 5.8-10 "Evacuation Routes in San Bernardino County."

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?

A Cultural Resources Assessment/Inventory, dated September 5, 2023 was prepared for the Proposed Project by Duke CRM (Appendix C) to determine whether the Proposed Project would cause substantial adverse changes to any “historical resources,” as defined by CEQA, that may exist in or around the Project Site. In order to identify such resources, Duke CRM conducted a historical/archaeological resources records search, pursued historical background research, contacted Native American representatives, and carried out a systematic field survey.

The report identified that there are nine cultural resources within one-half mile of the Project. Only one resource, historic Summit Valley Road (designated as P-36-004256, also known as Hesperia Road), is within the Project Area, located on the eastern side of the Project Site. Summit Valley Road, on the eastern edge of the property. The cultural resources report in Appendix C identified that the historic Hesperia Road has been previously evaluated as not eligible for the National Register and concurred that the segment in the Project area was also not eligible for the California Register of Historical Resources or National Register.

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.

In August 2023, the County of San Bernardino mailed notification pursuant to AB-52 to the following tribes: Morongo Band of Mission Indians, Yuhaaviatam of San Manuel Nation, Colorado River Indian Tribes (CRIT) 29-Palms Band of Mission Indians. The tribes responded with a request for mitigation measures to protect tribal resources that are not known at this time. As a result, the Project would be required to comply with Mitigation Measure TCR-1, which requires any pre-contact cultural resources information to be provided to the tribes, Mitigation Measure TCR-2 which requires records of any finds be submitted to the tribes and Mitigation Measure TCR-3 which requires that on-site employees obtain cultural sensitivity training. .

Mitigation Measure TCR-1:

The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and the Morongo Band of Mission Indians Cultural Resources Department (MBMI)

shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

Mitigation Measure TCR-2:

Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN and MBMI. The Lead Agency and/or applicant shall, in good faith, consult with YSMN and MBMI throughout the life of the project.

Mitigation Measure TCR-3:

All on-site construction personnel shall be briefed about the archaeological and cultural sensitivity of the area prior to the start of construction activities. The cultural resource training will be organized and conducted by a representative of the Tribal Historic Preservation Officer (THPO) and of the Yuhaaviatam of San Manuel Nation. The purpose of the cultural training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological/cultural resources. Each worker should also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. Necessity of training attendance should be stated on all construction plans.

Less Than Significant Impact

No significant adverse impacts are identified or anticipated, and no mitigation measures are required at this time.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION:
Countywide Policy 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?*

The Project would be served by an existing on-site water well. For wastewater, the Project is served by on-site wastewater treatment system (OWTS) that would be expanded to accommodate the additional Project features. The evaluation of the Project includes the construction of the additional septic features (refer to the "Utility Infrastructure" section of the Project Description).

Electrical service to the Proposed Project would be serviced by Southern California Edison (SCE), which provides the electrical service to the general area. The Proposed Project will receive electrical power by connecting to existing power lines. The increased demand from the Proposed Project is expected to be sufficiently served by the existing SCE electrical facilities.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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The Proposed Project will be served by Frontier for telecommunication services. The Proposed Project is for the development of expanded retail and commercial travel operations, and the Project Site was previously serviced by telecommunications facilities; therefore, the Proposed Project is not anticipated to have a significant demand for telecommunication services.

Because the Project has existing utilities, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

Water for the Project would be served by the existing well that was installed in approximately the 1980s. The Applicant is in the process of applying with the County and the State for a determination that the well would be treated as a Public Water System. According to the Applicant's application for a Public Water System permit, the well is designed to produce approximately 7 gallons per minute, which equates to approximately 11 acre-feet per year (AC/ft/yr). Based on the new uses of an expanded convenience store and drive-through coffee shop, the applicant has estimated that it would need approximately 2.5 AC/ft/yr. Therefore, the existing well is anticipated to be sufficient to serve the expanded operations. Therefore, the Project would have sufficient water supplies to serve the Project in the reasonably foreseeable future development during normal, dry and multiple dry years.

Less Than Significant Impact

- 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?*

The Proposed Project would connect to an OWTS consisting of a sewer system and leach field. Per the plans, the existing 1,000 gallon septic tank would remain in place, and a new 2,500-gallon septic tank would be installed for the expanded convenience store/drive through. The tanks would be connected to a leachfield that would be installed near the hay storage area. The system will also require approval by the San Bernardino County Department of Health Services (EHS). Therefore, as the Project would not be connecting to a wastewater treatment provider, the Proposed Project would not 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. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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- 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?*

CalRecycle provides estimates for solid waste generation created by businesses over a certain amount of time.

Waste disposal services are provided in the area by Burrtec. The proposed land use is consistent with the Countywide Plan and therefore considered in Burrtec’s long-range planning to meet demands. Waste generated from the Proposed Project is not expected to significantly impact the solid waste collection system. The Project is classified as a commercial retail as any trash generation would mostly be from retail sales at the convenience store. The feed store would have the same commercial retail classification. The square footage of convenience store (4,091) plus feed store (2,172) is 6,263 sq ft. Waste generation for Commercial retail is 0.046lb/sq ft. per day and equals 288 pounds per day. For the drive through restaurant, there will be 4 employees. At 17 lbs/emp/day, equals 68 pounds per day. The storage building would be classified as warehouse. With 3 employees at 13.82 lb/emp/day, equals 41 pounds per day. Total waste pounds per day for all buildings is estimated at 397 pounds per day. The double waste bins can hold a minimum of 900 pounds of waste. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The Project would be implemented and operated in compliance with applicable Countywide Plan Goals and Policies, and would comport with County Zoning regulations - specifically, the Project would comply with local, state and federal initiatives and directives acting to reduce and divert solid waste from landfill waste streams. As described in section (d) above, the Project would comply with the California Integrated Waste Management Act and AB 341 as implemented by the County. The proposed Project is required to comply with all applicable federal, State, and County statutes and regulations related to solid waste as a standard project condition of approval. Therefore, a less than significant impact would occur.

The Proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste. AB 939, which requires every city and county in the State to prepare a Source Reduction and Recycling Element (SRRE) to its Solid Waste Management Plan, identifies how each jurisdiction will meet the State’s mandatory waste diversion goal of 50 percent by and after 2000. Under SB 341, the diversion goal was increased to 75 percent by 2020. The County of San Bernardino Solid Waste Management Division is responsible for the operation and management of the solid waste disposal system which consists of 5 regional landfills, 17 MRFS, 8 transfer stations, and 7 construction/demolition and inert debris processing facilities. According to the Countywide Integrated Waste Management Plan, roughly 70 percent of total solid

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
waste was diverted from landfills in 2016. San Bernardino Development Code Chapter 84.24, Solid Waste/Recyclable Materials Storage, stipulates standards and regulations for the collection and management of solid waste in the County. Solid waste produced during the construction phase or operational phase of the Proposed Project would be disposed of and recycled in accordance with all applicable statutes and regulations, including the above-listed plans and statutes. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.				

Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

County of San Bernardino Countywide Policy Plan; Submitted Project Materials

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

The Project Site does not contain any emergency facilities. The Project Site is adjacent to SR-138, which is a designated evacuation route within the County.¹⁴ Access to the Project Site would be provided along SR-138 by one right-only entrance, and one all access entrance on Summit Valley Drive. And though work would occur on SR-138 to accommodate the Project ingress/egress, all work would be conducted in accordance with Caltrans standards that require a traffic control plan to be implemented during construction, which would accommodate any emergency response. The Proposed Project is subject to review and approval from the San Bernardino County Fire Marshal. All new construction shall comply Section 82.13.050 of the Development Code and with the current Uniform Fire Code requirements and all applicable statues, codes, ordinances, and standards of the San Bernardino County Fire Department. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

- 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?*

The Project Site is located within a Very High Fire Hazard Severity Zone.¹⁵ Fire lanes are incorporated into the Project Site circulation. Moreover, the Proposed Project would require a Fire Control Plan as a condition of approval. San Bernardino County's emergency preparedness system, along with established regulations and policies, would reduce wildfire hazards to structures to less than significant level. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- 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?*

The Proposed Project is the expansion of an existing store and does not require the installation of, 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. The Project

¹⁴ San Bernardino Countywide Policy Plan Draft EIR. Hazards and Hazardous Materials. Table 5.8-10 "Evacuation Routes in San Bernardino County."

¹⁵ San Bernardino Countywide Policy Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-6 "Fire Severity and Growth Areas in the East Desert Regions."

includes some minor road improvements, and on-site improvements including expansion/relocation of the on-site septic system.

The Proposed Project is subject to review and approval from the San Bernardino County Fire Marshal. Hay storage, estimated at approximately 500 hay bales, would be provided outside the building where it could be easily accessible by site and fire personnel should a fire develop. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Moreover, implementation of HAZ-1 which requires a written plan would reduce potential impacts from Project implementation.

Because the Project Site is located within a High or Very High Fire Hazard Severity Zone, Mitigation Measures WIL-1 is required for all site and off-site construction to reduce the potential for exacerbating the fire risk.

Mitigation Measure WIL-1:

During construction, all staging areas, welding areas, or areas slated for construction using spark-producing equipment will be cleared of dried vegetation or other material that could ignite. Spark arresting equipment shall be in good working order. The County shall require all vehicles and crews working at the Project site to have access to functional fire extinguishers at all times. In addition, construction crews are required to have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks. The contractor also shall provide a safety plan for the implementation of additional protocols when the National Weather Service issues a Red Flag Warning. Such protocols would prohibit smoking near combustibles and vegetation growth areas, implement fire rules, designate storage and parking areas, limit or even prohibit use of gasoline-powered tools, enforce use of spark arresters on construction equipment, temporarily activate road closures, use of personnel to be vigilant and look out for fires and potential fire hazards, fire suppression tools, fire suppression equipment, and training requirements. In addition, the Project contractor is required to comply with County Ordinance No. FPD 20-01 which may require obtaining permits to operate specific equipment during construction, which is not known at this time.

Less than Significant with Mitigation

- 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?*

The Project Site is flat, with gentle hills within 0.5 mile of the Project Site. The 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 because the Project Site is flat is adjacent to a readily-available evacuation route (Hwy. 138) where the store and its patrons could easily evacuate in

the event of a fire. There would be less than significant impacts and no mitigation measures are proposed.

Less Than Significant Impact

Therefore, less than significant impacts are identified with the implementation of mitigation measures.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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?*

Most birds are protected under the Migratory Bird Treaty Act. According to the BRA, some avian species were observed or detected on site during the surveys. Additionally, there are currently protected plants on-site. Potential impacts to biological resources

would be reduced to a less than significant level with implementation of Mitigation Measure BIO-1. Therefore, the Proposed Project is not anticipated 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.

During Duke CRM's field survey, nine cultural resources within one-half mile of the Project. Only one resource, historic Summit Valley Road (designated as P-36-004256, also known as Hesperia Road), is within the Project Area, located on the eastern side of the Project Site. The cultural resources report in Appendix C identified that the historic Hesperia Road has been previously evaluated as not eligible for the National Register, and concurred that the segment in the Project area was also not eligible for the California Register of Historical Resources or National Register.

These cultural resources are not considered potential historical resources. Therefore, Duke CRM concludes that the Proposed Project would not impact known historical resources. However, the presence of the isolated artifacts demonstrates some sensitivity for potentially buried prehistoric cultural remains within the Project Site. Implementation of Mitigation Measures CR-1, CR-2, and CR-3 would ensure no significant impacts to potential buried archaeological resources occur.

Additionally, with implementation of Mitigation Measure GEO-1, the potential impacts to paleontological resources can be reduced to a less than significant level. Therefore, no significant adverse impacts are anticipated with implementation of these mitigation measures.

Less than Significant with Mitigation

- 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)?*

Cumulative impacts are defined as two or more individual affects that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the development when added to the impacts of other closely related past, present, and reasonably foreseeable or probable future developments. Cumulative impacts can result from individually minor, but collectively significant, developments taking place over a period. The CEQA Guidelines, Section 15130 (a) and (b), states:

- (D) (a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- (D) (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great

detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

Air Quality

Cumulative projects include local development as well as general growth within the Project Site. However, as with most development, the greatest source of emissions is from mobile sources, which travel well out of the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered, would cover an even larger area. Accordingly, the cumulative analysis for the Proposed Project's air quality must be generic by nature.

The MDAB is out of attainment for both ozone and particulate matter. Construction and operation of cumulative projects will further degrade the air quality of the MDAB. The greatest cumulative impact on the quality of regional air cell will be the incremental addition of pollutants mainly from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of these projects. Air quality will be temporarily degraded during construction activities that occur separately or simultaneously.

However, in accordance with the MDAQMD methodology, projects that do not exceed the MDAQMD criteria for air emissions or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. Project operations without mitigation would generate emissions of NOx, ROG, CO, PM10, and PM2.5, which would not exceed the MDAQMD regional thresholds and would not be expected to result in ground level concentrations that exceed the National Ambient Air Quality Standards or California Ambient Air Quality Standards. Therefore, operation of the Proposed Project would not result in a cumulatively considerable net increase for non-attainment of criteria pollutants or ozone precursors. As a result, the Proposed Project would result in a less than significant cumulative impact for operational emissions.

Greenhouse Gas

Although the Proposed Project is expected to emit GHGs, the emission of GHGs by a single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHG from more than one project and many sources in the atmosphere that may result in global climate change. Therefore, in the case of global climate change, the proximity of the project to other GHG emission generating activities is not directly relevant to the determination of a cumulative impact because climate change is a global condition. GHG impacts are exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. A project's GHG emissions typically would be very small in comparison to state or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change.

The California Air Resources Board is in the process of establishing and implementing regulations to reduce statewide GHG emissions. Currently, the County GHG Reduction Plan's initial screening procedure is to determine if a project will emit 3,000 metric tons

of carbon dioxide equivalents (MTCO_{2e}) per year or more. Projects that do not exceed this threshold require no further climate change analysis. Therefore, consistent with CEQA Guidelines Section 15064h(3),10 the County, as lead agency, has determined that the project's contribution to cumulative GHG emissions (2,899 metric tons) and global climate change would be less than significant if the project is consistent with the applicable regulatory plans and policies to reduce GHG emissions. As discussed previously, the Proposed Project is consistent with the goals and objectives of the County's GHG Reduction Plan. Therefore, the project's incremental contribution to greenhouse gas emissions and their effects on climate change would not be cumulatively considerable.

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

Less Than Significant Impact

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

As stated in the geological evaluation in Appendix G-1 the Project site is located in Southern California, a seismically active area and susceptible to the effects of seismic activity include rupture of earthquake faults. The proposed development site lies outside of any Alquist Priolo Special Studies Zone (Appendix D-1). The nearest known active fault is Cleghorn Fault with an approximate source to site distance of 3.43 kilometers is the closest known active fault anticipated to produce the highest ground accelerations, with an anticipated maximum modal magnitude of 7.5. The Proposed Project would be required to comply with California Building Code requirements, Uniform Fire Code requirements, and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Compliance with these codes and standards would address potential impacts resulting from an earthquake event.

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 approval.

The incorporation of design measures, San Bernardino County 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.

Less Than Significant Impact

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

Initial Study PROJ-2021-00088
Silverwood Market, 12077 State Hwy 138 Hesperia, CA 92345
APN: 0357-122-09
January 2024

GENERAL REFERENCES

County of San Bernardino, Countywide Plan. Adopted July 2020. http://countywideplan.com/wp-content/uploads/2020/08/CWP_PolicyPlan_PubHrngDraft_HardCopy_2020_July.pdf

County of San Bernardino, Countywide Plan Draft EIR. Prepared June 2019. http://countywideplan.com/wp-content/uploads/2019/06/Ch_000_TITLE-PAGE.pdf

County of San Bernardino. County Policy Plan web maps.

San Bernardino County Code -Title 8-Development Code.
<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf>. Accessed periodically.

PROJECT-SPECIFIC REFERENCES

Appendix A-1 - *Silverwood Gas Market Air Impact Analysis, County of San Bernardino, Urban Crossroads, March 14, 2023*

Appendix A-2 - *Silverwood Gas Market Greenhouse Gas Analysis, County of San Bernardino, Urban Crossroads, July 13, 2023*

Appendix B-1 - *General Biological Resources Assessment, County of San Bernardino, APN 0357-122-09, RCA Associates, Inc, April 26, 2023*

Appendix B-2 - *Joshua tree survey and evaluation for property located at 12077 State, Highway 138 (APN 0357-122-09) in Hesperia, County of San Bernardino, California, RCA Associates, Inc, December 20, 2022*

Appendix C - *Cultural/Paleontological Resources Services for the Silverwood Gas Market, Near Hesperia, County of San Bernardino, California, Duke CRM, September 18, 2023*

Appendix D-1 - *Preliminary Geotechnical Interpretive Report, Proposed Commercial Development Expansion, Assessor's Parcel Number 0357-122-09, Located at 12077 State Highway 138 in the Hesperia Area, San Bernardino County, California, Patel & Associates, Inc., May 24, 2021*

Appendix D-2 - *Onsite Wastewater Treatment System Report, Proposed Commercial Development, Assessor's Parcel Number 0357-122-09, Located on State Highway 138, Hesperia Area, San Bernardino County, California, Patel & Associates, Inc., September 20, 2022*

Appendix E - *Silverwood Gas Market, Greenhouse Gas Analysis, County of San Bernardino, Urban Crossroads, March 14, 2023*

Appendix F - *Traffic Impact Analysis and Intersection Control Evaluation Study Highway 138 and Summit Valley Road, Silverwood Market, David Evans and Associates, October 28, 2022*

Appendix G – Project Plans

MITIGATION MEASURES

Mitigation Measure BIO-1:

Pre-Construction Nesting Bird Clearance Survey. All construction activities shall comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. The MBTA governs the taking and killing of migratory birds, their eggs, parts, and nests and prohibits the take of any migratory bird, their eggs, parts, and nests. Compliance with the MBTA shall be accomplished by completing the following:

Construction activities involving vegetation removal shall be conducted between September 1 and January 31. If construction occurs inside the peak nesting season (between February 1 and August 31), a pre-construction survey by a qualified Biologist shall be conducted within 72 hours prior to construction activities to identify any active nesting locations. If the Biologist does not find any active nests, the construction work shall be allowed to proceed. The biologist conducting the clearance survey shall document a negative survey with a report indicating that no impacts to active avian nests shall occur.

If the Biologist finds an active nest within the pre-construction survey area and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

Mitigation Measure CR-1:

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) and/or the Morongo Band of Mission Indians (MBMI) shall be contacted, 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.

Mitigation Measure CR-2:

Cultural Resource Management Plan. Prior to any ground-disturbing activities the project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

Mitigation Measure CR-3:

- A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
- B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
- C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98 D. If MBMI or YSMN has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

Mitigation Measure GEO-1:

Prior to the issuance of the first grading permit or permit for ground disturbance activities, the applicant shall provide evidence to the satisfaction of the County of San Bernardino retention of a qualified paleontologist. A qualified paleontologist shall attend the pre-grading meeting and discuss the site's sensitivity and recommend when paleontological monitoring is necessary. The paleontological monitor shall actively monitor all project related grading in sensitive sediments and shall have the authority to temporarily divert, redirect, or halt grading

activity to allow recovery of paleontological resources. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume.

Mitigation Measure HAZ-1:

Prior to County's issuance of the Certificate of Occupancy, the Applicant shall submit a Fire Prevent Plan in accordance with 29 Code of Federal Regulations (CFR) 1910.39(b) to the County Fire Department for review and comment. The plan is to remain on site, and the Applicant will train employees on its contents.

Mitigation Measure TCR-1:

The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and the Morongo Band of Mission Indians Cultural Resources Department (MBMI) shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

Mitigation Measure TCR-2:

Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN and MBMI. The Lead Agency and/or applicant shall, in good faith, consult with YSMN and MBMI throughout the life of the project.

Mitigation Measure TCR-3:

All on-site construction personnel shall be briefed about the archaeological and cultural sensitivity of the area prior to the start of construction activities. The cultural resource training will be organized and conducted by a representative of the Tribal Historic Preservation Officer (THPO) and of the Yuhaaviatam of San Manuel Nation. The purpose of the cultural training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological/cultural resources. Each worker should also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. Necessity of training attendance should be stated on all construction plans.

Mitigation Measure WIL-1:

During construction, all staging areas, welding areas, or areas slated for construction using spark-producing equipment will be cleared of dried vegetation or other material that could

ignite. Spark arresting equipment shall be in good working order. The County shall require all vehicles and crews working at the Project site to have access to functional fire extinguishers at all times. In addition, construction crews are required to have a spotter during welding activities to look out for potentially dangerous situations, including accidental sparks. The contractor also shall provide a safety plan for the implementation of additional protocols when the National Weather Service issues a Red Flag Warning. Such protocols would prohibit smoking near combustibles and vegetation growth areas, implement fire rules, designate storage and parking areas, limit or even prohibit use of gasoline-powered tools, enforce use of spark arresters on construction equipment, temporarily activate road closures, use of personnel to be vigilant and look out for fires and potential fire hazards, fire suppression tools, fire suppression equipment, and training requirements. In addition, the Project contractor is required to comply with County Ordinance No. FPD 20-01 which may require obtaining permits to operate specific equipment during construction, which is not known at this time.