



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

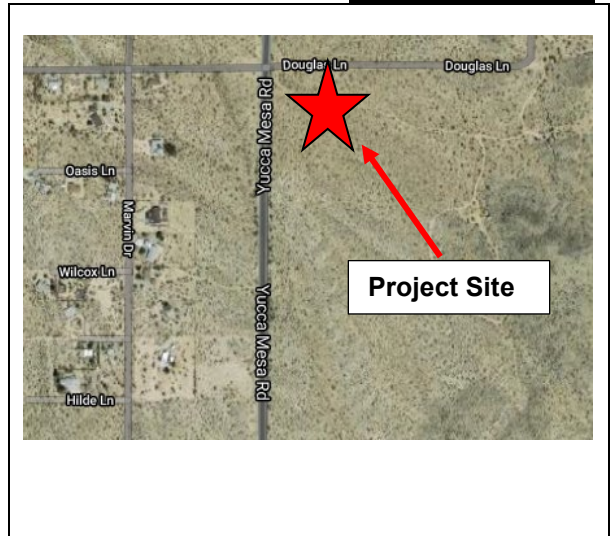
HEARING DATE: November 17, 2022

AGENDA ITEM #2

Project Description

Vicinity Map -

APN:	0601-231-20
Applicant:	Nathan Resnick
Community:	Yucca Valley / 3 rd Supervisorial District
Location:	Southeast corner of Yucca Mesa Road and Douglas Lane
Project No:	PROJ-2020-00203
Staff:	Jim Morrissey
Rep:	Nathan Resnick
Proposal:	Conditional Use Permit to construct a campground with 10 camp sites that includes portable structures (pods), linked by an internal drive aisle, a 1,200 square foot office/reception building and a 400 square foot storage building on a 18.06 acre parcel.



6 Hearing Notices Sent on : November 4, 2022

Report Prepared By: Jim Morrissey, Contract Planner

SITE INFORMATION:

Parcel Size: 18.06 acres
 Terrain: Undulating, and sloping downward to the southeast.
 Vegetation: Desert related habitat, including Joshua trees, creosote and saltbush scrub habitat.

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
SITE	Vacant	RL (Rural Living)	RL-5 (Rural Living, 5 ac. min.)
North	Vacant	Town of Yucca Valley General Plan RL-10	RL-5
South	Small structure	RL (Rural Living)	RL-5 (Rural Living, 5 ac. min.)
East	Vacant	RL (Rural Living)	RL-20 (Rural Living, 20 ac. min.)
West	Single family and vacant	Town of Yucca Valley General Plan RR-1	RL-1

<u>City Sphere of Influence:</u>	<u>Agency</u> Yucca Valley	<u>Comment</u> N/A
<u>Water Service:</u>	Mojave Desert Water Agency	Well
<u>Sewer Service:</u>	N/A	Septic

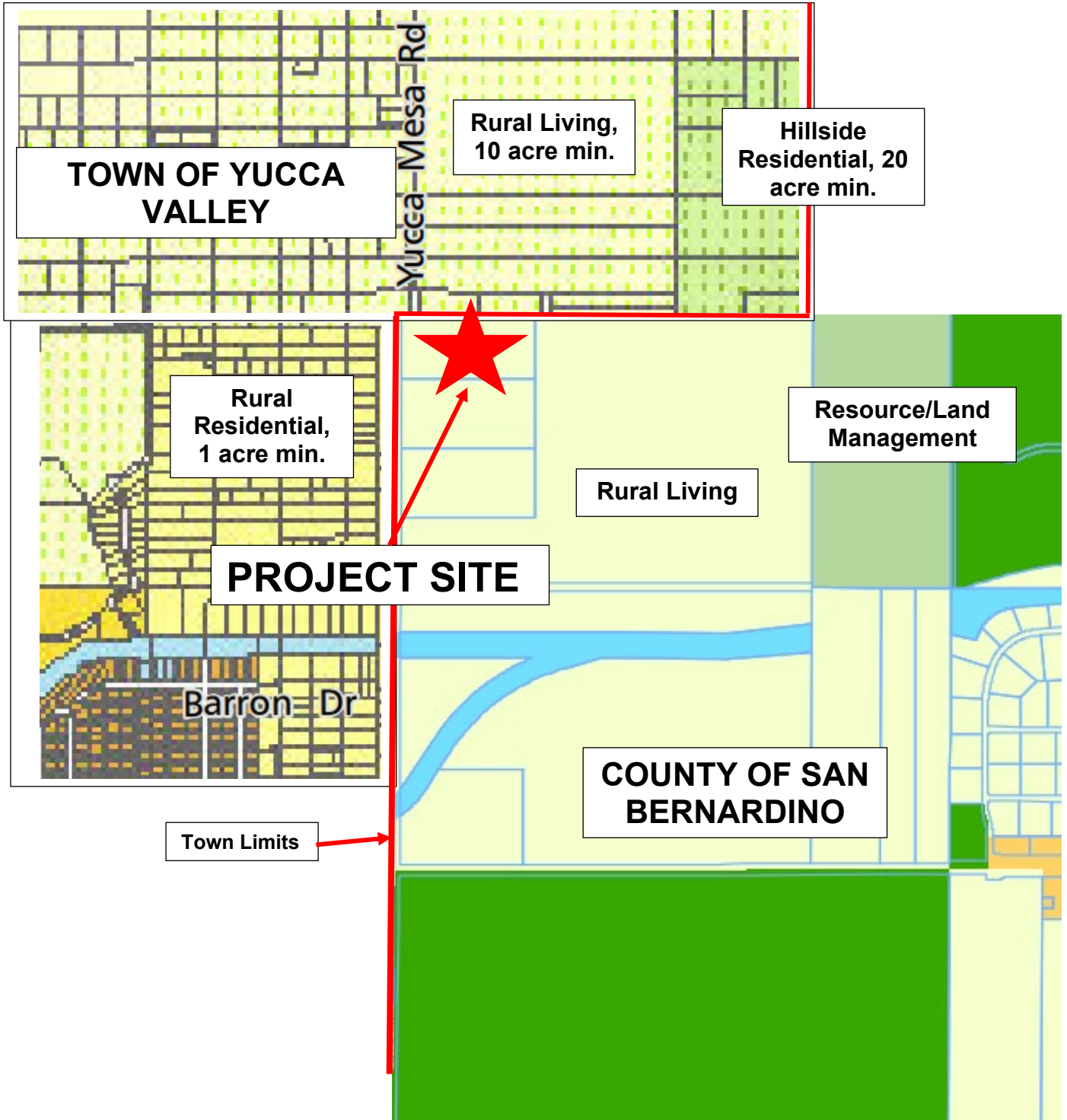
STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the Mitigated Negative Declaration, **ADOPT** the recommended Findings, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** Staff to file a Notice of Determination.¹

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

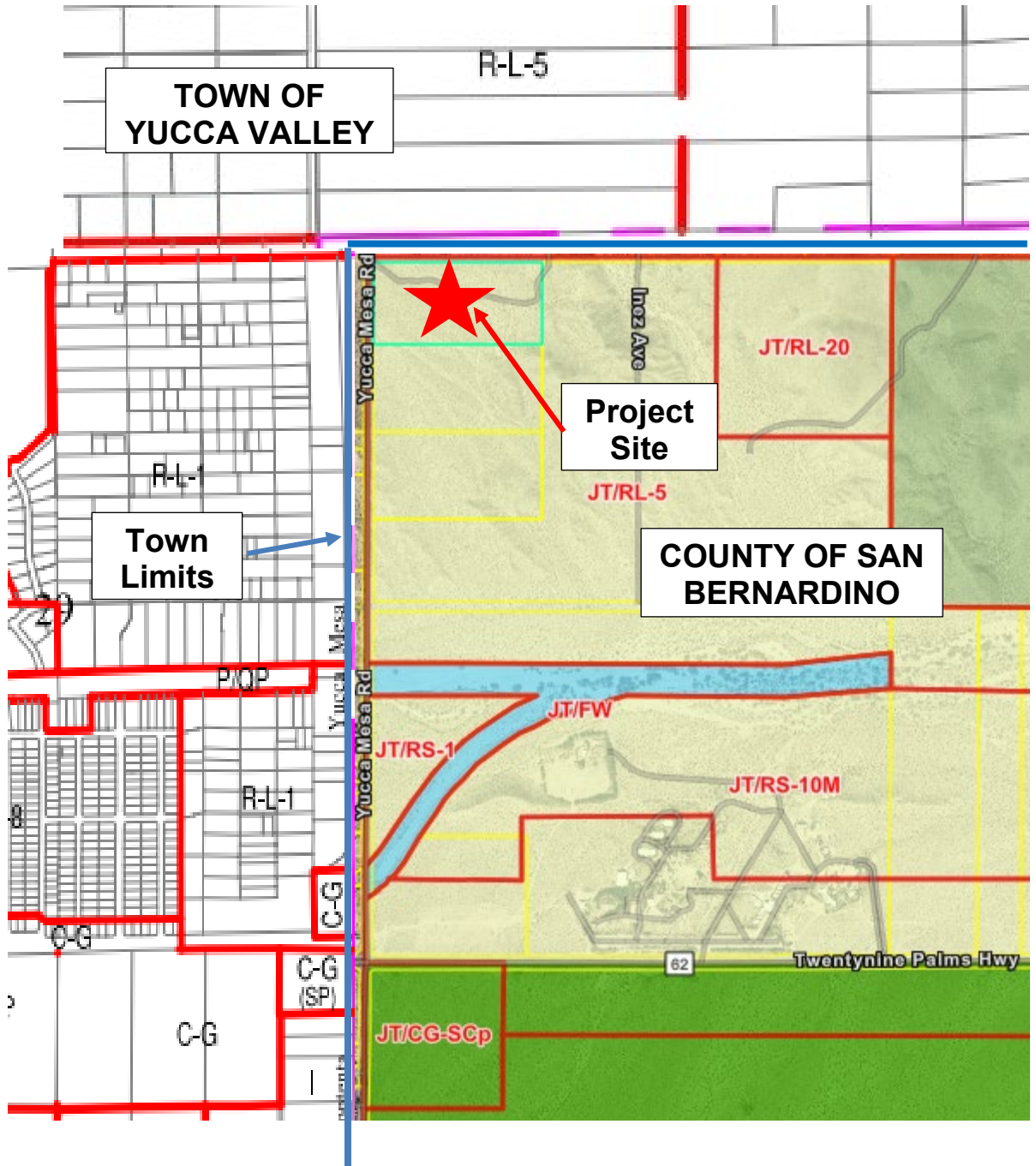
VICINITY MAP:
Aerial view of the Project Site



GENERAL PLAN LAND USE MAP:



ZONING DISTRICT MAP:



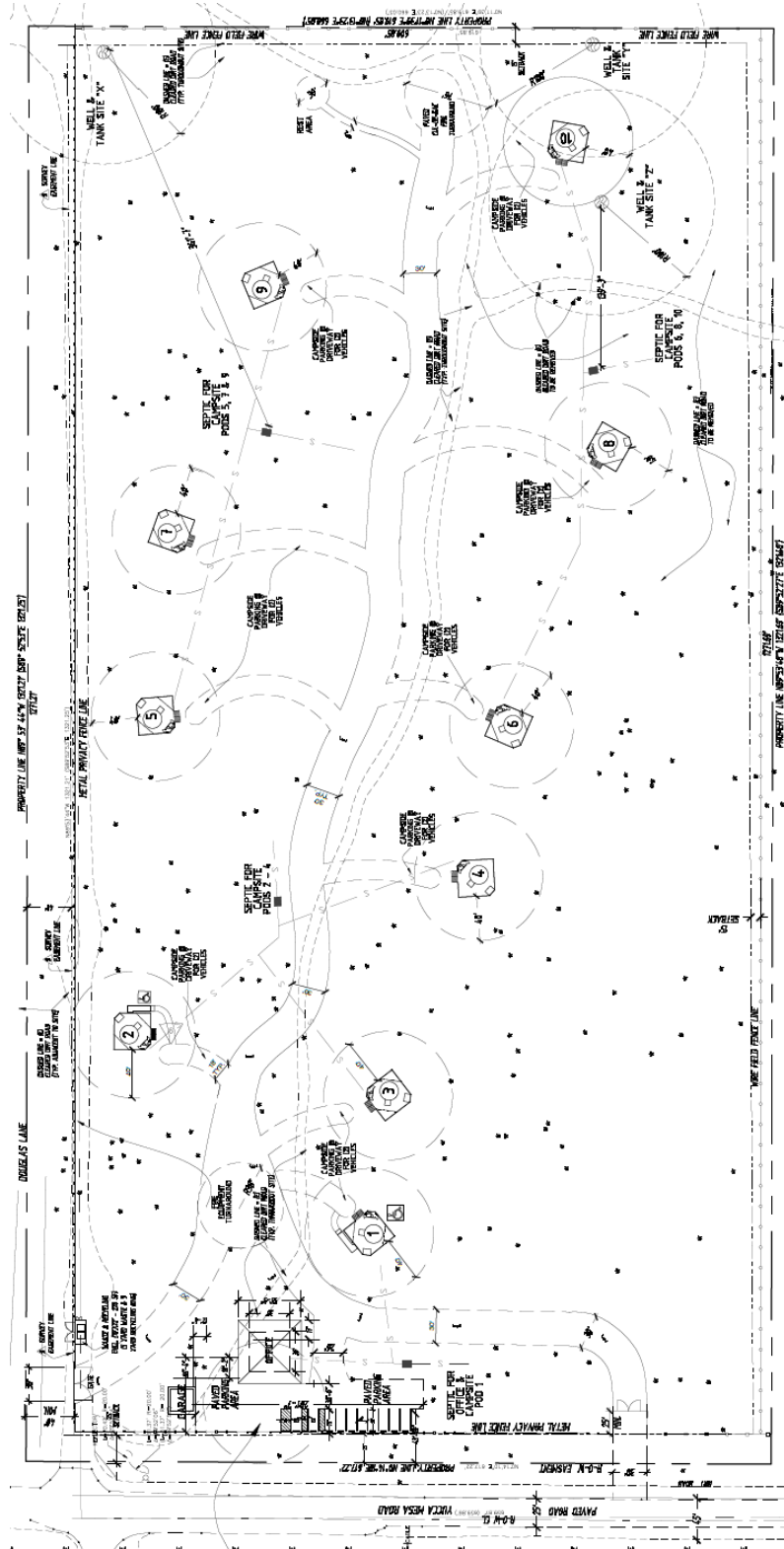
AERIAL MAP:



OVERALL SITE PLAN:

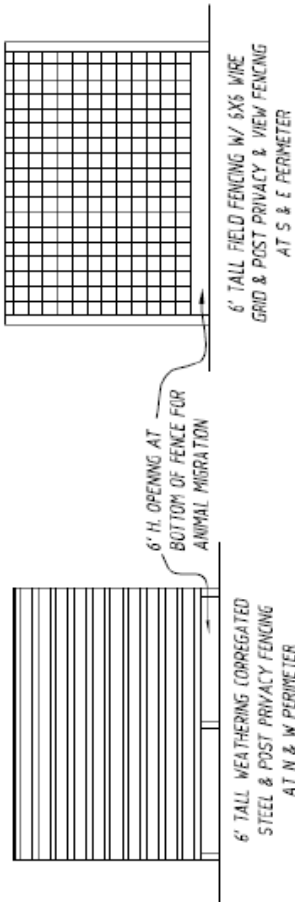


North



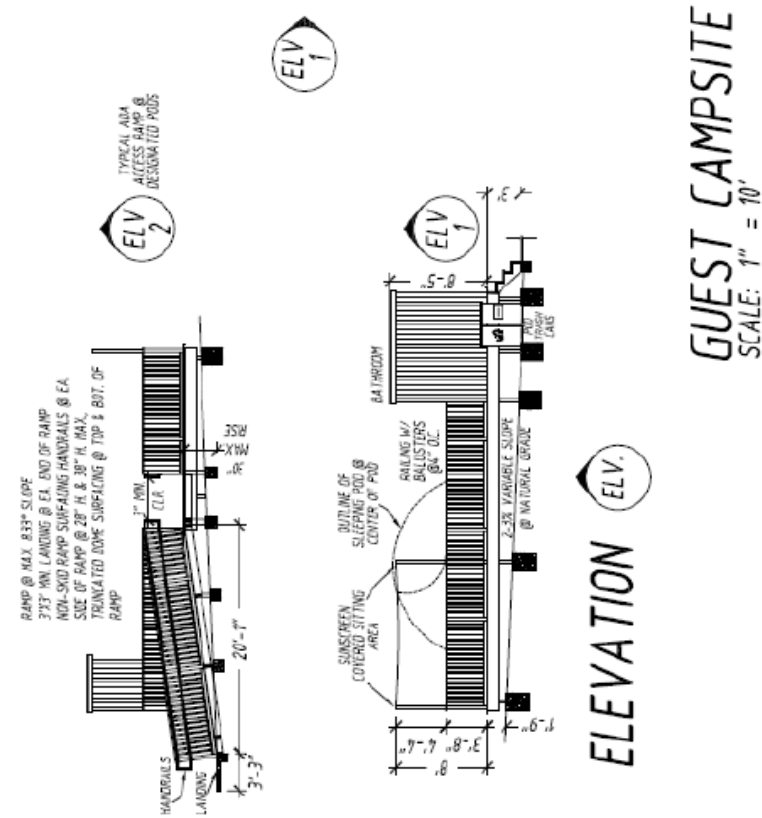
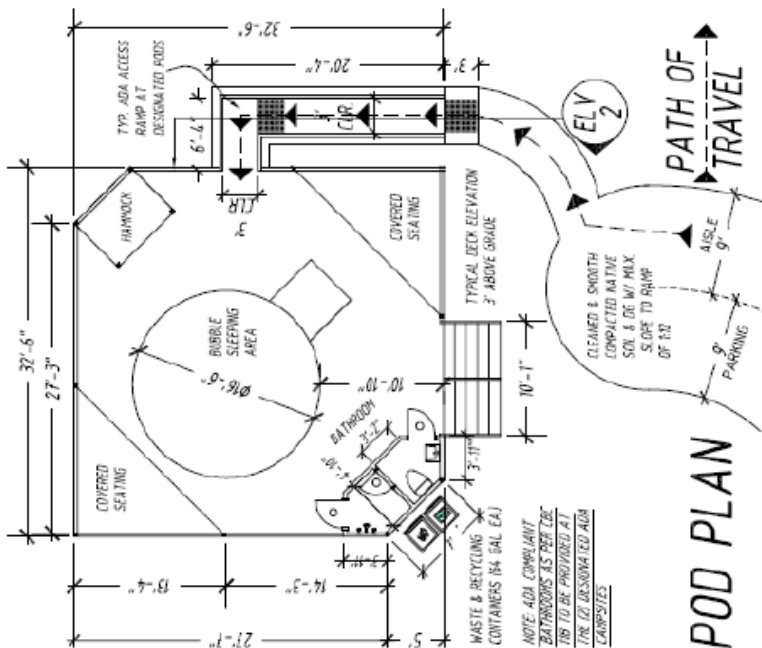


EXAMPLE OF CAMPSITE POD SLEEPING BUBBLE



SITE BOUNDARY FENCING

SCALE: NTS



GUEST CAMPSITE POD PLAN

SCALE: 1" = 10'

ELEVATION (ELV.)

SITE PHOTOS

View along Yucca Mesa Road looking south (left photo) and north (right photo) from the Project's northerly property line.



View across the Project Site south (left photo) and southwest towards Yucca Mesa Road (right photo) from a point near the northerly property line.



PROJECT DESCRIPTION:

The applicant requests approval of a Conditional Use Permit (CUP) to construct a campground with 10 camp sites that includes portable structures (pods), linked by an internal drive aisle, a 1,200 square foot office/reception building and a 400 square foot storage building on an 18.06-acre parcel (Project). Each camp site includes a raised deck approximately three feet above natural grade that contains a separate toilet and shower, and an enclosed bubble/pod for sleeping. Due to the design of the enclosed bubble/pod, the Project has been referred to as the “Bubble” campground. Vehicular access will be provided to each site on compacted natural soil and/or decomposed granite roadway surface. The entire Project site is proposed to be fenced and has a combination check-in/conference/manger’s unit. Water will be provided by a newly established local well and electricity by Southern California Edison. Site parking will be available at the check-in building and adjacent to each campsite.

The Project site and surrounding properties are currently vacant. The Project is located on the southeast corner of Yucca Mesa Road and Douglas Lane, within unincorporated Yucca Valley, and has a current Policy Plan Land Use Category designation and Zoning District of RL (Rural Living) and RL-5 (Rural Living, five-acre minimum lot size), respectively, as are the balance of the properties to the east and south.

The Town of Yucca Valley is located to the north and west of the property with the following General Plan and Zoning designations:

- West of Yucca Mesa Road: General Plan: RR-1 (Rural Residential, one-acre minimum); Zoned RL-1 (Rural Living, one dwelling per acre).
- North of Douglas Road: RL-10 Rural Living (Rural Living, 10-acre minimum); Zoned RL-5 (Rural Living, five-acre minimum lot size).

The subject property slopes generally to the southeast in a uniform manner as part of a broad alluvial fan within the Homestead Valley area. The property has a number of Joshua trees and other native vegetation.

Overall Project Design: The 18 acre Project site is a single rectangular vacant parcel. No development exists on the surrounding parcels to the north and east. In addition to the 10 camp/pod sites, a small manager’s/conference center is proposed near the northwesterly portion of the site. Primary vehicle access is proposed from Yucca Mesa Road and secondary access from Douglas Lane. Each individual camp site will have a cul-de-sac or access drive that terminates at the camp site. All on-site access drives will be compacted native soils.

The applicant’s stated purpose of the proposed Project is to provide users with a natural camping experience. On-site improvements have attempted to utilize the natural land form and avoid existing desert vegetation, such as Joshua trees.

HCD Approval: The California Department of Housing and Community Development (HCD) has informed the County that the proposed Project would be required to submit materials to and receive approval from them prior to the issuance of permits. As such, if the Planning Commission approves the Project, the applicant will submit all required documentation to HCD for their review and acceptance. A condition of approval has been included as part of this Project indicating the applicant is responsible for submitting material to HCD for their approval. Both HCD and County will collaborate to ensure compliance with adopted Conditions of Approval.

PROJECT ANALYSIS:

Site Planning: The proposed Project design attempts to minimize the number of physical improvements and create a unique camping experience. The “Bubble” design concept refers to an enclosed sleeping area with a clear ceiling placed on an elevated platform located two to three feet above the ground surface. A small separate toilet and shower area, along with a hammock and setting area, are also on the elevated platform. Each pod site has a separate access drive. Ten separate pod sites have been placed around the property to avoid existing Joshua trees. Driveway access throughout the property is comprised of compacted soil or decomposed granite, generally reflects the existing traveled ways, and avoids Joshua trees. The driveway width is 30 feet, with smaller 18-foot-wide spurs extending to each pod site for vehicular access.

A separate 1,200 sq. ft. combination office/living quarters is located near the site entrance, with a detached 400 sq. ft. garage.

Campground: The County has defined two different types of campgrounds: Public and Organized. An Organized Campground is defined as “...located on a permanent site and have a well-defined program of organized supervised activities in which campers are required to participate. There is present at the camp a qualified program director and a staff adequate to carry out the daily program activities, which are mainly out of doors.” (Development Code Section 810.01.050(e)(1).) The proposed campground would be considered Public, which is defined as “A site used or intended to be used, let or rented for camping purposes by two or more camping parties in trailers, tents or other movable or temporary dwellings.” (Development Code Section 810.01.050(e)(2).)

The proposed building pods are designed to be minimally invasive and provide an outdoor camping experience. Typically, a campground would provide dispersed areas for camping. In this instance the camp sites are at a defined location, dispersed throughout the property. Restroom facilities are provided at each separate camp site, rather than at one location and open to anyone camping on the property.

Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development in the RL Land Use District, as illustrated in Table 2 below.

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Multiple Residential		Project Plans (Proposed)
Campground	CUP		CUP
Parking	14 vehicles required • Camp Sites: 1 for each site = 10 spaces • Resident Staff: 2 for each Staff = 4 spaces		30 vehicle spaces provided • 2 spaces for each campsite: 20 • Manager’s Office: 4 • Handicapped spaces: 2 • Guest: 3 • Garage: 1
Building Setbacks	Front	25’	60’
	Side	5’ and 10’	38’
	Rear	15’	80’
Building Height	35 feet maximum		12 feet
Drive Aisles	26’		30’

CALIFORNIA ENVIRONMENTAL QUALITY ACT (COMPLIANCE)

Pursuant to the requirements of the California Environmental Quality Act (CEQA), the County, as Lead Agency, prepared an Initial Study (IS) for the Project (Exhibit A). The IS concludes that the Project will not have a significant adverse impact on the environment with the implementation of recommended mitigation measures contained in the IS, which have been incorporated in the Conditions of Approval (Exhibit B). A Notice of Availability/Notice of Intent (NOA/NOI) to adopt a Mitigated Negative Declaration (MND) was advertised and distributed to initiate a 30-day public comment period. Staff received comments (Exhibit C) from the following:

- Center for Biological Diversity
- Mojave Desert Land Trust
- Steve Brown
- Valerie Davis

The comments primarily expressed concerns about Biological Resources and Traffic conditions. Staff has attached specific responses that correlate to comments from the Center for Biological Diversity (Exhibit D), in an effort to reference specific topics of concern. However, these responses also apply to the comments provided by the Mojave Desert Land Trust and concerns about potential effects upon Joshua trees. The traffic related concerns have been evaluated by our Traffic Division and are noted below as part of the responses to Public Comments.

Based upon the public review process, Staff is recommending a change to mitigation measure BIO-2 as shown below, which is incorporated in the Conditions of Approval. The recommended change responds to concerns expressed about the distance protective barriers that will be placed around trees in close proximity to construction areas. Pursuant to Public Resources Code Section 21080(f) and Section 15074.1 of the California Code of Regulations, the proposed change to BIO-2 does not require recirculation of the IS because the change is considered equivalent or more effective in mitigating environmental impacts, the proposed change does not itself cause any potentially significant effect and does not change the conclusions in the IS.

BIO-2: Joshua Trees

The proposed Project will not affect western Joshua trees, since all trees are to be avoided. To ensure no impacts to this species, ~~any tree within 40 feet of active construction shall be encircled by temporary construction fencing. This will be of a height and color to be visible from a distance.~~ the following no work buffers shall be placed around any Joshua tree that is in the vicinity of active construction:

- 40 feet for western Joshua trees five meters or greater in height.
- 12 feet for western Joshua trees one meter but less than five meters in height.
- 6 feet for western Joshua trees less than one meter in height.

The buffer shall be installed using a suitable, highly visible, material, such as orange construction fencing and be of sufficient height to be visible from a distance. With this mitigation incorporated, ~~no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required at that time. from the CDFW. The ITP will detail all impacts to the species and necessary mitigation measures.~~

Additional environmental comments were received as part of the distribution of the Project Notice and are noted below.

Public Comments:

Project Notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. A Notice of Availability/Notice of Intent indicating the availability of the environmental documentation was distributed to surrounding property owners. Comments were received from surrounding property owners. Listed below is a summary of the various comments.

- Traffic Concerns: Vehicles travel at a high rate of speed along Yucca Mesa Road. Numerous accidents have occurred and turning movements are dangerous.
Response: The County Public Works Traffic Division has evaluated the proposed Project and found the sight distance for movement into and out of the site was adequate for the posted speed limit of 55 miles per hour. The additional street improvement conditions required for Yucca Mesa Road will provide an additional north bound travel lane adjacent to the site, and the half-width improvement to Douglas Lane will also improve travel safety from the Project site. In addition, traffic safety enhancements, such as signing and striping, can be requested by the Traffic Division at the time they review the applicant's street improvement plans.
- Continuous development is harming the area: The comment noted the extent of development activity in the general area and questioned whether a limit has been reached.
Response: Development is required to meet Zoning and Countywide Plan requirements.
- Unintended actions effect surrounding property: Concerns were expressed about a variety of potential actions that could occur, such as ATV use, campers wondering onto adjoining properties, noise from additional occupants of the site, and the use of trash trucks.
Response: The entire Project site will be enclosed by fencing, thereby minimizing movement of campers onto adjoining properties. The Project proposes a strict no light policy after 9 pm, except for security lighting attached to the office/manager's building. The Project will have an on-site manager to oversee operations and respond to any complaints. Trash collection will occur near the intersection of Yucca Mesa Road and Douglas Lane.
- Pave Douglas Lane: Paving of the entry portion of Douglas Lane, east of Yucca Mesa Road, will provide a smoother entry onto Yucca Mesa Road.
Response: The southerly 32 feet of Douglas Lane, extending along the entire northerly boundary, will be paved.
- Effects upon wildlife: A concern was expressed about the potential effect of the Project upon wildlife.
Response: A *Biological Resource Assessment* was prepared for the Project site. No burrows of suitable size or shape were observed on the property or surrounding area for Desert Tortoises. No Burrowing owls or burrows were noted on the property. However, surrounding land does contain suitable habitat and a mitigation measure has been incorporated to perform a preconstruction survey. No Desert kit fox or American badger were noted on the property. Information on the potential effects of the Project upon Joshua trees is noted in the attached Responses to Comments (Exhibit D).

RECOMMENDATION:

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibits A and E);
2. **ADOPT** the recommended Findings (Exhibit F) for approval of the Project,
3. **APPROVE** the Conditional Use Permit to construct a campground with 10 camp sites that includes portable structures (pods), linked by an internal drive isle, a 1,200 square foot office/reception building and a 400 square foot storage building on an 18.06 acre parcel, subject to the Conditions of Approval (Exhibit B); and
4. **DIRECT** staff to file the Notice of Determination.

ATTACHMENTS:

- EXHIBIT A: Initial Study/Mitigated Negative Declaration
- EXHIBIT B: Conditions of Approval
- EXHIBIT C: Comment Letters
- EXHIBIT D: Responses to Comments
- EXHIBIT E: Mitigation Monitoring and Reporting Program
- EXHIBIT F: Findings
- EXHIBIT G: Letter of Intent
- EXHIBIT H: Site Plan

EXHIBIT A

Initial Study/Mitigated Negative Declaration

+
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:	0601-231-20	USGS Quad:	Joshua Tree North
Applicant:	Nathan Resnick	T, R, Section:	T01N, R05E, Section 28
Location	Southeast corner of Yucca Mesa Road and Douglas Lane, in the Yucca Valley area, San Bernardino County.	Thomas Bros	
Project No:	PROJ-2020-00203	Community Plan:	Yucca Valley
Rep	Nathan Resnick	LUZD:	RL- 5: Rural Living, five acre minimum lot size.
Proposal:	A Conditional Use Permit to establish a camping area with 10 camp sites, including installed structures with utilities and portable shelters, linked by an internal roadway on approximately 18 acres.	Overlays:	Edge of Desert Tortoise Overlay

PROJECT CONTACT INFORMATION:

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

Contact person: Jim Morrissey, Contract Planner
Phone No: (909) 387-4234 **Fax No:** (909) 387-3223
E-mail: Jim.Morrissey@lus.sbcounty.gov

PROJECT DESCRIPTION:

Summary

A proposed “Bubble” campground with 10 campsites on 18 acres, in which each camp site includes a platform or deck raised approximately three above natural grade that contains a separate toilet and shower, and an enclosed bubble/pod for sleeping. Vehicular access will be provided to each site on compacted natural soil and/or decomposed granite roadway surface. The entire project site is fenced and has a combination check-in/conference/manger’s unit of approximately 1,300 square feet in size. Water will be provided by a newly established local well and electricity by Southern California Edison. Site parking will be available at the check-in building and adjacent to each campsite.

Surrounding Land Uses and Setting

The Project Site and surrounding properties are currently vacant. The Project Site occurs within the unincorporated community of Yucca Valley in the County of San Bernardino and has a current Policy Plan Land Use designation and Zoning of RL (Rural Living) and RL-5 (Rural Living, five acre minimum lot size), respectively, as are the balance of the properties to the east and south. Properties to the north and west of the Project site are in the City of Yucca Valley. Properties to the west of Yucca Mesa Road and south of the prolongation of Douglas Lane are General Planned RR-1 (Rural Residential, one-acre lot size) and Zoned RL-1 (Rural Living, one-acre lot size). Land to the north of Douglas Road and west of Yucca Mesa Road are General Planned RL-5 (Rural Living, five-acre lot size) and Zoned RL-5.

The subject property slopes generally to the southeast in a uniform manner as part of a broad alluvial fan within the Homestead Valley area. The property has a number of Joshua trees and other native vegetation.

Figure 1 Regional Location



Figure 2 Vicinity Map



Figure 3a – Project Site Plan

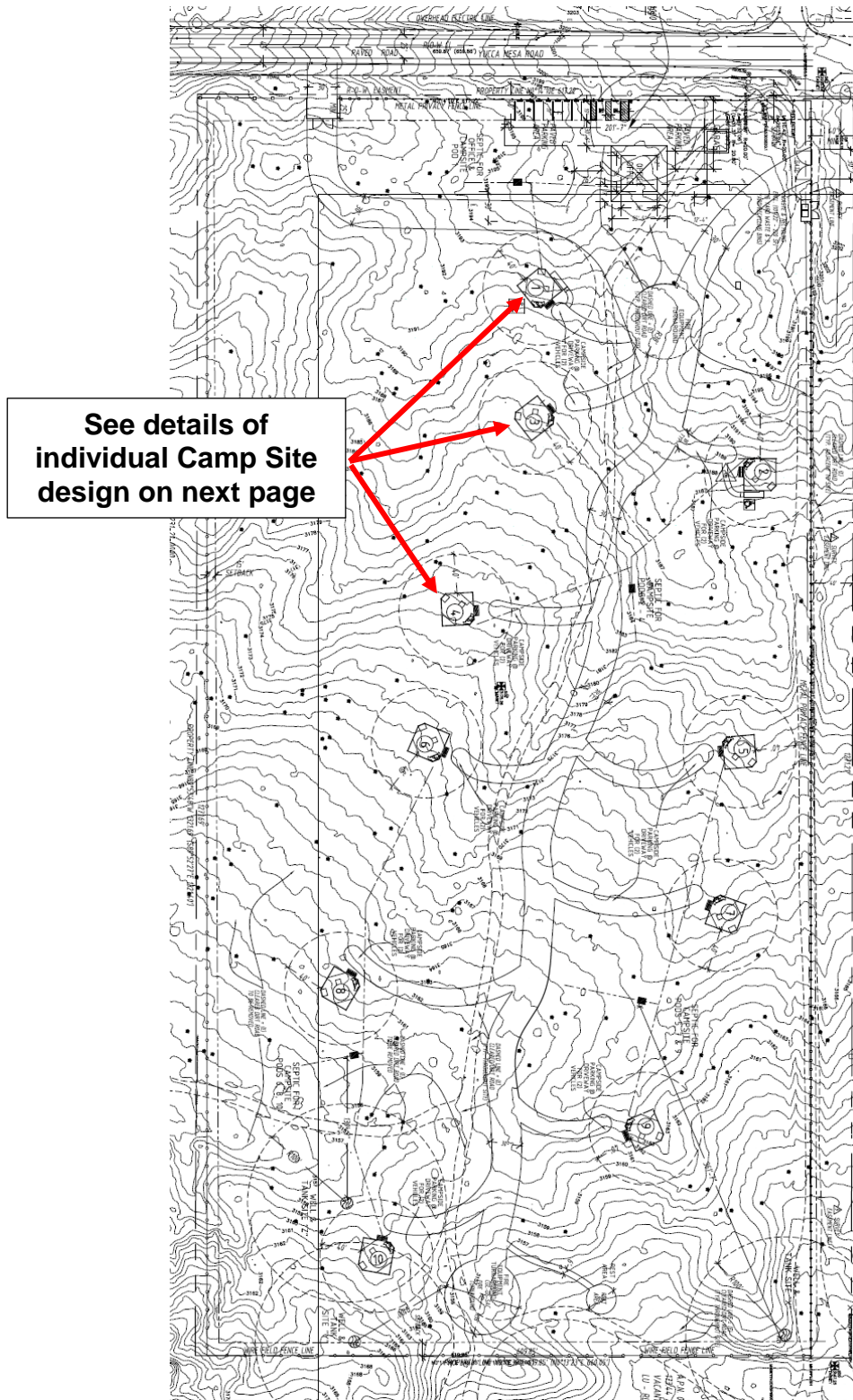
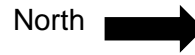


Figure 3b Camp Site Pod Plan and Boundary Fencing

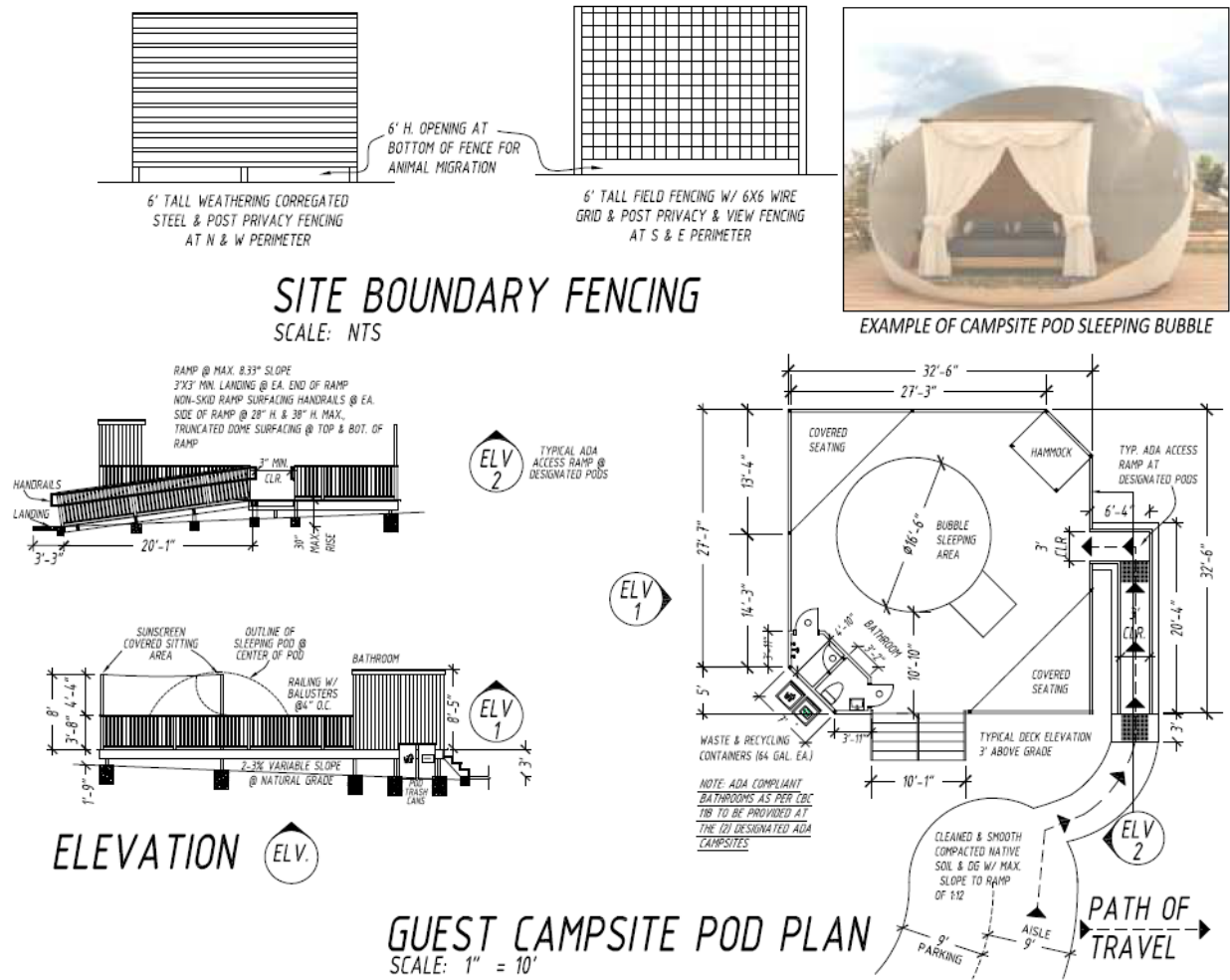
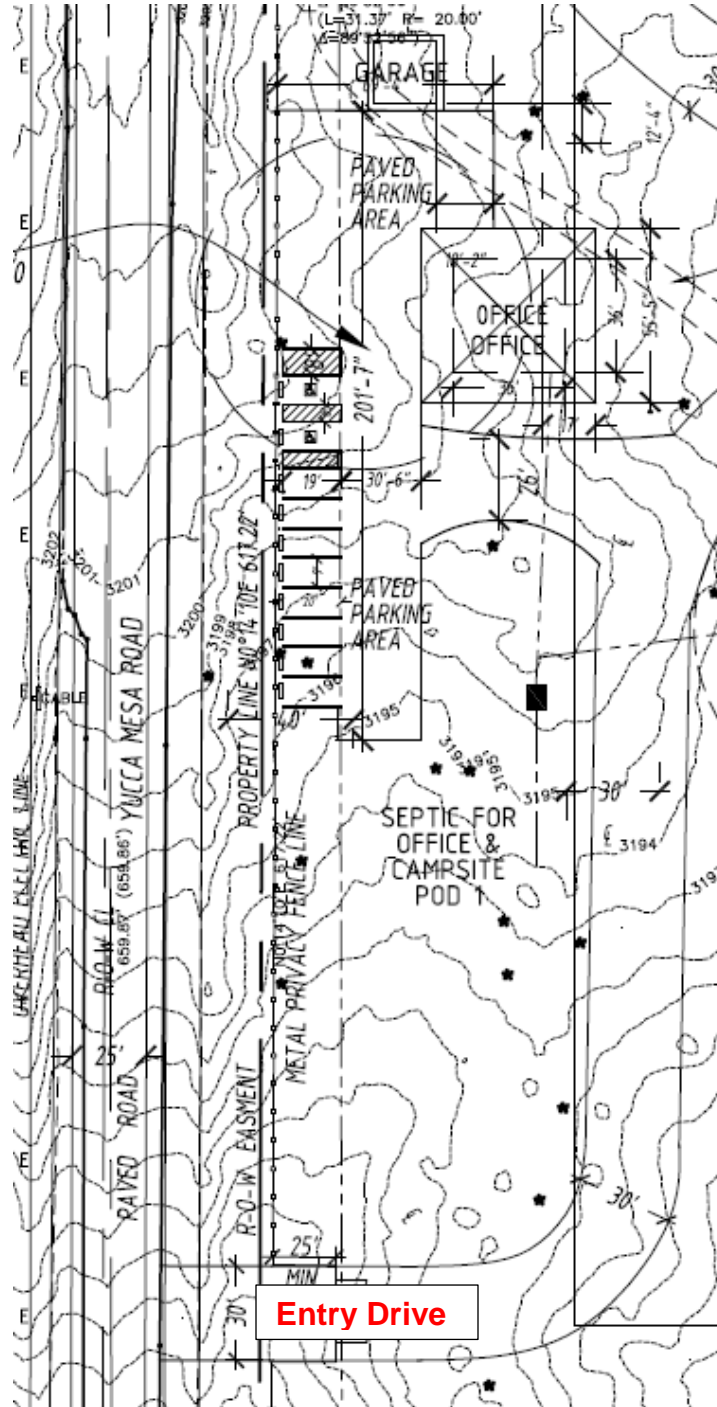


Figure 4c Office and Entry Parking Design



Project Site Location, Existing Site Land Uses and Conditions

The Project Site is located to the east of the Town of Yucca Valley in the southeastern portion of Homestead Valley within the unincorporated community of Yucca Valley. Although the subject property abuts the City Limits to the north and west, it is not within the City's Sphere of Influence. Access to the site is available from Yucca Mesa Road along the easterly property boundary, which is a paved two lane roadway or Douglas Lane, an unimproved roadway on the northerly property boundary. The Project Site is relatively flat with elevations ranging from 3178 feet to 3204 feet above mean sea level (amsl).

The Project Site consists of a single rectangular vacant parcel. No development exists on the surrounding parcels to the north and east. In addition to the 10 camp/pod sites, a small manager's/conference center is proposed near the northwesterly portion of the site. Primary vehicle access is proposed from Yucca Mesa Road and secondary access from Douglas Lane. Each individual camp site will have a cul-de-sac or access drive that terminates at the camp site. All on-site access drives will be compacted native soils.

The applicant's stated purpose of the proposed Project is to provide users with a natural camping experience. Improvements have attempted to utilize the natural land form and avoid existing desert vegetation, such as Joshua trees.

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None

State: None

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

Regional: None

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

On April 29, 2021, the County of San Bernardino mailed notifications pursuant to AB 52 to six tribes. Table 2 – *AB 52 Consultation Results*, shows a summary of comments and responses provided for the Project.

**Table 2
 AB 52 Consultation**

Tribe	Comment Received	Summary of Response	Conclusion
Soboba Band of Mission Indians	None	None	Concluded
Twenty-Nine Palms Band of Mission Indians	None	None	Concluded
Colorado River Indian Tribes	None	None	Concluded
Fort Mojave Band of Mission Indians	None	None	Concluded
Morongo Band of Mission Indians	June 1, 2021	Requested CHRIS report, geotechnical report, proposed project and grading design.	Information provided to Tribe on 8/10/21.
San Manuel Band of Mission Indians	May 11, 2020	Requested additional information, such as Cultural Report, Geotechnical Report, and project plans.	Information provided to Tribe on 8/10/21 and measures were recommended by Tribe on 8/10/21.

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

EVALUATION FORMAT

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

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
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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.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated, and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)
4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|--|--|
| <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.

James Morrissey
 Signature: (Jim Morrissey, Planner)

11/2/21
 Date

Chris Warrick
 Signature: (Chris Warrick, Supervising Planner)

11/8/2021
 Date

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
I. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<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 if project is located within the view-shed of any Scenic Route listed in the General Plan):
San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials

a) *Have a substantial adverse effect on a scenic vista?*
Less Than Significant Impact

The Project Site consists of a gentle grade less than two percent sloping to the southeast. The proposed improvement would have 10 flat wood-type pad structures that are elevated up to three feet, with enclosed toilet and shower rooms and a “bubble” type enclosure for sleeping. A combination conference facility and manager’s office not exceeding 1,300 sq. ft. would be located on the westerly side of the property. The San Bernardino Countywide Plan (General Plan) Policy NR-4.1 identifies scenic vistas and natural features as prominent hillsides, ridgelines, dominant landforms, and reservoirs, which do not exist within the project area. Distant mountains exist with views of the site below, but no unique features exist on site or within the immediate vicinity of the Project Site. The proposed Project would have minimal improvements within the 18-acre parcel that are relatively low-lying in design, except for the one story conference/manager’s office. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

San Bernardino Countywide Plan, Map NR-3 Scenic Routes and Highways, does not display any scenic routes within the area. A review of the Caltrans web site for designated scenic highways <https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf> found no designated highways in the area. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

The Project Site occurs within a non-urbanized area and the proposed Project is a request to develop a 10-site campground with each camping site located on a slightly raised structure or platform that contain various features, such as a bubble-type enclosure for sleeping and separate enclosed spaces for a shower and toilet. In addition, a one-story office building and detached garage is also proposed. The campsite facilities, with toilet and shower enclosures, are estimated to be approximately 11'-6" in height. The specific height of the check-in structure is estimated to be less than 20 feet.

The office and garage structures are approximately 50 feet and 70 feet, respectively, from Yucca Mesa Road right of way. The closest camp site is 150 feet from Yucca Mesa Road right of way and dispersed to the east in various intervals of approximately 100 feet or greater.

The limited number of structures and their relatively low profile would not degrade the existing visual character or quality of public views of the site and its surroundings. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

The proposed Project would involve minimal exterior lighting. The applicant's stated intent is to provide a desert related experience for campers and minimize site disruption. Each campsite is designed with a slightly raised platform structure that contains the sleeping bubble, shower and toilet facilities. The sleeping bubble is comprised of plastic and would be illuminated and visible at night. However, the Project proposes a strict no light policy after 9 pm. Lighting would also exist on the exterior of the office building for security. However, the overall extent of lighting would be minimal due to the lack of structures on the property, with only 10 campsite, one office building, and garage on 18 acres.

The Proposed Project would not create a new source of substantial light compared to other potential uses. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

	<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 Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?

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

San Bernardino Countywide Policy Plan, 2020; 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?*

No Impact

The subject property is not mapped by the California Department of Conservation Farmland Mapping and Monitoring Program, as accessed on August 15, 2021. As such, the Project area is not identified as Prime Farmland, Unique Farmland or Farmland of Statewide Importance and the proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact

According to the San Bernardino Countywide Plan, Agricultural Resources Map NR-5, the subject property is not under or adjacent to any lands under a Williamson Act Contract. The proposed Project would be consistent with the General Plan and would not conflict with existing zoning for agricultural uses or lands under a Williamson Act Contract. Due to the level of improvements proposed, the proposed use would not eliminate future agricultural use of the land, if determined to be feasible. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact

The subject property is zoned RL-5 and suitable for residential and similar uses. 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.

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

No Impact

Forest land is defined as land that can support 10-percent native tree cover of any

species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The Project site is located within the County's Desert region and does not support forest land. Implementation of the proposed Project would not result in loss of forest land or conversion of forest land to non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact

The proposed Project includes an office and garage building, with 10 campsites dispersed over an 18-acre parcel. No farmland or forest land exists in the area. As such, implementation of the proposed Project would not 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 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>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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: <i>(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):</i>				

San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials; CalEEMod Evaluation

a) *Conflict with or obstruct implementation of the applicable air quality plan?*
Less Than Significant Impact

The Project Site is in the Mojave Desert Air Basin (MDAB). The MDAB encompasses the desert portion of San Bernardino County. The Mojave Desert Air Quality Management District (MDAQMD) has jurisdiction over air quality monitoring and regulations within the high desert area that includes the Project site. The proposed Project is a request for a CUP for a campground facility. The Project site occurs within the General Plan Land Use category RL and is zoned RL-5. The proposed Project is conditionally permitted within the RL zone.

Currently, the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are exceeded in most parts of the MDAB. MDAQMD has adopted a series of Plans to meet state and federal ambient air quality standards. A project is inconsistent with the air quality plan if: (1) it does not conform with the local general plan; or (2) it uses a disproportionately large portion of the forecast growth increment. If a project proves to be inconsistent with the air quality plan, project proponent can prepare a general plan amendment (GPA). The proposed Project would not result in or cause NAAQS or CAAQS violations. The proposed Project is consistent with the Countywide Plan. In addition, the proposed Project would not exceed the applicable regional thresholds and, therefore, would have a less than significant impact. The proposed Project is therefore consistent with the region's air quality plan. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Table 1 illustrates operational emissions associated with the current General Plan/Zoning designations and the proposed Project. As shown, operational impacts resulting from the Proposed Project would exceed SCAQMD thresholds. Consequently, the proposed Project would not result in a conflict or obstruction to the implementation of the AQMP. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Table 1. Operational Emissions

Maximum Daily Emissions	Emissions (pounds per day)					
	NOx	ROG	CO	SOx	PM10	PM2.5
	0.45	0.70	1.93	0.004	0.32	0.10
Regional Threshold	137	137	548	137	82	65
Exceeds Regional Threshold?	NO	NO	NO	NO	NO	NO
Source: MDAQMD and CalEEMod 2020.4.0						

- 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?*

Less Than Significant Impact

To assist local agencies in determining if a project’s emissions could pose a significant threat to air quality, the MDAQMD has prepared CEQA and Federal Conformity Guidelines, August 2016. The air and dust emissions from the construction and operational use of the proposed Project were evaluated and compared to the MDAQMD’s air quality thresholds.

Air emissions from the proposed Project are subject to federal, State and local rules and regulations implemented through provisions of the federal Clean Air Act, California Clean Air Act, and the rules and regulations of the California Air Resources Board (CARB) and MDAQMD. Air quality management districts, where air basins not in attainment of the air quality standards, are required to prepare an Air Quality Management Plan (AQMP). An AQMP establishes an area-specific program to control existing and proposed sources of air emissions so that the air quality standards may be attained by an applicable target date.

Construction and operational emissions were screened using California Emissions Estimator Model (CalEEMod) version 2020.4.0. The emissions incorporate Rule 402 and 403 by default as required during construction. The criteria pollutants screened for include reactive organic gases (ROG), nitrous oxides (NOx), carbon monoxide (CO), sulfur dioxide (SO2), and particulates (PM₁₀ and PM_{2.5}). Two of the analyzed pollutants, ROG and NOx, are ozone precursors. Summer and winter seasons, along with annual emission levels were estimated.

Construction Emissions

Construction emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: site preparation, grading, building construction, paving, and architectural coating. The resulting emissions generated by construction of the Proposed Project are shown in Table 2 and Table 3.

Table 2. Construction Emissions (unmitigated)

Maximum Daily Emissions	Emissions (pounds per day)					
	NOx	ROG	CO	SOx	PM10	PM2.5
	20.24	39.43	11.02	0.03	7.43	4.22
Regional Threshold	137	137	548	137	82	65
Exceeds Regional Threshold?	NO	NO	NO	NO	NO	NO
Source: MDAQMD and CalEEMod 2020.4.0						

Compliance with SCAQMD Rules 402 and 403

Although the proposed Project does not exceed MDAQMD thresholds for construction emissions, the Project proponent would be required to comply with all applicable MDAQMD

rules and regulations as the MDAB is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5}).

Table 3. Construction Emissions (Rule 402/403/1113 Requirements)

Maximum Daily Emissions	Emissions (pounds per day)					
	NOx	ROG	CO	SOx	PM10	PM2.5
	20.24	39.43	11/02	0.03	3.51	2.17
Regional Threshold	137	137	548	137	82	65
Exceeds Regional Threshold?	NO	NO	NO	NO	NO	NO
Source: MDAQMD and CalEEMod 2020.4.0						

The Project proponent would be required to comply with Rules 402 nuisance, and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the air quality plan, which identifies Best Available Control Technologies (BACTs) for area sources and point sources. The BACMs and BACTs would include, but not be limited to the following:

1. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities
 - (a) The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being graded shall be watered regularly (2x daily) to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.
 - (b) The Project proponent shall ensure that all disturbed areas are treated to prevent erosion until the site is constructed upon.
 - (c) The Project proponent shall ensure that landscaped areas are installed as soon as possible to reduce the potential for wind erosion.
 - (d) The Project proponent shall ensure that all grading activities are suspended during first and second stage ozone episodes or when winds exceed 25 miles per hour.

During construction, exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NOX and PM10 levels in the area. Although the proposed Project does not exceed MDAQMD thresholds during construction, the Applicant/Contractor would be required to implement the following conditions as required by MDAQMD:

2. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The Project proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.

4. The Project proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.
5. All buildings on the Project site shall conform to energy use guidelines in Title 24 of the California Administrative Code.
6. The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.
7. The operator shall comply with all existing and future California Air Resources Board (CARB) and MDAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

As displayed in the previous section the operational emissions are below MDAQMD thresholds during construction or operational activities. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- c) *Expose sensitive receptors to substantial pollutant concentrations?*
Less Than Significant Impact

The Project operational-sourced emissions would not exceed applicable regional thresholds of significance established by the MDAQMD. Additionally, project-related trips will not cause or result in CO concentrations exceeding applicable state and/or federal standards (CO "hotspots), due to the limited number of vehicle trips associated with the proposed use. Project operational-source emissions would therefore not adversely affect sensitive receptors within the vicinity of the project. No significant adverse impacts were identified or anticipated, and no mitigation measures are required.

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

The proposed Project would allow the establishment of a campground and includes some site improvements and the construction of an office building, garage and individual campsite facilities, and perimeter fencing. The proposed land use is not associated with the emission of objectionable odors. Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities as well as the temporary storage of domestic solid waste associated with the proposed Project's long-term operational uses. Standard construction requirements would minimize odor impacts resulting from construction activity. Any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. Project-generated refuse would continue to be stored in covered containers and removed at regular intervals in compliance with County of San Bernardino solid waste regulations. In addition, the Project would continue to comply with Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project would be less than significant. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials; Biological Resources Assessment, Jennings Environmental; Site Visit

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

Less Than Significant Impact with Mitigation Incorporated

A *Biological Resources Assessment* was prepared in August 2021 and site visits conducted in July by representatives of Jennings Environmental, LLC. According to the report on-site habitat consists of *Larrea tridentata* Shrubland Alliance (Creosote bush scrub) and *Atriplex canescens* Shrubland Alliance (fourwing saltbush scrub), mixed with western Joshua trees and ruderal vegetation with non-native grasses. The site is relatively void of human disturbance except for a dirt road that transects the parcel from west to east. Surrounding land uses include undeveloped parcels and residential development.

Wildlife species observed or otherwise detected on or near the project site during the surveys included, great basin whiptail (*Aspidoscelis tigris tigris*), black-tailed jackrabbit (*Lepus californicus*), and house sparrow (*Passer domesticus*). No State and/or federally listed threatened or endangered species or other sensitive species were observed on-site during surveys.

The County's overlay mapping system identifies the area as having the potential for desert tortoise. According to the *Assessment* habitat is marginally suitable for desert tortoise, but there are no documented desert tortoise occurrences within the Project site or the surrounding area and the species was not observed during the site visit. No burrows of suitable size or shape were observed and the surrounding area is heavily used by off-road vehicles and the site is adjacent to maintained rural properties. Therefore, no potential direct or indirect impacts to desert tortoise were identified, and presence/absence surveys for this species are not warranted or recommended.

The property was surveyed for Burrowing owl (BUOW), desert kit fox, and American badger. The report concluded that the onsite conditions are marginally suitable for BUOW. No evidence of BUOW was found in the survey area, including no burrows of appropriate size, aspect, or shape were located and no BUOW pellets, feathers, or whitewash was found. No burrowing owl individuals were observed. However, the Project site and adjacent area do contain some habitat that would be considered suitable for BUOW. Therefore, a preconstruction BUOW survey is recommended to avoid any potential project-related impacts to this species.

The site is marginally suitable for the desert kit fox species. However, this species was not observed during the survey. No burrows or suitable size or shape we observed and no evidence of this species were observed either (scat, predation remains, tracks, etc.). As such, this species is considered absent from the Project site and no further surveys

are required. This finding is the same for the American badger species, as the site is marginally suitable but was also not observed during the survey. No burrows or suitable size or shape we observed and no evidence of this species were observed either (scat, predation remains, tracks, etc.). As such, this species is also considered absent from the Project site and no further surveys are required.

The Project site was also evaluated for Joshua trees, of which there are currently 239 western Joshua trees present. The proposed Project intends to develop around the trees with the campground infrastructure. As mentioned above this species is currently a candidate for listing under CESA. As such, any impacts to western Joshua trees will require an Incidental Take Permit (ITP) from the CDFW. No impacts to this species are currently proposed, as the development plan as relocated all infrastructure to avoid all western Joshua trees on-site.

Approval of the CUP, construction of site improvements and issuance of permits, would not involve habitat modifications or activities that would have adverse effects on biological resources, except for some suitable burrowing owl habitat. As such, no significant impacts are identified or anticipated, and no mitigation measures are required, except that related to BUOW. To ensure avoidance of any potential project-related impacts to this species, a preconstruction BUOW survey is recommended. The required mitigation measure is:

BIO-1: Pre-Construction Survey

A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation (CDFG, March 2012) or the most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300- foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).

BIO-2: Joshua Trees

The proposed Project will not affect western Joshua trees, since all trees are to be avoided. To ensure no impacts to this species, any tree within 40 feet of active construction shall be encircled by temporary construction fencing. This will be of a height and color to be visible from a distance. With this mitigation incorporated, no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be

required from the CDFW. The ITP will detail all impacts to the species and necessary mitigation measures.

- 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?*

No Impact

According to the *Biological Resource Assessment* prepared for the proposed Project no riparian areas traverse the subject property and, as such, no riparian habitat exists on the property. As noted previously, Joshua trees are located on the Project site, but would not be affected by the proposed placement of access drives and campground or building sites. The Project site is not located within or adjacent to any USFWS designated Critical Habitat. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact

A field survey of the project site found that none of the requirements for wetland designation (hydric vegetation, hydric soils, and/or wetland hydrology) were present. Therefore, the proposed Project would not have a substantial adverse effect on state or federally protected wetlands. No significant impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact with Mitigation Incorporated

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

The *Biological Resource Assessment* prepared for the proposed Project did not identify any wildlife corridors. The *Assessment* did note that habitat exists within and adjacent to the site that is suitable for nesting birds. As such, a preconstruction bird survey is recommended before the commencement of any project-related work activities during the nesting bird season to avoid potential impacts. Therefore, implementation of the proposed Project is not expected to disrupt or have any adverse effects on any migratory corridors or linkages that may occur in the general vicinity of the Project site, but impacts to migratory birds may occur. Therefore, possible significant adverse impacts have been

identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce this impact to a level below significant:

BIO-3 Migratory Bird Survey

Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre - construction Nesting Bird Surveys (NBS) prior to project - related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no - work buffers around the nest that will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no - work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

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

Less Than Significant Impact

The County Development Code contains Desert Native Plant Protection criteria for various trees, including Joshua trees. As noted in the previous responses in this Section, the intent of the Project design is to avoid Joshua trees. Therefore, implementation of the proposed Project would not damage any biological resources under local policies or ordinances. No impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact

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

Possible significant adverse impacts have been identified or anticipated and implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3 are required as a condition of project approval to reduce these impacts to a level below significant.

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<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 type="checkbox"/>	<input checked="" 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): **San Bernardino Countywide Policy Plan, 2020; Archaeological Records Search; Cultural Resource Assessment**

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?
Less Than Significant Impact with Mitigation Incorporated

A *Cultural Resource Assessment* was prepared by Roberta Thomas on July 30, 2021. A separate archaeological records search was also undertaken by the South Central Coastal Information Center, dated July 13, 2021, at the request of the County of San Bernardino. The records search indicated no resources existed within the Project area. However, the field survey of the property found three isolated prehistoric artifacts, one fine-grained quartzite primary flake, a fine-grained igneous tertiary flake and two pieces of fine-grained igneous debitage flakes. The report indicated, “isolated occurrences are generally considered not eligible for inclusion in the CRHR unless they possess unique or substantial qualities to warrant their listing.” The report did recommend an archaeological monitor be present during initial ground disturbance to assess the need for continued resource monitoring, based upon the presence of these artifacts. The e-mail response received from the San Manuel Tribe on August 10, 2021, requested the use of monitors as well.

Therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant:

CR-1: Archaeological Monitoring

Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

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

Less Than Significant Impact

Construction activities, particularly placement of footings, could potentially disturb human remains interred outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during earthmoving activities associated with Project construction. If human remains are discovered during construction activities, the Project proponent would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097, et. seq., which requires that if the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission, who will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. Mandatory compliance with these provisions of California state law would ensure that impacts to human remains, if unearthed during construction activities, would be appropriately treated. The San Manuel Tribe has requested inclusion of a mitigation measure related to the inadvertent potential for finds be incorporated as part of the responses to Section XVIII, Tribal Cultural Resources. As such, this measure has been placed in that section of this document. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Possible significant adverse impacts have been identified or anticipated and implementation of Mitigation Measure CR-1 is required as a condition of project approval to reduce these impacts to a level below significant.

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

SUBSTANTIATION: San Bernardino Countywide Policy Plan, 2020; Submitted Materials; CalEEMod Evaluation

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

Electricity

The Proposed Project consists of a CUP that would allow for the operation of a campground with 10 sites, up to a 1,600 sq. ft. office building, and garage. The subject property is serviced by Southern California Edison for electric power. In 2018, the Industry sector of the Southern California Edison planning area consumed 18228.339531 GWh of electricity. The proposed Project improvements would not result in a significant increase in electrical demand as property lighting and the small on-site buildings do not utilize significant electricity. Based upon the energy use tabulation in the CalEEMod air quality estimate, the estimated electricity demand for the proposal is 0.22165 GWh per year (221,653.8 KWh/yr). The estimated increase in electricity demand from implementation of the Project would be insignificant when compared to the existing demand. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*
No Impact

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). Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impact would occur. The proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32; therefore, the Project is consistent with AB 32, which was intended to decrease emissions statewide to 1990 levels by to 2020. The proposed Project would not conflict with or obstruct a

state or local plan for renewable energy or energy efficiency. Therefore, no impacts are identified or anticipated, and no mitigation measures are recommended.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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

San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials; Department of Conservation Fault Activity Map of California

- a) *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*

Less Than Significant Impact

The subject property is approximately one-half mile north of an Alquist-Priolo Fault Zone that traverses in an east/west alignment parallel with the northerly boundary of the property, based upon a review of the Countywide Map, HZ-1 Earthquake Fault Zones. According the Draft Environmental Impact Report Appendices, Safety Background Figures, the fault is identified as the Pinto Mountains Fault. It is noted as one of the prominent active faults in the Desert Region of the County. According to Table 2-4 of the Countywide Safety Background Report, the maximum probable magnitude is 7.5.

The only enclosed structures proposed on the property are the office and garage buildings. The campground primarily consists of 10 platforms raised up to three feet above the natural topography. The bubble feature or pod that encloses the sleeping area on the platform is a plastic structure. The design of the platforms will be subject to the California Building Code (CBC) and have footings designed to adequately support the structure.

The proposed Project would be required to comply with the California Building Code requirements and the Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Compliance with the California Building Codes and Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department would address potential impacts resulting from an earthquake event. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

ii) Strong seismic ground shaking?

Less Than Significant Impact

According to the Countywide Plan documentation previously reference, the Pinto Mountain Fault is considered an active fault. As is the case for most areas of Southern California, ground shaking resulting from earthquakes associated with nearby and more distant faults may occur at the Project site. The design of any structures on-site would incorporate measures to accommodate projected seismic ground shaking in accordance with the CBC and local building regulations. The CBC is designed to preclude significant adverse effects associated with strong seismic ground shaking. Compliance to the CBC would ensure potential impacts are reduced to a less than significant and the proposed Project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact

Areas overlying groundwater within 30 to 50 feet of the surface are considered susceptible to liquefaction hazards. Based upon a review of the San Bernardino County Countywide Plan map, HZ-2 Liquefaction and Landslides, the Project site is not located within a zone of liquefaction susceptibility. Therefore, liquefaction is not anticipated, and further analysis is not warranted at this time. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

iv) Landslides?

No Impact

Landslides and slope failure can result from ground motion generated by earthquakes. The Project site is has no notable topographic features that would indicate the potential for landslides. The subject property is relatively flat without notable topographic features. Based upon a review of the San Bernardino Countywide Plan Map, Liquefaction and Landslides Map HZ-2, the Project site is not located within a potential landslide zone. Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

The proposed Project does not involve substantial grading, with only two buildings of standard design on the property. The campsites will have foundation support footings to elevate the raised camp platforms. Implementation of the proposed Project would not result in substantial soil erosion or loss of topsoil. Therefore, no significant adverse impacts have been identified or anticipated and no mitigation measures are required as a condition of Project approval.

- 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?*

Less Than Significant Impact

The Project site is currently vacant and relatively flat. The risk of a seismically induced landslide is non-existent. Subsidence is considered minor due to the expected depth of groundwater, based upon the review of State Water Well Data from the California Department of Water Resources, Well 341392N1163708W001 that identified depth to ground water at approximately 175 feet in the year 2010. This depth was consistent for the period 1995 to 2010. Other wells in the area also had similar depth levels. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

Less Than Significant Impact

According to the *Cultural Resource Assessment*, the site is comprised of fine-textured alluvial to sandy soils. Soils of this nature are not expansive, as they do not contain sufficient clay-type material to retain water. The Project would be required to comply with the County Building & Safety Department and the California Building Code, which would ensure that potential impacts due to expansive soil are reduce to less than significant level.

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

Less Than Significant Impact

The proposed Project will utilize septic tanks for all campsites and the office building. Such systems would be required to meet all requirements of the County's Environmental Health Services (EHS) Division prior to their installation, including the completion of a percolation test. Therefore, preparation of required documentation and subsequent evaluation and approval by the County would ensure impacts are less than significant and no mitigation measures are required.

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

Less Than Significant Impact

The proposed Project will have limited excavation for the office and garage structures and the footings for the proposed campsites. Project soils include fine-textured alluvial to sandy soils. Minimal grading will occur only within those areas proposed for structures, with projected depths for foundation systems less than three feet, based upon discussions with the County Building and Safety Division. As such, minimal impacts to underlying soils conditions would occur and no mitigation measures are require

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

SUBSTANTIATION:

San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials; CalEEMod evaluations

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

According to CEQA Guidelines Section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use.” In addition, CEQA Guidelines section 15064.7 that provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

The Global Warming Solutions Act of 2006 requires that by the year 2020, the Greenhouse Gas (GHG) emissions generated in California be reduced to the levels of 1990. Emissions were estimated using the CalEEMod version 2016.3.2.

Many gases make up the group of pollutants that are believed to contribute to global climate change. However, three gases are currently evaluated and represent the highest concentration of GHG: Carbon dioxide (CO₂), Methane (CH₄), and Nitrous oxide (N₂O). The proposed Project would not generate Fluorinated gases as defined by AB 32, only the GHGs (CO₂, CH₄, and N₂O) that are emitted by construction equipment. SCAQMD provides guidance methods and/or Emission Factors that are used for

evaluating a project's emissions in relation to the thresholds. A threshold of 10,000 MTCO₂E per year has been adopted by SCAQMD for industrial type projects.

In September 2011, the County adopted a Greenhouse Gas Emissions (GHG) Reduction Plan (GHG Plan). The GHG Plan presents a comprehensive set of actions to reduce the County's internal and external GHG emissions to 15% below 2007 levels by 2020, consistent with the AB 32 Scoping Plan. GHG emissions impacts are assessed through the GHG Development Review Process (DRP) by applying appropriate reduction requirements as part of the discretionary approval of new development projects. Through its development review process the County will implement CEQA and require new development projects to quantify the project's GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of CO₂ equivalent (MTCO₂e) per year is used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions.

As shown in Table 4, the proposed Project's emissions would not exceed the County's 3,000 MTCO₂e threshold of significance. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Table 4. Project Greenhouse Gas Emissions

Source	GHG Emissions MT/yr			
	N ₂ O	CO ₂	CH ₄	CO ₂ e
Mobile Sources	0.003	45.66	0.003	46.55
Area	0.000	0.002	0.000	0.002
Energy	0.001	74.35	0.004	74.76
Solid Waste	0.000	1.78	0.11	4.41
Water/Wastewater	0.0007	2.32	0.029	3.25
30-year Amortized Construction GHG				4.36
TOTAL				133.33
MDAQMD Threshold				100,000
Exceeds Threshold?				NO

- b) *Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?*
No Impact

The proposed Project is not anticipated to conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Any project that does not exceed 3,000 MTCO₂e per year will be considered consistent with the County's GHG Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

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

SUBSTANTIATION:
San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials

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

Less Than Significant Impact

The proposed Project includes the request for a Conditional Use Permit to allow for the development and operation of a campground, with associated buildings. Hazardous or toxic materials transported in association with construction may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. With implementation of Best Management Practices (BMPs) and compliance with all applicable federal, state and local regulations including all Certified Unified Program Agency (CUPA) regulations, potential impacts to the public or the environment from the routine transport, use, or disposal of hazardous materials during construction are considered to be less than significant.

The operational activities of the campground would not require the routine transport or use of hazardous materials. No significant adverse impacts or anticipated and no mitigation measures are required.

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

Less Than Significant Impact

The proposed Project will involve the establishment of 10 campsites with raised platforms and an office and garage. As stated in response (a) above, hazardous or toxic materials transported in association with construction of the proposed Project may include items such as oils, paints, and fuels. All materials required during construction would be kept in compliance with State and local regulations. Operational activities would include standard maintenance, such as property upkeep, exterior painting of buildings and similar activities, and involve 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 or the environment through reasonably foreseeable upset and accidental release of hazardous materials into the environment. With implementation of Best Management Practices (BMPs) and compliance with all applicable regulations, potential impacts from the use of hazardous materials is considered less than significant and no mitigation measures are required.

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

Less Than Significant Impact

Grace Christian School, the closest school to the Project site, is a private high school with limited enrollment, located approximately 4/5th of a mile southwest of the subject property. The closest public school is Blackrock High School, part of the Morongo Unified School District, located approximately 1.5 miles south of the Project site. No hazardous

Issues	<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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materials would be emitted as a result of the construction and operation of the Proposed Project. Therefore, no impacts associated with emission of hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of a school is anticipated. No impacts or anticipated and no mitigation measures are required.

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

No Impact

The subject property nor any area near the property were found on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system, searched on August 13, 2021. EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues and displays the location of these sites for public view. No hazardous materials sites are located within or near the vicinity of the Project site, based upon a review of the EnviroStor mapping system on August 13, 2021. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact

The Project site is located approximately 2.3 miles northeast of Yucca Valley Airport. As displayed in the San Bernardino Countywide Plan Map, HZ-9 Airport Safety & Planning Areas, the Project site is not within an airport safety review area. The Project site is not located within the vicinity of a private or public airstrip. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact

The Project site is adjacent to Yucca Mesa Road, a paved two-lane roadway. The Project site is located approximately one mile north of State Highway 62, the primary route for an evacuation of the area. Primarily access to the Project Site would be provided from a driveway along Yucca Mesa Road, with a secondary access to Douglas Road along the northerly boundary. Therefore, operations and construction of the proposed Project would not interfere with the use of these routes during an evacuation. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Furthermore, the Project site does not contain any emergency facilities. Project operations at the site would not interfere with an adopted emergency response or evacuation plan. No 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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- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Less Than Significant Impact

As identified on San Bernardino Countywide Plan Map, HZ-5 Fire Hazard Severity Zones, the subject property and surrounding area is identified as having a moderate potential for wildland fires. Moderate, High, and Very High are of a concern for residents. As shown in CalFire's Very High Fire Hazard Severity Zones (VHFHSZ) in Local Responsibility Area (LRA), the Project site is not located within a VHFHSZ. The Project site occurs in a region that is developed primarily in a rural manner. The proposed Project consists of only 10 campsites, as opposed to residences with long-term occupants. Proposed on-site improvements shall comply with the current Uniform Fire Code requirements and all applicable statues, codes, ordinances, and standards of the San Bernardino County Fire Department.

Therefore, the proposed Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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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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 sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. | substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. | impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials

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

The proposed Project is located outside of the MS 4 (Municipal Storm Water Program) Map boundaries that define regulated storm water and discharge of storm water. The amount of impervious surface is relatively small with only several small buildings, site paving along identified internal driveways, and foundations for the 10 raised campground pods. The incremental increase in storm water discharge due to these impervious surfaces must be retained on-site. An on-site septic system will be utilized for wastewater effluent and require review and approval from the County's Environmental Health Services Division.

The proposed Project would disturb more than one-acre and therefore would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction Permit include 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 storm water systems, and to develop and implement a SWPPP. The amount of roadway paving and parking area, combined with the amount of land disturbed by buildings is potentially more one acre. This amount of disturbance would be evaluated through the completion of a SWPPP, prior to issuance of a building permit. This is a standard requirement and would address

potential environmental effects. As such, no significant adverse impacts are identified or are anticipated, and no mitigation measures or conditions are necessary.

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

Less Than Significant Impact

The intent of the proposed Project is to maintain the existing desert environment, thereby not affecting the existing site vegetation and land characteristics beyond the minimal amount necessary for vehicle accessibility and structure foundations. Given that slightly more than one acre of land would be improved with impervious materials on the 18-acre parcel, the ability to adequately provide future groundwater recharge would be maintained.

The Project site is to be served through a proposed groundwater well. The Project site is within the general service area Mojave Desert Water Agency and most of that service area has been adjudicated. However, the Project site is within a portion that is not adjudicated. Based upon data from the Mojave Desert Water Agency, groundwater levels have been relatively constant in the area. Groundwater depths are projected to be approximately 900 feet, although information from the applicant's well driller is depths of 700 feet can be expected. A proposed test well is to be drilled by the applicant.

The amount of water projected to be used by the campground is relatively small due to Project operations, the limited number of campground spaces, and the limited number of toilets and washbasins. Water supplies available through groundwater pumping are projected to be sufficient to serve the proposed Project and reasonably foreseeable future development. No significant impacts are identified or anticipated, and no mitigation measures are required.

- 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;*

Less Than Significant Impact

The intent of the proposed Project is to minimize changes undertaken on the property to provide future campers with a desert experience. The predominate amount of impervious material relates to paving for emergency vehicle access. The design of the internal access drives would conform to existing site topography and would not create an erosive drainage pattern. Typical building design and placement would occur only near the westerly edge of the property, with the individual camping sites utilizing only raised foundations supporting a platform approximately three feet above ground level to minimize potential ground disturbance. As such, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

As noted previously, the amount of additional incremental increase in water runoff due to the addition of impervious surfaces is estimated to be just over an acre. The Project would be required to retain this incremental increase in water runoff on-site. Site soils are generally suitable to retain this increase and will be evaluated to confirm this condition by the County's Land Development Division prior to permit issuance. As such, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- 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*

Less Than Significant Impact

The Project area is not served by a stormwater system and, as such, this proposed Project would not exceed the capacity of that system. The increase in impervious surfaces would generate additional water runoff. However, the installation of retention facilities adequate to capture this additional volume of runoff and the size of the property allowing adequate opportunity for percolation, would combine to minimize the effect of additional runoff. As such, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

- iv) *Impede or redirect flood flows?*

Less Than Significant Impact

Improvements to the site are relatively minimal due to the size of the property. No notable drainage courses exist through the property, with the site exhibiting a potential sheet flow condition due to its uniform topographic condition within a broad alluvial fan. Therefore, with the interior roadway design adhering to existing topography and the use of on-site retention, the proposed Project is not anticipated to impede or redirect flood flows. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

Tsunamis are large waves generated in open bodies of water by fault displacement due to major ground movement. Due to the Project Site's distance from the Pacific Ocean, tsunamis are not potential hazards near the Project site. As shown on the San Bernardino Countywide Plan Map, HZ-5 Flood Hazards, the Project site is not within a FEMA mapped flood plain. It is in close proximity to a DWR (Department of Water Resources) 100-Year Flood Awareness zone to the east of the Project site. Therefore, the risk of release of pollutants by flood, seiche, or tsunami is considered low. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
Less Than Significant Impact

As noted previously, the combination of a relatively low amount of impervious surfaces, site soils, and on-site retention of storm water runoff, would ensure the proposed Project would not adversely conflict with or obstruct implementation of a sustainable groundwater management plan. The site is not within an MS-4 area necessitating the completion of a WQMP for water quality purposes. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

<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:

San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials

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

Less Than Significant Impact

The Project site is located at the intersection of two streets. Yucca Mesa Road is paved and provides access along and through Yucca Valley. Douglas Lane represents the northerly boundary of the property and is a graded dirt roadway. Rural single-family development exists to the west of Yucca Mesa Road in the City of Yucca Valley, with very limited development to the east.

The proposed Project would neither physically divide an established community nor 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. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

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

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

San Bernardino Countywide Policy Plan, 2020; Mineral Land Classification

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

The California Department of Conservation has not issued a Mineral Land Classification Map for the Project site. The *Cultural Resource Assessment* identified the site soils as sandy. It is unknown if this area contains any significant mineral deposits. However, the type of development proposed would not significantly affect the site. Campground structures would have relatively small footings, less than three feet in depth. These structures are easily removed in the event of future mining related activities. The probability of this type of use in an area with rural residential development on an 18-acre parcel is low. As such, the current use of the surrounding area is not compatible with

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

- 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?*

Less Than Significant Impact

The Project site is not within a designated as mineral resource area by the State of California. The San Bernardino Countywide Plan Map, NR-4 Mineral Resource Zone, does not display the area as being within a mineral resource area. The Project site is also not located within a planning area zoned for mining. Therefore, the proposed Project would not result in the loss of availability of a locally important mineral resource recovery site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 General Plan Noise Element):

San Bernardino Countywide Policy Plan, 2020; 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?*

Less Than Significant Impact

The Project site is currently vacant and does not generate any noise. On-site noise impacts occur from adjoining Yucca Mesa Road. According to the San Bernardino Countywide Plan Map, HZ-7 & HZ-8 Existing and Future Noise Contours, the existing noise level along Yucca Mesa Road is 65 dBA and projected future level is 70 dBA.

County Development Code Section 83.01.080, Noise, establishes standards for acceptable noise levels and contains the following statement:

“Areas within the County shall be designated as “noise-impacted” if exposed to existing or projected future exterior noise levels from mobile or stationary sources exceeding the standards listed in Subdivision (d) (Noise Standards for Stationary Noise Sources) and Subdivision (e) (Noise Standards for Adjacent Mobile Noise Sources), below. New development of residential or other noise-sensitive land uses shall not be allowed in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to these standards. Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses.”

The Project site is located in a rural area exhibited by large lot housing and is not located within a “noise-impacted” area, based upon a review of the San Bernardino Countywide Plan. The County Development Code contains standards for the operation of land uses. Construction noise, listed as “temporary construction”, is exempt from the County’s noise standards, provided such activity occurs between 7 a.m. and 7 p.m. and construction is prohibited on Sundays and federal holidays. Potential impacts due to noise would be short-term and temporary during construction. Motor vehicle use during project operation are also exempt from the County noise standards. The operation of the campground would not generate significant noise levels and all campground structures would be far removed from existing and potential roadway noise. Campsite rules would ensure minimal nighttime activities. Compliance with the existing County standards during construction related activities would reduce potential levels of impact and, therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

County Development Code Section 83.01.090, Vibration, establishes standards for acceptable vibration levels: temporary construction, maintenance, repair, or demolition activities between 7 a.m. and 7 p.m. are exempt from this vibration limit, except on Sundays and federal holidays, when construction is prohibited. Potential impacts due to noise would be short-term and temporary during construction. Motor vehicle use during project operation are also exempt from the County vibration standards. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- 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?

Less Than Significant Impact

The Project site is located approximately six miles west of Roy Rogers Airport and approximately two miles northeast of Yucca Valley Airport. The Airport Safety Review area is five miles from the Project site for Roy Rogers Airport and no safety area is identified for Yucca Valley Airport. Yucca Valley Airport is operated by the Yucca Valley Airport District, as identified in the City of Yucca Valley General Plan Noise Element (p. 7.7) Yucca Valley Airport has adopted a Noise Abatement Policy involving airplane traffic patterns and noise mitigation procedures. The Project site is not located within close proximity to a private or public airstrip. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
SUBSTANTIATION:				
San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials				

- 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)?

No Impact

The proposed Project is the development of a campground with 10 campsites. It does not involve construction of new homes nor would it induce unplanned population growth. A very limited number of permanent jobs would be created for maintenance of the facility. Construction activities would be temporary and would not attract new employees to the area. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*
No Impact

The Project site is vacant and unimproved. Implementation of the proposed Project would not displace existing residents or require construction of replacement housing. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

Therefore, no 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION:
San Bernardino 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?

Less Than Significant

The Project area is served by the San Bernardino County Fire Department and is generally located equal distance from Stations 36, 41, and 42. Station No. 41 is located on Highway 62, near the intersection of with Highway 274. Station No. 36 is located on Park Avenue, south of Highway 62. Station No. 42 is located on Aberdeen Drive, near Avalon Avenue. All three stations are within four miles travel distance from the property. Stations 36 and 41 would use State Highway 62, approaching from the east (No. 36) and west (No. 41), and then proceeding north on Yucca Mesa Road to reach the site. Station No. 42 would proceed east to Yucca Mesa Road, then south. All roadways are paved and in good condition.

Response times in the range of five to eight minutes are considered maximum in the case of structural fires. A longer response time will result in the loss of most of the structural value. Fire station organization, distance, grade and road conditions affect response times. The office/manager's building is adjacent to Yucca Mesa Road, with the individual camp sites spread out within the interior of the site. Due to the distance of the stations from the property and relatively easy access, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Police Protection?

Less Than Significant Impact

Personnel organization, distance, grade and road conditions as well as other physical factors influence response times by law enforcement. The unincorporated portions of San Bernardino County near the Project site is served by the Twentynine Palms Patrol Station, located at 63665 Twentynine Palms Highway (State Highway 62), in Joshua Tree. The Sheriff's Department reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Due to the limited use of the property and ease of accessing the property, no significant impacts are identified or anticipated, and no mitigation measures are required.

Schools?

No Impact

The Project Site is served by the Morongo Unified School District. Construction activities would be temporary and would not result in substantial population growth. A minimal number of additional employees would be involved in on-going site maintenance. Therefore, 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 payable to the School District, impacts related to school facilities are expected to be less than significant and no mitigation measures are required.

Parks?

Less Than Significant Impact

The proposed Project would not induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational

facilities, due to the limited size and design of the campground, such that substantial physical deterioration of any facilities would result. Operation of the proposed Project would place a limited demand on existing parks because it would involve the introduction of a temporary human population into the area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

Other Public Facilities?

No Impact

The proposed Project would not result in an increased residential population or a notable increase in the work force as the proposed Project involves a limited use campground. Therefore, implementation of the proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. No impacts are identified or anticipated, and no mitigation measure is required.

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 checked="" type="checkbox"/>	<input 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"/>
<i>SUBSTANTIATION:</i>				
<i>San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials</i>				

- 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?*

Less Than Significant Impact

The proposed Project is a 10-site campground and several small buildings for a manager and garage. The intent of the Project is to provide a unique desert experience in which occupants can enjoy camping and yet, if desired, access Joshua Tree National Park. Due to the limited number of occupants on the 18-acre site and site features, it is not anticipated the proposal would notably change the amount of use occurring at area regional or national parks. Therefore, the proposed Project would not lead to substantial physical deterioration of recreational facilities. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact

The proposed Project is a campground and, as such, a recreational facility. Recreational activities are limited on-site, due to the size of each defined campsite and the overall size of the property, although limited hiking could occur.

The Project does not include the construction or expansion of recreational facilities that would permit individuals other than campers using the site, and thus, not meet the demands of other existing residential development. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

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

- d) Result in inadequate emergency access?

SUBSTANTIATION:

San Bernardino Countywide Policy Plan; Project Application Materials

- a,b) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?*

Less Than Significant Impact

The proposed Project will obtain access from Yucca Mesa Road, which is a paved two-lane roadway and designated a Class II Bike Route, Figure 5.16-11 Future Bicycle Facilities in the Draft Environmental Impact Report. The San Bernardino County traffic study guidelines require the preparation of a traffic study if a proposal generates 100 or more peak hour trips without consideration of pass-by trips during any peak hour. The Public Works Traffic Division evaluated the proposed Project and found such an analysis would not be required based upon the Project design and the limited number of daily vehicle trips. Therefore, the proposed Project does not conflict with an applicable plan, ordinance, or policy establishing measure of effectiveness for the performance of the circulation system. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact

The subject property is adjacent to Yucca Mesa Road, a paved two-lane roadway. This roadway is straight and has good visibility. The Project does not include a geometric design feature or incompatible uses that would substantially increase hazards. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

- d) *Result in inadequate emergency access?*

Less Than Significant Impact

The proposed Project has an internal roadway system with 30-foot wide drives, which exceed the 26-foot minimum width, and adequate turning radius to meet Fire Department criteria. The Proposed Project would be subject to any conditions required by the San Bernardino County Fire Department to maintain adequate emergency access. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

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

SUBSTANTIATION:

San Bernardino Countywide Policy Plan, 2020; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Cultural Resource Assessment; Submitted Project Materials

- 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;*

Less Than Significant Impact with Mitigation Incorporated

As noted in Section V, Cultural Resources, a *Cultural Resource Assessment* was prepared by Roberta Thomas on July 30, 2021. The field survey undertaken as part of that *Assessment* found three isolated prehistoric artifacts, one fine-grained quartzite primary flake, a fine-grained igneous tertiary flake and two pieces of fine-grained igneous debitage flakes. The *Assessment* indicated, “isolated occurrences are generally considered not eligible for inclusion in the CRHR unless they possess unique or substantial qualities to warrant their listing.” (p. 23) The report did recommend an archaeological monitor be present during initial ground disturbance to assess the need for continued resource monitoring based upon the presence of these artifacts. The e-mail response received from the San Manuel Tribe, dated August 10, 2021, requested the use of monitors as well. In addition, the San Manuel Tribe requested incorporation of a measure referenced in Section V, Cultural Resources, in this Section related to inadvertent finds.

TCR-1: Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less Than Significant Impact with Mitigation Incorporated

An archaeological records search of the property and surrounding lands through the South Central Coastal Information Center. There were 16 historic and pre-historic sites identified as part of that research. In addition, the County of San Bernardino mailed notification pursuant to AB52 to the following 6 tribes: Soboba Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians, Colorado River Indian Tribes, Fort Mojave Band of Mission Indians, Morongo Band of Mission Indians, and San Manuel Band of Mission Indians. Responses to the notice were initially received from tribal representatives were received from the Morongo Band of Mission Indians and San Manuel Band of Mission Indians and a follow-up response from San Manuel Band of Mission Indians provided recommended mitigation measures. Those measures have been incorporated below and as part of Section V, Cultural Resources.

TCR-2: Treatment of Cultural Resources. If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of

the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

TCR-3: Inadvertent Discoveries of Human Remains/Funerary Objects. In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and

the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

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

Possible significant adverse impacts have been identified or anticipated and implementation of Mitigation Measures TCR-1, TCR-2, and TCR-3 are required as a condition of project approval to reduce these impacts to a level below significant.

<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 | <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>
drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<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:

San Bernardino Countywide Policy Plan, 2020; Submitted Project Materials;

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

Less Than Significant Impact

The Project site would be developed as a campsite, with a manager's unit and separate garage. The proposed Project would be served by an on-site groundwater well and an on-site septic disposal system. The Project site is currently within the service area of the Mojave Desert Water Agency. Ground water data from the Agency indicates water levels are approximately 900 feet below ground level surface. The applicant is in the process of drilling a test well to determine the actual depth. Southern California Gas and Southern California Edison, and Verizon would provide natural gas and electricity for phone services. Therefore, the proposed Project would not require construction of new or expanded water or sewer facilities operated by a public agency or special district, since the Project would utilize an on-site water well and septic systems. Electric power and natural gas would be new facilities, but would not have significant use, since the

<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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campsites are open air and no heating and cooling is required. Additionally, implementation of the proposed Project would not result in a significant increase in demand for phone services, since only a line to the manager's unit would be provided. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

The Project site is to be served through a proposed groundwater well. The Project site is within the general service area Mojave Desert Water Agency and most of this area has been adjudicated. However, the Project site is within that portion that is not adjudicated. Based upon data from the Mojave Desert Water Agency, groundwater levels have been relatively constant. Groundwater depths are projected to be approximately 900 feet, although information from the applicant's well driller is depths of 700 feet can be expected. A proposed test well is to be drilled by the applicant.

The amount of water projected to be used by the campground is relatively small due to Project operations, the limited number of campground spaces, and the limited number of toilets and washbasins. Water supplies available through groundwater pumping are projected to be sufficient to serve the proposed Project and reasonably foreseeable future development. No significant impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact

The proposed Project will utilize an on-site wastewater disposal system. The Project site is not currently connected to sewer lines nor is it served by a wastewater treatment plant. Since the Proposed Project would not connect to an existing wastewater treatment facility, no impacts are identified or anticipated, and no mitigation measures are required.

- 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?*

Less Than Significant Impact

The Project site is currently within the refuse collection area of Burrtec Waste Industries. Solid waste generated at the Project Site is disposed of at either the San Bernardino County Landers Sanitary Landfill (36-AA-0057), or other active landfills as necessary. According to the CalRecycle web site, the Landers Sanitary Landfill has a maximum throughput of 1,200 tons per day, an expected operational life through 2072, and a remaining capacity of 11,148,100 cubic yards, as of 7/5/16. Solid waste generated by the proposed campsite would be limited, since no residences are included and no eating

<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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facilities. The Project would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

The County of San Bernardino Solid Waste Management Division reviews and approves all new construction projects that require a Construction and Demolition Solid Waste Management Plan (waste management plan). A project's waste management plan consists of two parts that are incorporated into the Conditions of Approval (COA's) by the County of San Bernardino Solid Waste Management Division. As part of the plan, proposed projects are required to estimate the amount of tonnage to be disposed and diverted during construction. Disposal/diversion receipts or certifications are required as a part of that summary.

The mandatory requirement to prepare a Construction and Demolition Solid Waste Management Plan would ensure that impacts related to construction waste would be less than significant. The proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste. Solid waste produced during the construction phase or operational phase of the proposed Project would be disposed of in accordance with all applicable statutes and regulations. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

<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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XX. WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

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|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

County of San Bernardino Countywide Policy Plan 2020; Submitted Project Materials;

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

No Impact

The Project site is not adjacent to a designated Countywide Plan evacuation route (PP-2, Evacuation Routes). However, the Project site has access to Yucca Mesa Road, which is a paved two-lane roadway that connects to Highway 62 less than one mile to the south of the site, which is a designated evacuation route. Operations and construction of the proposed Project would not interfere with the use of these routes during an evacuation. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Furthermore, the Project site does not contain any emergency facilities. Continued operations at the Project site would not interfere with an adopted emergency response or evacuation plan. The proposed driveways would be maintained for ingress/egress and are adequately spaced to allow adequate emergency response. No significant impacts are identified or anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

The Project site slopes to the southeast in a uniform manner. The site is designated as Moderate on the Countywide Plan Map, HZ-5 Fire Hazards Severity Zones. The number of proposed structures on the 18-acre site are limited to a dozen of which ten are campsites. Only the managers unit would be potentially occupied year round. The proposed Project attempts to maintain the natural existing environment and thus would not notable change the potential for wildfire occurrences on the property.

Due to the limited increase in wildfire fuel factors within the Project site and the lack of permanent new housing, the risk of wildfires is less than significant. Therefore, no

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

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

Less Than Significant Impact

The Project site would provide moderate improvements to the property, including improved access to the site with a secondary access. The proposed Project does not include the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, since water would be pumped from groundwater and wastewater would be provided by septic systems. Electrical service would be extended to the property. Such an extension of these services to the property would be part of any future development, since the site is zoned for residential and related development. Therefore, no impacts are identified, and no mitigation measures are required.

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

No Impact

The Project site and its immediate vicinity are relatively flat, yet sloping to the southeast. No identified drainage courses traverse the site. The combination of these items would not result in post-fire slope instability and no impact is anticipated. The design of the campsites consist of an elevated pier-type building design that limits the ground level foot print, ensuring the proposed Project allows for conveyance of storm water flows without affecting upstream or downstream drainage characteristics. As a result, the proposed Project would not expose people or structure to significant risks, such as downslope flooding or landslides. No significant impacts are identified or anticipated, and no mitigation measures are required.

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

<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?

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

Less Than Significant Impact with Mitigation Incorporated

The property was surveyed for Burrowing owl (BUOW), desert kit fox, and American badger. The report concluded that the onsite conditions are marginally suitable for BUOW. No evidence of BUOW was found in the survey area, including no burrows of appropriate size, aspect, or shape were located and no BUOW pellets, feathers, or whitewashes were found. No burrowing owl individuals were observed. However, the Project site and adjacent area do contain some habitat that would be considered suitable for BUOW. Therefore, a preconstruction BUOW survey is recommended to avoid any potential project-related impacts to this species.

The site is marginally suitable for the desert kit fox species. However, this species was not observed during the survey. No burrows or suitable size or shape we observed and no evidence of this species were observed either (scat, predation remains, tracks, etc.). As such, this species is considered absent from the project site and no further surveys are required. This finding is the same for the American badger species, as the site is marginally suitable but was also not observed during the survey. No burrows or suitable size or shape we observed and no evidence of this species were observed either (scat, predation remains, tracks, etc.). As such, this species is also considered absent from the project site and no further surveys are required.

The Project site was also evaluated for Joshua trees, of which there are currently 239 western Joshua trees present. The proposed Project intends to develop around the trees with the campground infrastructure. As mentioned above this species is currently a candidate for listing under CESA. As such, any impacts to western Joshua trees will require an Incidental Take Permit (ITP) from the CDFW. No impacts to this species are currently proposed, as the development plan as relocated all infrastructure to avoid all western Joshua trees on-site. Therefore, implementation of the Proposed Project would not 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, or substantially reduce the number or restrict the range of a rare or endangered plant or animal.

A *Cultural Resource Assessment* was prepared by Roberta Thomas on July 30, 2021. A separate archaeological records search was also undertaken by the South Central Coastal Information Center, dated July 13, 2021, at the request of the County of San Bernardino. The records search indicated no resources existed within the Project area. However, the field survey of the property found three isolated prehistoric artifacts; one fine-grained quartzite primary flake, a fine-grained igneous tertiary flake and two pieces of fine-grained igneous debitage flakes. The report indicated, "isolated occurrences are generally considered not eligible for inclusion in the CRHR unless they possess unique or substantial qualities to warrant their listing." The report did recommend an archaeological monitor be present during initial ground disturbance to assess the need for continued resource monitoring, based upon the presence of these artifacts. The e-mail response received from the San Manuel Tribe on August 10, 2021, requested the use of monitors as well. Mitigation measures have been incorporated as part of Sections V and XVIII to respond to potential archaeological and cultural concerns. Therefore, the proposed Project would not 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)*

Less Than Significant Impact

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:

- (a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- (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.

The proposed Project would not generate a notable number of daily trips, which would not be cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. Similarly, the pollutant emissions from the proposed Project are below MDAQMD thresholds and therefore, the proposed Project would be in compliance MDAQMD's Air Quality Management Plan. In addition, greenhouse gas emissions from the Proposed Project are below County thresholds. Therefore, air quality and greenhouse gas impacts would not be cumulatively considerable.

Impacts associated with the proposed Project would not be considered individually or cumulatively adverse or considerable. Impacts identified in this Initial Study can be reduced to a less than significant impact. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less Than Significant Impact

The Project site is not in located in an area that is susceptible to geologic hazards. Construction and operational noise levels would not be significant due to the size of the property, the number of campsites, the distance to surrounding residences, and Project management limitations on nighttime noise levels. Therefore, implementation of the proposed Project would not have environmental effects that would cause substantial adverse effects on human beings. 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, and current or future land uses authorized by the Project approval. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

MITIGATION MEASURES/CONDITIONS OF APPROVAL

Any mitigation measures, which are not "self-monitoring", shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval. Condition compliance will be verified by existing procedures. (CCRF)

BIO-1: Pre-Construction Survey

A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation (CDFG, March 2012) or the most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300- foot radius buffer zone

surrounding the burrow shall be flagged, and no impacts to soils or vegetation shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).

BIO-2: Joshua Trees

The proposed Project will not affect western Joshua trees, since all trees are to be avoided. To ensure no impacts to this species, any tree within 40 feet of active construction shall be encircled by temporary construction fencing. This will be of a height and color to be visible from a distance. With this mitigation incorporated, no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required from the CDFW. The ITP will detail all impacts to the species and necessary mitigation measures.

BIO-3 Migratory Bird Survey

Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre - construction Nesting Bird Surveys (NBS) prior to project - related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no - work buffers around the nest that will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no - work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

CR-1: Archaeological Monitoring

Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians

Cultural Resources Department (SMBMI). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

TCR-1: Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

TCR-2: Treatment of Cultural Resources. If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI

outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.

TCR-3: Inadvertent Discoveries of Human Remains/Funerary Objects. In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.

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

GENERAL REFERENCES

California Department of Conservation, Farmland Mapping and Monitoring Program, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/SanBernardino.aspx>

California Department of Water Resources, State Water Well Data, https://www.waterboards.ca.gov/water_issues/programs/gama/well_location_information.html

California Department of Resources Recycling and Recovery (CalRecycle), Solid Waste Facilities, <https://www.calrecycle.ca.gov/>

California Department of Transportation, Scenic Highways <https://dot.ca.gov/-/media/dot-media/programs/design/documents/od-county-scenic-hwys-2015-a11y.pdf>

California Department of Toxic Substances Control, EnviroStor Database. <https://www.envirostor.dtsc.ca.gov/public/>

California Energy Commission, California Energy Consumption Database. <https://ecdms.energy.ca.gov/Default.aspx>

County of San Bernardino. Development Code. <http://cms.sbcounty.gov/lus/Planning/DevelopmentCode.aspx>

County of San Bernardino. Countywide Plan, 2020. <http://countywideplan.com/>

County of San Bernardino. Fire Stations. <https://sbcfire.org/firestations/>

Mojave Desert Water Agency, <https://www.mojavewater.org/data---maps.html>

PROJECT-SPECIFIC REFERENCES

Biological Resources Assessment, Jurisdictional Delineation, and Native Plant Protection Plan for the Bubble Hotel Development; Jennings Environmental, LLC, August 2021.

Cultural Resource Assessment for the Bubble Hotel Project Near Joshua Tree, San Bernardino County, California; PaleoWest Archaeology, July 30, 2021.

South Central Coast Information Center, Records Search Results, July 13, 2021.

EXHIBIT B

Conditions of Approval



Conditions of Approval

Record: PROJ-2020-00203

Primary APN:

0601231200000

Description: Conditional Use Permit to construct a campground with 10 camp sites that includes portable structures (pods), linked by an internal drive aisle, a 1,200 square foot office/reception building and a 400 square foot storage building on a 18.06 acre parcel.

Project Location: The Project site is located at the southeast corner of Yucca Mesa Road and Douglas Lane, in the Yucca Valley area of San Bernardino County.

County Fire - Community Safety

Informational

1. **Access Maintenance Agreement:** Access Maintenance Agreement. The applicant shall submit a written agreement signed by the applicant to either provide, or to contract to provide, on-going road maintenance, vegetation maintenance, and snow removal (where applicable) for primary access routes, secondary access routes, and all internal drives, that are not otherwise maintained by a public agency.
2. **Permit Expiration:** Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
3. **Additional Requirements:** In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. Note: Building and Safety is classifying this proposal as an R1 occupancy so paving will be required from each entrance to turnaround at end of property and to each campsite.
4. **Access – 150+ feet:** Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
5. **Jurisdiction:** The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.
6. **Fire Safety Overlay:** The County General Plan designates this property as being within the Fire Safety Review Area and all future construction shall adhere to all applicable standards and requirements of the overlay district.
7. **Access – 30% slope:** Where the natural grade between the access road and building is in excess of thirty percent (30%), an access road shall be provided within one hundred and fifty (150) feet of all buildings. Where such access cannot be provided, a fire protection system shall be installed. Plans shall be submitted to and approved by the Fire Department.



Conditions of Approval

Record: PROJ-2020-00203

System Date: 10/14/2022

Land Use Services - Land Development

8. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary off site-on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
9. Erosion Control Installation: Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
10. Additional Drainage Requirements: In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
11. Natural Drainage: The natural drainage courses traversing the site shall not be occupied or obstructed.

Dept. of Public Works - Traffic

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

On-going

Land Use Services - Planning

13. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
14. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
15. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
16. Revisions: Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.
17. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
18. Cultural Resources: During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.



Conditions of Approval

19. Extension of Time: Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
20. Lighting: Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
21. Underground Utilities: No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
22. On-going Condition: The applicant shall obtain approval from the California Department of Housing and Community Development once entitlement has been granted by the County of San Bernardino. The County and State shall review and approve applicable requirements for issuance of permits during the development of the Project.
23. Performance Standards: The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
24. Additional Permits: The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use.
25. GHG - Operational Standards: The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.
26. Construction Noise: The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.



Conditions of Approval

27. Project Account: The Project account number is PROJ-2020-00203. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
28. Continuous Maintenance : The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including “No Parking” designations and “Fire Lane” designations.
29. Project Approval Description (CUP/MUP): This Conditional Use Permit is conditionally approved to construct 10 camp sites that include installed structures (pods) with utilities and portable shelters, and linked by an internal drive, including an on-site office/reception building on a parcel approximately 18 acres in size, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.



Conditions of Approval

30. Expiration: This project permit approval shall expire and become void if it is not “exercised” within 36 months of the effective date of this approval, unless an extension of time is approved. The permit is deemed “exercised” when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval’s expiration date. The developer is responsible to initiate any Extension of Time application.

Public Health– Environmental Health Services

31. Refuse Storage and Disposal: All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call EHS/LEA at: 1-800-442- 2283.
32. Noise Levels: Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call EHS at 1-800-442-2283.
33. Septic System Maintenance: The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a EHS permitted pumper. For information, please call EHS/Wastewater Section at: 1-800-442-2283.

County Fire - Community Safety

34. Access: The development shall have a minimum of TWO points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.



Conditions of Approval

Prior to Land Disturbance

Land Use Services - Building and Safety

35. Wall Plans: Submit plans and obtain separate building permits for any required retaining walls.
36. Geotechnical (Soil) Report Required Before Grading: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

Land Use Services - Land Development

37. Grading Plans: Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
38. FEMA Flood Zone: The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8140J dated 9/2/2016. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
39. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
40. On-site Flows: On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
41. Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
42. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov

Land Use Services – Planning

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



Conditions of Approval

44. GHG - Construction Standards: The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
45. Diesel Regulations: The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
46. Air Quality: Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the proposed camp facility is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.



Conditions of Approval

47. Mitigation Measure BIO-1: A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation (CDFG, March 2012) or the most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300-foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).
48. Mitigation Measure BIO-2: The proposed Project will not affect western Joshua trees, since all trees are to be avoided. To ensure no impacts to this species the following no work buffers shall be placed around any Joshua tree that is in the vicinity of active construction: - 40 feet for western Joshua trees five meters or greater in height. - 12 feet for western Joshua trees one meter but less than five meters in height. - 6 feet for western Joshua trees less than one meter in height. The buffer shall be installed using a suitable, highly visible, material, such as orange construction fencing and be of sufficient height to be visible from a distance. With this mitigation incorporated, no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required at that time.
49. Mitigation Measure BIO-3: Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest that will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.
50. Mitigation Measure CR-1: Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.



Conditions of Approval

51. Mitigation Measure TCR-1: Tribal Monitoring. Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

52. Mitigation Measure TCR-2: Treatment of Cultural Resources. If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.). Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees. All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.



Conditions of Approval

53. Mitigation Measure TCR-3: Inadvertent Discoveries of Human Remains/Funerary Objects. In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98. Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).

Dept. of Public Works - Surveyor

54. Corner Records Required Before Grading: Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.
55. Monument Disturbed by Grading: If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

Public Health– Environmental Health Services

56. Vector Control Requirement: The project area has a high probability of containing vectors. EHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to EHS/Land Use. For information, contact Vector Control at (800) 442-2283.



Conditions of Approval

Prior to Issuance

County Fire - Community Safety

57. Primary Access Paved: Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
58. Surface: Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. Main entrance to office shall be paved however main access road to pods can be compacted native soil.
59. Turnaround: Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.
60. Water System: Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,000 GPM for a TWO hour duration at 20 psi residual operating pressure. Fire Flow is based on a 1,296 sq. ft. structure.
61. Water System Commercial: A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.
62. Building Plans: Building plans shall be submitted to the Fire Department for review and approval.
63. Combustible Protection: Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
64. Fire Fee: The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.
65. Fire Flow Test: Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety.
66. Haz-Mat Approval: The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

Land Use Services - Building and Safety

67. Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.



Conditions of Approval

68. Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

Land Use Services - Land Development

69. Road Dedication/Improvements: The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

Yucca Mesa Road (Major Highway – 104’):

- Road Dedication. An additional 2-foot grant of easement is required to provide a half-width right-of-way of 52-feet. A 20-foot radius return grant of easement is required at the intersection of Yucca Mesa Road and Douglas Lane.
- Street Improvements. Design match up paving 40 feet from centerline. •Curb Returns. Curb returns and ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.

Douglas Lane (Section Line – 88’):

- Road Dedication. An additional 4-foot grant of easement is required to provide a half-width right-of-way of 44-feet. •Street Improvements. Design match up paving 32 feet from centerline.
- Curb Returns. Curb returns and ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.

70. Slope Easements: Slope rights shall be dedicated, where necessary.
71. Soils Testing: Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
72. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
73. Construction Permits: Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
74. Road Standards and Design: All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
75. Utilities: Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.



Conditions of Approval

76. Slope Tests: Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
77. Street Gradients: Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
78. Transitional Improvements: Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
79. Street Type Entrance: Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

Land Use Services – Planning

80. Signs: All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
81. GHG - Building Design: Building Design. Building design and construction shall incorporate the following elements:
 - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply duct work shall be sealed and leak- tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units.
82. GHG - Lighting: Lighting. Lighting design for building interiors shall support the use of:
 - Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day. Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
83. GHG - Title 24 Energy Efficiency Requirements: Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended):
 - Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,
 - Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - Incorporate energy efficient appliances,
 - Incorporate energy efficient domestic hot water systems,
 - Incorporate solar panels into the electrical system,
 - Incorporate cool roofs/light colored roofing,
 - Incorporate other measures that will increase energy efficiency.
 - Increase insulation to reduce heat transfer and thermal bridging.
 - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.



Conditions of Approval

84. Mitigation Measure BIO-2: The proposed Project will not affect western Joshua trees, since all trees are to be avoided. To ensure no impacts to this species the following no work buffers shall be placed around any Joshua tree that is in the vicinity of active construction: - 40 feet for western Joshua trees five meters or greater in height. - 12 feet for western Joshua trees one meter but less than five meters in height. - 6 feet for western Joshua trees less than one meter in height. The buffer shall be installed using a suitable, highly visible, material, such as orange construction fencing and be of sufficient height to be visible from a distance. With this mitigation incorporated, no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required at that time.

Public Health– Environmental Health Services

85. Water System Permit: A water system permit may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report to EHS and the State Water Resources Control Board. Application must be approved prior to initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (EHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449- 5577.

86. Water Purveyor: Water purveyor shall be Joshua Basin CWD or EHS approved.

87. Technical Report Requirements: Technical report should include the following:

- a) The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights- of-way, of any boundary of the applicant's proposed public water system's service area.
- b) A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.
- c) A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.
- d) All sources of domestic water supply for the proposed new public water system.
- e) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.
- f) A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.
- g) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.
- h) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.
- i) Any information provided by the local agency formation commission (LAFCO). The applicant shall consult with the LAFCO if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.

88. Sewage Disposal: Method of sewage disposal shall be an EHS approved onsite wastewater treatment system (OWTS).



Conditions of Approval

89. Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
90. New OWTS: If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
91. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
92. Existing OWTS: Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.

Prior to Final Inspection

County Fire - Community Safety

93. Combustible Vegetation: Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.
94. Commercial Addressing: Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.
95. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.
96. Fire Lanes: The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
97. Hydrant Marking: Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.



Conditions of Approval

98. Illuminated Site Diagram: The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant.
99. Key Box: An approved Fire Department key box is required. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
100. Material Identification Placards: The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.
101. Override Switch: Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
102. Street Sign: This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

Prior to Occupancy

County Fire - Community Safety

103. Inspection by the Fire Department: Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

Land Use Services - Land Development

104. Drainage Improvements: All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.
105. Parkway Planting: Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.
106. Structural Section Testing: A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
107. Private Roads/Improvements: All required on-site and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.
108. Road Improvements: All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.



Conditions of Approval

Land Use Services – Planning

109. Condition Compliance: Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.
110. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2020-00203.
111. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
112. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
113. Screen Rooftop: All roof top mechanical equipment is to be screened from ground vistas.
114. Shield Lights: Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
115. GHG - Installation/Implementation Standards: The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following: a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.



Conditions of Approval

Record: PROJ-2020-00203

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

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	http://cms.sbcounty.gov/lus/Home.aspx	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	http://cms.sbcounty.gov/dpw/Home.aspx	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	https://wp.sbcounty.gov/dph/programs/ehs/	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	http://www.sbclafco.org/	
Special Districts	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
	Roads, Streetlights, Television Districts, and Other	(909) 386-8800
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>

EXHIBIT C

Comment Letters



December 14, 2021

Sent via email, with references

Jim Morrissey, Contract Planner

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

Phone: (909) 387-4234

Fax: (909) 387-3223

E-mail: Jim.Morrissey@lus.sbcounty.gov

Re: Bubble Campground Conditional Use Permit (State Clearinghouse No. 2021110204)

Dear Mr. Morrissey:

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”) regarding the Bubble Campground Project (the “Project”) proposed in unincorporated San Bernardino County (the “County”). The Center has reviewed the Project materials and environmental review documents closely and is concerned that the environmental review for the Project failed to adequately consider the Project’s potentially significant impacts to biological resources, including the western Joshua tree and wildlife connectivity. The Center urges the County to fully analyze, disclose, and mitigate these impacts as required under the California Environmental Quality Act (“CEQA”).

1-1

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 89,000 members throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in San Bernardino County.

I. The County Must Prepare an Environmental Impact Report to Assess the Project’s Potentially Significant Environmental Impacts.

CEQA was enacted for the state to “take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state” and to “[e]nsure that the long-term protection of the environment . . . shall be the guiding criterion in public decisions.” (Cal. Pub. Res. Code

1-2

§21001.) The CEQA Guidelines state that “CEQA was intended to be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language,” and that “[t]he purpose of CEQA is . . . to compel government at all levels to make decisions with environmental consequences in mind.” (Cal. Code Regs. tit. 14, § 15003 [hereinafter Guidelines].) CEQA is an information document and, as such, “requires full environmental disclosure.” (*Cmtys. for a Better Env’t v. City of Richmond*, 108 Cal. Rptr. 3d 478, 491 (Cal. Ct. App. 2010).)

Only when “there is no substantial evidence in light of the whole record before the public agency that the project . . . may have a significant effect on the environment” may an agency prepare a negative declaration or mitigated negative declaration instead of an EIR. (Cal. Pub. Res. Code § 21064.5; see also *id.* §§ 21064, 21080(c). A mitigated negative declaration, in particular, is prepared “when the initial study has identified potentially significant effects on the environment, but . . . revisions in the project plans or proposals . . . would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur” and there is no substantial evidence the project may have a significant effect on the environment. (*Id.* § 20164.5.) If there is substantial evidence that a project may have a significant effect on the environment, an agency must prepare an EIR. (*Id.* § 21080(d).)

If an agency is presented with so much as “a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.” (Guidelines § 15064(f)(1); see also *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, *Farmland Protection Alliance v. County of Yolo* (2021) 71 Cal.App.5th 300.) If there is “disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.” (Guidelines § 15064(g).)

1-2
cont.

The CEQA Guidelines provide guidance for determining if a project’s effects are significant. Such a determination “calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data” and a “consider[ation of] the views held by members of the public in all areas affected.” (*Id.* § 15064(b)-(c).) The lead agency must consider both direct and indirect physical changes in the environment caused by the project. (*Id.* § 15064(d).) Direct changes include dust, noise, and traffic, and indirect changes include, for example, population growth and a resulting increase in air pollution, so long as the changes are reasonably foreseeable. (*Id.*)

CEQA also requires consideration of cumulative impacts. An EIR is required “if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable . . . when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.” (*Id.* § 15064(h)(1).) Cumulatively considerable environmental effects require a mandatory finding of significance. (*Id.* § 15065(a)(3).)

CEQA also has a substantive mandate and requires effective mitigation. “[P]ublic agencies should not approve projects as proposed if there are feasible alternatives or feasible

mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Cal. Pub. Res. Code § 21002.) CEQA requires mitigation measures to be “fully enforceable through permit conditions, agreements, or other measures.” (*See id.* § 21081.6(b); Guidelines § 15126.4(a)(2).) “Formulation of mitigation measures should not be deferred until some future time.” (Guidelines § 15126.4(a)(1)(B).)

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cont.

Because, as described in more detail below, the Project will have potentially significant impacts to western Joshua tree and wildlife mobility, the preparation of an EIR is required.

II. The County Has Failed to Adequately Analyze and Mitigate Impacts to the Western Joshua Tree.

a. Western Joshua Tree Are Facing Significant Threats to Their Long-term Survival in the Region.

The Project site is located within the range of the western Joshua tree South population (YUBR South). The geographic area in which YUBR South is situated is comprised of 3.7 million acres, with just over 50% in private ownership, 48% federally owned, and just under 2% state, county and local owned (USFWS 2018). The USFWS (2018) estimates that 3,255,088 acres of this area was suitable for Joshua trees based on soils and other habitat factors. However, Joshua tree actually occupy only a fraction of this area, as they have a patchy and disjunct distribution, and large areas of former habitat have been lost to development or agricultural conversion.

Increasing development, climate change, increasing drought and wildfires, invasive species that adversely affect fire dynamics, and other threats have led to ongoing reductions in western Joshua trees and western Joshua tree habitat range wide. Protecting western Joshua trees and their habitat from continued destruction and habitat loss is therefore of utmost importance to the persistence of the species in California. However, within the County, western Joshua tree habitat is shrinking at an alarming rate due to increasing development. While western Joshua trees currently persist in the less-developed areas of the County, they are generally absent from the more developed areas as well as the agricultural lands in the region, making the Project site valuable habitat for the species.

1-3

As the Biological Assessment (“BA”) prepared for the IS/MND properly acknowledges, on September 22, 2020, the California Fish and Game Commission (“CFG”) advanced the western Joshua tree to candidacy under the California Endangered Species Act (“CESA”), protecting these imperiled plants from harm during the ongoing review process. (See Center for Biological Diversity 2020, CFGC 2020a.) The CEQA Guidelines indicate that a project can be expected to have significant impacts to biological resources if the Project has a substantial adverse effect, 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 Game or U.S. Fish and Wildlife Service. (CEQA Guidelines, Appendix G, subd. IV(a); see also CEQA Guidelines § 15065(a)(1).) Consequently, the Project’s impacts to the western Joshua trees must be fully evaluated and disclosed to the

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Page 3

public. Unfortunately, the County’s Initial Study and Mitigated Negative Declaration (“IS/MND”) fall short.

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cont.

b. The IS/MND Must Disclose Whether the Project Will Be Removing Joshua Trees.

The Project site provides high-quality undisturbed Joshua tree habitat, with 239 individual Joshua trees identified on site (IS/MND at 23). As an initial matter, the IS/MND provides contradictory information on whether or not Joshua trees will be removed as part of the Project. The document states that “the development plan as [*sic*] relocated all infrastructure to avoid all western Joshua trees on-site,” and that “all trees are to be avoided.” (IS/MND at 23.) However, the BA separately provides that 146 of these trees “can be Relocated/Transplanted.” (BA at 12, Table 3-1.) It also provides that the Western Joshua trees that are suitable for transplanting should be relocated/transplanted on-site, which is the preferable option, or to an off-site area approved by the County of San Bernardino and CDFW.” (*Id.*)

1-4

Typically, where transplantation and/or relocation are proposed for Joshua Trees, a Joshua Tree Protected Plan Preservation Plan and a Joshua Tree Relocation Plan are required to fully identify how mitigation is to be implemented and to ensure that such efforts will be successful.¹ The IS/MND contains neither. At a bare minimum, the environmental review for the Project should include permit conditions that expressly forbid removing any Joshua trees from the site, or be revised to clearly explain and analyze how many trees will be removed and how their removal will be effectively mitigated.

c. The IS/MND Fails to Analyze Numerous Impacts to Joshua Trees.

Even if the Project will not cut down or remove any of the 239 Joshua trees onsite, that fact alone does not support its conclusion that there will be no impacts to the species. (See IS/MND at 23.) On the contrary, impacts will be significant, starting with construction. The BA indicates that in various areas throughout the planned Project, roadways and structures will be constructed immediately adjacent to the existing Joshua trees onsite. (BA, at p. 20.) After the Project is constructed, the roadways and structures (including camping platforms, the office, septic site, and roadways) will place people and cars in extremely close proximity to existing Joshua trees. Construction can have significant negative impacts on species from grading, hauling, and other earthmoving activities. Petroleum and chemical spills, sparks, and soil compaction, among other things, can negatively affect nearby plant communities, particularly where, as here, construction will be occurring immediately adjacent to Joshua trees.

1-5

Although measure BIO-2 ostensibly requires construction fencing to be placed around Joshua trees where construction will occur within 40 feet (a majority of the Joshua trees onsite), the measure does not actually specify any minimum distance from Joshua trees that such fencing

¹ Due to the limited post-transplantation success of Joshua trees, such plans frequently require a ratio-based transplantation of additional trees.

must provide from construction activities.² In other words, there is no requirement in the measure that the trees onsite be provided with a buffer. Such buffers are necessary to protect the health and wellbeing of individual trees and reduce the impacts described above. That is why, for example, CDFW has identified the Joshua tree “project impact area” as the area around each live western Joshua tree, defined by a radius as measured from a single point at its trunk of:

- 40 feet for western Joshua trees five meters or greater in height.
- 12 feet for western Joshua trees one meter or greater but less than five meters in height.
- 6 feet for western Joshua trees less than one meter in height.

(See CDFG 2020b, at p. 5.) The IS/MND cannot conclude, as it does, that grading and construction well within 40 feet of the Joshua trees onsite can have no significant impacts.

In addition to overlooking the impacts from construction, the IS/MND also fails to consider or disclose the permanent impacts from locating humans and development within Joshua tree habitat and in close proximity to Joshua trees. Human activity in the natural environment has effects that go far beyond the loss of land directly beneath the development footprint. Introducing humans, vehicles, pets, and equipment to the Project site will result in noise, lighting, dust, and other disturbances that can have significant negative consequences. Similarly, development and human activity can lead to an increase in risk of wildfire ignitions that threaten Joshua tree woodlands. Fire has emerged as a major threat to the Mojave in recent decades. Human disturbance can result in the spread of nonnative grasses, which are more flammable and increase the number and size of wildfires in ecosystems like Joshua tree woodlands, that are not well adapted to survive fire. (Boxall 2020 [describing Dome Fire, which burned in excess of 1 million Joshua trees].) Human activities, such as the use of motorized equipment, campfires, cigarette smoking, and others, also increase ignition risk.

Impacts from lighting must also be considered. The IS/MND does not describe the Project’s localized light sources (such as outdoor structure lighting, roadway lighting, and campfires), which can have significant impacts on species, especially those that are nocturnal. This is especially critical with respect to Joshua trees, because the trees rely on a single obligate pollinator—the Yucca moth—to pollinate flowers and thus reproduce. Artificial light sources can have a particularly powerful impact on moths, and the IS/MND should evaluate the effect of the Project’s lighting on Yucca moths and develop mitigation measures (such as light shielding or restrictions on lighting).

Furthermore, in determining that the proposed Project “will not affect western Joshua trees, since all trees are to be avoided,” the IS/MND misses the forest for the trees. The IS/MND does not acknowledge significant impacts to Joshua trees associated with the reduction in habitat connectivity. Maintaining successful habitat connectivity is particularly important to western Joshua trees: for successful reproduction and recruitment, Joshua trees require the presence of

² Unsurprisingly, neither the IS/MND nor the BA provide any evidence that BIO-2’s construction fencing measure will be effective in reducing impacts to Joshua tree, as required by CEQA. (*Cf. Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1116-17 [lead agency must supply substantial evidence that proposed mitigation measures will be effective], *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1170.)

their sole obligate pollinator (Yucca moth), rodents to disperse and cache seeds, and nurse plants to shelter emerging seedlings. (Center for Biological Diversity 2020, Harrower and Gilbert 2018.) Therefore, to the degree that Joshua trees are left remaining on the Project site, such moths and rodents must have access to and also be maintained on site in order for these onsite western Joshua trees to successfully reproduce in the future. Constructing and operating the Project will reduce habitat connectivity necessary for sustainable Joshua tree recruitment in nearby undisturbed habitat. Moreover, construction on the Project site will result not just in the loss of Joshua trees and their pollinators and dispersers from the site itself, but will further fragment habitat, potentially resulting in significant adverse impacts to remaining Joshua tree woodland in nearby areas if pollinator or disperser populations are reduced. None of these impacts are analyzed in the IS/MND.

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d. The Proposed Mitigation for Impacts to Joshua Tree Is Drastically Inadequate.

As explained above, mitigation measure BIO-2’s proposal to erect temporary fencing with no buffer is inadequate to reduce impacts to the species to less than significant. Tacitly acknowledging this shortcoming, the measure goes on to state, after concluding that Joshua trees will not “be affected” by the Project, that “Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required from the CDFW. The ITP will detail all impacts to the species and necessary mitigation measures.” (IS/MND at 23-24.) In addition to improperly deferring *analysis* of the full extent of the Project’s impacts to Joshua tree, the IS/MND also improperly defers mitigation for those impacts. ITPs are issued by CDFW pursuant to CESA for activities that may adversely affect listed species.³ However, CEQA imposes an *independent* obligation on lead agencies approving projects that may have negative environmental impacts. Mitigation under CEQA generally may not be deferred until after project approval. (See Guidelines § 15126.4(a)(1)(B).) The IS/MND’s reliance on the possible acquisition of an ITP in the future is impermissibly deferred mitigation and does not meet CEQA’s requirements.

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III. The IS/MND Fails to Consider the Project’s Off-Site Impacts to Biological Resources.

It IS/MND is also inadequate because it fails to consider to offsite impacts of the Project to biological resources. As explained above, bringing people to a previously undeveloped area can result in impacts from, *inter alia*, lighting, noise, dust, vandalism, unauthorized encroachment into environmentally sensitive areas, unauthorized vehicle access, and pets. These impacts are not confined to parcel boundaries. The and adopt appropriate mitigation measures (such as wildlife-appropriate fencing, and signage) to prevent these so-called “edge effects” from the Project.

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³ The CEQA Guidelines specify that the environmental review process should be combined with the existing planning, review, and project approval process used by each public agency. (See Guidelines, § 15080.) The lead agency should integrate CEQA review with these related environmental review and consultation requirements. (Guidelines, § 15124(d)(1)(C), see also Guidelines, § 15006(i).) The IS/MND does not explain consultation with CDFW and application for an ITP has been deferred until after CEQA review has been completed.

Additionally, the IS/MND fails to analyze the Project’s impact on wildlife connectivity in the region. Wildlife connectivity is critical for the survival of California’s unique biodiversity. Sometimes referred to as landscape connectivity or ecological connectivity, wildlife connectivity is defined as “the unimpeded movement of species and the flow of natural processes that sustain life on Earth.” The ability of animals and plants to move among different areas of habitat to find food, shelter and mates is crucial for healthy ecosystems to function. (Yap 2021.) The Project site is located near Joshua tree national park, and adjacent to an important wildlife connectivity area for several desert species. Yet the IS/MND evaluated the Project’s biological impacts in isolation, confining its analysis to within the Project site’s boundaries. In so doing, the document failed to evaluate or disclose how adding a human presence to this important Joshua tree woodland habitat will affect wildlife connectivity over the larger landscape.

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cont.

IV. CONCLUSION

Thank you for the opportunity to submit comments on the Bubble Campground Project and associated environmental review. Because the IS/MND for the Project is inadequate for the reasons above, we request that the County remedy these deficiencies and analyze and disclose the Project’s significant environmental impacts in an EIR. Please add the Center (using the contact information below) to your notice list for all future updates to the Project, including the date and time of any hearings on the Project, and the publication of any additional CEQA documents, including a Notice of Determination, for the Project. Do not hesitate to contact the Center with any questions. We look forward to working with all parties involved in this matter to achieve a mutually agreeable outcome.

1-8

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the County complies with its legal obligations including those arising under CEQA, we would like to remind the County of its statutory duty to maintain and preserve all documents and communications that may constitute part of the “administrative record” of this proceeding. (§ 21167.6(e); (*Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the County with respect to the Project, and includes “pretty much everything that ever came near a proposed [project] or [] the agency’s compliance with CEQA” (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the County’s representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the County’s representatives or employees and the Applicant’s representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

1-9

Sincerely,



Attorney
Center for Biological Diversity
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Tel: (510) 844-7100
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CC: Brendan Cummings, bcummings@biologicaldiversity.org

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Page 8

References

(Electronic copies of all references transmitted with letter.)

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From: [Steve Brown](#)
To: [Morrissey, Jim](#); [Rahhal, Terri](#); [Supervisor Rowe](#)
Subject: Bubble Campground – Conditional Use Permit PROJ-2020-00203
Date: Thursday, November 18, 2021 12:17:18 PM

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Public Comment Submitted for Bubble Campground – Conditional Use Permit Project No.: PROJ-2020-00203

As a 21+ year resident of the Yucca Mesa area of San Bernardino County, using Yucca Mesa Road for our primary access route, I must note that the traffic hazard assessment of "No Impact" for this project is patently false and this assessment must have been done by someone who does not know the road and who may have based their No Impact assessment from looking at Google Maps. No resident who actually uses this road would ever arrive at this conclusion which poses a reckless disregard for public safety to the point where San Bernardino County should be held liable for all resultant accidents that will occur.

The project site is located near the top of a long grade with blind areas. It is at a location where traffic frequently speeds at high rates of speed, and also sees a high rate of illegal passing at high rates of speed. While the project has not caused this danger, it contributes directly to the likely hood of increased fatal and injury accidents, which should not come as a surprise to anyone who noted the informal memorial to a local resident who was killed at that location (the memorial was, unless it was removed, on the project boundary on the east side of Yucca Mesa Road, and was constructed for a resident who was killed in a head-on collision caused by a vehicle that was illegally passing on the blind hill at a high rate of speed).

Guests to the property must slow to enter it to the right, and that can easily be accommodated in construction plans. If not addressed, however, it may result in visitors, unfamiliar with the road and the area, getting rear-ended at high speed.

The real problem is with guests who must make a left turn out of the property onto Yucca Mesa Road, with vehicles approaching from both directions at high rates of speed (speed limit is 55 mph, but it is not uncommon to encounter vehicles on that portion of Yucca Mesa Road at 70 mph or higher), with high rates of illegal passing. With that parcel of land, there is really no adequate way to address that danger, and all guests who wish to visit the national park or the area, or who are departing, will almost certainly make this left turn.

By assessing traffic hazards at "No Impact" the county is setting the stage for violent, injurious, and/or deadly traffic accidents that will injure and/or kill both guests to the area and local residents. It is a patently wrong assessment, with demonstrably incorrect information about visibility, and the project should not be allowed to continue without appropriate and effective mitigation measures to prevent the completely preventable accidents, injuries, and deaths, that will occur without appropriate mitigation.

Personally, as a hi-desert resident for more than 21 years, I find it professionally irresponsible to have arrived at this conclusion, nor to consider approval of a project that creates such obvious and serious hazards to the health of both residents and visitors. It's bad enough that

studies have shown the intersection of Yucca Mesa Road and California Route 62 is one of the most dangerous. The Desert Sun's 2014 story (updated in 2017) about Highway 62, "Death Trap," noted that since 2002, at least 182 people have died in 158 crashes on Highway 62 - a death rate three times that of an average California road. The intersection with Yucca Mesa Road is one of the "hot spots" for accidents along the highway. Vehicles regularly run the red lights of the intersection there, making access from the highway to the project already dangerous enough.

But Yucca Mesa Road also serves as a connector road, to Buena Vista and Aberdeen, both of which connect residents to the east and west, as well as to the north, leading to drivers who have long distances yet to travel making decisions to drive much faster than the speed limit allows, and to make poor decisions about passing illegally at those high rates of speed. In addition, the route from Highway 247 to Buena Vista and then onto Yucca Mesa Road, is a truck route to divert truck traffic from Highway 62 through much of the town of Yucca Valley. This leads to a high volume of commercial trucking on the portion of Yucca Mesa Road where the project entrance and exit will be located. This is not even mentioned in your traffic assessment, which leads me to believe that the assessment is negligent and was conducted unprofessionally and therefore leaves the county liable for injuries and deaths that will occur as a result of its negligence because the county could have, and should have, known that access to and from the project site from Yucca Mesa Road will be inherently dangerous without proper mitigation.

This project should not be allowed to proceed without appropriate mitigation efforts for traffic control. Without them, this project will result in unnecessary accidents causing injury and death. That's not hyperbole. That's an objective assessment from a professional journalist who has observed traffic regularly on this road for more than two decades; who has experienced numerous close calls on that stretch of road personally; who has witnessed accidents on that road and seen numerous incidences of illegal passing and high rates of speed combined with illegal passing and reckless driving on that stretch of road on an ongoing basis; who knows that there are blind spots along that stretch of road; and who has seen the results of those accidents that have occurred on that stretch of road and would like to not see more of them.

To approve this project without appropriate traffic mitigation constitutes reckless disregard for human life.

Steve Brown

--

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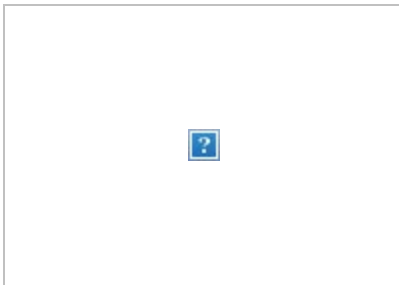
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From: [Airline Surf](#)
To: [Morrissey, Jim](#)
Subject: Bubble Campground
Date: Tuesday, November 16, 2021 6:20:36 PM

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

Hello,

I'm reaching out to ask you to just say no.
STR homes, clamping etc.. all bring vitality and income to the community. But when is enough enough?

There's the airstream park, and thousands of homes, and developments galore. My own street filled with Airbnb's will now have FOUR 2-story homes built for just that purpose.

There's got to be regulation, understanding of the grave harm to a community and of the consequences of over saturation. The money can't be all that matters.

Please consider saying enough is enough.

Thank you for reading!!
Dara

Jim.Morrissey@lus.sbcounty.gov

Jim Morrissey, Contract Planner
909-387-4234
County of San Bernardino Land Use Services Department - Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

Subject: Initial Study: Mitigated Negative Declaration
Bubble Campground Yucca Valley
PROJ-2020-00203

Dear Mr. Morrissey,

Thank you for the opportunity to comment on the proposed Conditional Use Permit for the Bubble Campground to establish a camping area with 10 camp sites, including installed structures with utilities and portable shelters, linked by an internal roadway on approximately 18 acres. The campground's location is the southeast corner of Yucca Mesa Road and Douglas Lane, in the Yucca Valley area.

We are writing to you today as Joint Executive Directors for the Mojave Desert Land Trust. The Mojave Desert Land Trust was founded in 2006 as a nonprofit 501(c) 3 desert conservation organization headquartered in Joshua Tree, CA. MDLT acquires, restores, and protects biologically and culturally important lands throughout a 26-million-acre service area in the California deserts. To date, we have conserved more than 100,000 acres of land in national park units, national monuments, wilderness areas, wildlife corridors and other areas of importance to conservation.

We recognize the steep rise in popularity and visitation for the Joshua Tree National Park region and accompanying need for tourist accommodations. In 2010, JTNP visitation was 1.4 million: in 2020, visitation was 2.4 million.

At the same time, our mission is to conserve and protect valuable natural resources in the Morongo Basin region and beyond, and we are compelled to share some concerns around this specific project identified in the Initial Study, specifically regarding the significant presence of protected western Joshua trees and the vicinity of wildlife corridors. Our organization has identified this region as having conservation value and we have acquired approximately 1,150 acres of land adjacent to the proposed campground.

The proposal's Biological Resources Assessment carried out by Jennings Environmental, LLC reports a total of 239 western Joshua trees on the 18-acre parcel. Though mitigation measures to be put in place are based on avoidance of ALL Joshua trees, the study also details selected trees, 146 in total, as candidates for transplantation with language suggesting that a permit for removal may be obtained if deemed necessary. The inclusion of language alluding to permit removal application undermines the commitment to full avoidance of protected western Joshua trees.

The proposal also includes 10 camping sites, raised deck and toilet/shower at each site, parking and road access for each camp site. Additionally, the campground will house a conference/manager's unit of 1,300 sq. ft., a new well, power sources, and additional parking spaces. The campground will require installation of a septic system, water resources, power sources, fencing, and a road system distributed

throughout the campground. All of this infrastructure is to be shared with 239 western Joshua trees and an indicated complete avoidance distance of 40 feet.

We recommend that determination based on initial evaluation find that the proposed project MAY have a significant impact on the environment, and an EIR is required. Our main criteria for this correction are (1) the pervasive presence of a candidate species under CESA [Western Joshua Tree]; and (2) proximity to adjacent wildlife corridors.

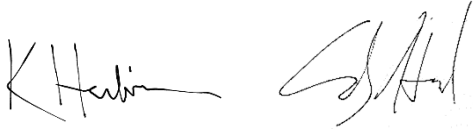
We would also like to see more details provided on:

- Water sources with quantified need estimates and availability, including future projections. Western Joshua Trees are highly sensitive to drought and their capacity to propagate successfully is water dependent;
- Further study and consideration are needed regarding project impacts on *Tegeticula synthetica* moths, which are integral to survival of the western Joshua tree;
- Habitat disturbance which is linked to invasive grasses and increased potential for wildfire;
- Individual Tree Survival needs assessed within the habitat:
 - To survive and reproduce, individuals of each species need alluvial soils, precipitation during key stages of their life cycle (both summer and winter), appropriate temperature regimes, rodents to disperse and cache seeds, nurse plants to enhance seedling survival, and pollination by an obligate yucca moth unique to each species. Resilient Joshua tree populations require multiple stable or increasing connected local populations distributed across the range in a variety of ecological settings to persist. [Joshua Tree Species Status Assessment. USFWS. Felicia Sirchia, Scott Hoffmann, and Jennifer Wilkening. 10.23.2018. Italics added].
- Nurse Plants. Nurse plants are essential to propagation of juvenile Joshua trees. In southern Nevada, a study found that out of 277 seedlings, 257 grew under the canopy of another shrub type in spite of low density shrub coverage. Nurse plants provide increased soil moisture, decreased insolation, reduced soil temperatures, decreased evapotranspiration, increased nutrients, decreased herbivory, and/or lower wind desiccation.

Though the biological assessment indicates that the proposed campground is not within a wildlife corridor, it is certainly contiguous to undeveloped land in the corridor. Given the proximity to critical wildlife corridors, impacts to regional wildlife would need to be substantially considered prior to project approval as there is no guaranteed assurance that the project will not affect wildlife transport [please view attached map below].

For these reasons, we advocate that the status of the proposed Bubble Campground be changed from Mitigated Negative Declaration to EIR requirement. We thank you for the opportunity to comment and will be happy to discuss our concerns with you at your convenience.

Sincerely,

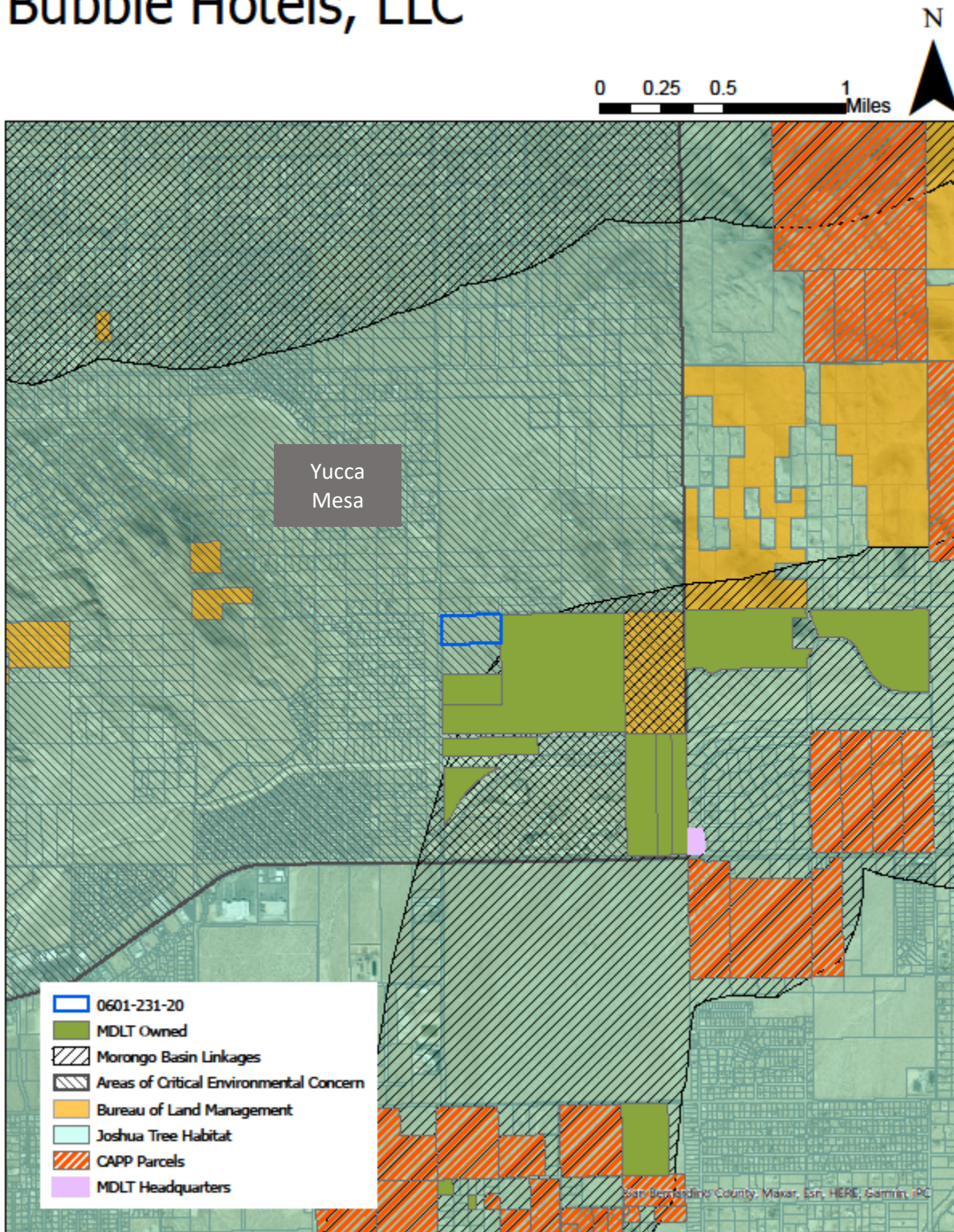
Handwritten signatures of Kelly Herbinson and Cody Hanford. The signature on the left is 'K Herbinson' and the signature on the right is 'C Hanford'.

Kelly Herbinson and Cody Hanford
Joint Executive Directors
Mojave Desert Land Trust

<https://ecos.fws.gov/ServCat/DownloadFile/169734>

<https://www.fs.fed.us/database/feis/plants/tree/yucbre/all.html#SITE%20CHARACTERISTICS>

Bubble Hotels, LLC



Map Credit: Dustin Scott/MDL

From: [BREANA VIOLANTI](#)
To: [Morrissey, Jim](#)
Subject: Bubble campground yucca valley, ca
Date: Tuesday, November 16, 2021 6:29:20 PM

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

Unbelievable you would even consider this area as a reasonable area for a campground. Our neighborhoods are literally turning into lines of hotels and you want to put in a bubble campground. Please reconsider! These do NOT belong in our residential neighborhoods. You are literally driving out locals and people that sustain our schools and workforce. The community will stand together and do everything we can to stop this project.

Thank you for listening

Breana V

From: [VALERIE DAVIS](#)
To: [Morrissey, Jim](#)
Subject: Bubble motel on Yucca Mesa Rd, Yucca Valley
Date: Monday, December 13, 2021 12:12:33 PM

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

I am writing today to voice concerns over the proposed bubble camp on Yucca Mesa Rd. and Douglas.

I live on Marvin Dr. directly across the street from the proposed site. I have lived in this area for 8 years. I am writing in regards to the conditional use permit #92415-0187 A conditional permit to establish a camping area with 10 campsites and an office/ meeting/managers building including installed structures with utilities and portable shelters, linked by an internal roadway on approximately 18 acres.

I have issues with several claims made in the report.

My first concern is about the report stating that there will be no impact on traffic. I use the intersection of Yucca Mesa and Douglas Ln. to access my neighborhood as does everyone else who lives here.

Everyone who lives here is familiar with the blind spot on the hill to the south on Yucca Mesa Rd. Because we all know that there is an interval of 5 seconds where traffic coming uphill from hwy 62 is invisible, we always wait 5 seconds to be sure there are no cars. That is why we are all still alive today. Not only is this unsafe for guests of the bubble camp it also makes it unsafe for residents. An expensive traffic light will increase the danger by backing up traffic at the top and bottom of the hill. Extra turn lanes would have to be added, ripping up more of the desert in the process.

The speed limit on Yucca Mesa Rd. is 55. Most people drive between 70 and 80. If you drive at 55 people will tailgate and pass. I can only drive 55 if there are no other cars on the road. This road is very heavily traveled. There are many semis that use this road as a back way to hwy247. There is also a significant presence of very large objects being hauled to the Marine Base in 29 Palms.

It is one of 2 roads from Yucca Mesa into the town of Yucca Valley, the other being hwy247.

There is already a memorial cross to a gentleman who was killed at the intersection of Douglas and Yucca Mesa Rd. several years ago. I had to drive by the carnage to get home. It was hours before they moved the body.

I am wondering who the person is that stated there would be " no impact" in having significantly higher traffic at that intersection. I would have to guess it might be someone who has never been to that intersection.

I also have issues with section IV articles a and d. A states that there would be no impact to the wildlife.

I have walked down Douglas in the area of the proposed site many times. I have seen abundant wildlife in the area including bobcats, coyotes, cottontails and jackrabbit and many bird species. The area is pristine! How could this not affect the wildlife?

There will be lights, traffic, dogs and people walking around constantly disturbing the animals.

Article d states that this area is not close to any wildlife corridors. It absolutely is. There is a Mojave Desert Land Trust corridor directly to the south and another area to the east. It is right on the map.

There are other areas where this project would be appropriate but this is not one of them. PLEASE do not approve this project.

Valerie Davis
Yucca Valley

March 29, 2021

Mr. & Mrs. Jeff Delaney
Mr. & Mrs. David Rucker
Owners of neighboring parcels
0601-241-38-0-000
0601-241-39-0-000
0601-241-40-0-000
0601-241-41-0-000

Comments pertaining to Project Number: PROJ-2020-00203

Assessor Parcel NO: 0606-231-20

Dear Mr. Jim Morrissey,

We would like to respond to this project proposal. We own 18 acres just to the north of this project on the opposite side of Douglas Lane. We have serious concerns about the proposed development and use described in the request and foresee expenses for us and loss in property value as a direct result of this project.

We purchased our 18 acres several years ago hoping to build a residence. We chose the location because of its rural setting and because the surrounding area was zoned residential 5 acre minimum, which means the area would remain rural and unchanged. This is a fragile desert ecosystem and commercial intrusion would forever threaten its survival. The minimum 5 acre residential zoning seems valid for very good reason.

In addition to us desiring a rural desert setting for our home, a commercial campground would entail the coming and going of patrons and required support services, like garbage trucks, and the general noises and activities of well-intended patrons that would put stress on the environment, like dog walking, ATV use in the neighborhood on what appears at first blush to be empty scrap land but actually is not, climbing amongst the rock outcropping on the rear of our land and surrounding properties. Being directly next door, our property would undoubtedly suffer, and would likely require the construction of a costly fence to keep campers off our land. Campgrounds in National Parks are supervised with regulations that prevent over use and damage. This campground would not be offering that supervision to the surrounding areas.

We have read, very recently, articles in national travel magazines proclaiming support for keeping the “empty” desert empty: its open sky, quiet, its unique biology, geology and animal life. Effort made to help visitors and residents appreciate and enjoy its uniqueness are wonderful and we support that, but vigilance to maintain it is necessary.

The campground proposed here sits on county land directly across the street from the town of Yucca Valley. Campers will use the services offered in Yucca Valley, but the campground won't be under financial obligation to help offset those new costs. Campfires can cause wildfires, and off-road ATV usage will require sheriff monitoring.

Another larger concern is the condition of the current water table. The residents of Yucca Valley just voted, at considerable expense, to install a water treatment plant with a sewer system. Joshua Trees, and many other living things, need that water table at a serviceable level. This new effort should be extremely helpful to the longevity of the regions deserts. The proposed campground lies outside the new sewer system.

In summary, a nice campground would be a fine addition to the region, but not on the property requested. It should be in an area already established and prepared for additional humans. It is time to just say no to new open-land infringement.

Sincerely,

Jeff & Julie Delaney
David & Barbara Rucker
jppad@aol.com

From: [Michael McDonough](#)
To: [Morrissey, Jim](#)
Subject: PROJ-2020-00203 Bubble Hotel CUP
Date: Friday, April 2, 2021 11:55:13 AM

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

Project # PROJ-2020-00203
Tax # 0601-231-20

My name is Michael McDonough
I own the 20acre parcel directly to the south of the Bubble Hotel parcel.

I am not opposed but do have some serious concerns.

The property in question is zoned RL-5, or maximum of 4 homes.

Their "water served" proposal from their website "Facts" provides water for up to 30 people per day, including up to 6 staff members. We're talking 10 sites with people coming and going every day. Often multiple times a day. And staff member and deliveries That's a lot of people every day, assuming they're fully occupied.

Yucca Mesa Rd is a fast moving road, posted 50 mph with many going faster. To be able to enter traffic quickly from Douglas Lane is important.

**Please pave the 1st 100' of Douglas to allow smoother entry onto Yucca Mesa. It is currently an unmaintained dirt road. I know. I have run my own drag over it numerous times.

**Please restrict light and noise pollution.

These 3 20 acre parcels east of YM Rd are very quiet and dark. Good for night sky viewing.

**I presume there will be fencing.

Please require fencing that will prevent guests from trespassing onto my property.

If only 10% of their guests were to "wander"

I could easily have 2 people every day or over 700 annually trespassing onto my property.

Thank you for addressing my concerns.

Sincerely, Micke and Barbara McDonough

mikmcdonough@hotmail.com
Cell 760 219-4331 call or text

Sent from my iPhone

EXHIBIT D

Responses to Comments

EXHIBIT D RESPONSES TO COMMENTS

CENTER FOR BIOLOGICAL DIVERSITY

Response to Comment 1-1:

Introductory comment expressing concerns about the project and the potential unaddressed project impacts in the Initial Study/Mitigated Negative Declaration (IS/MND), which are explained in more detail in the comments that follow. Responses are provided to the more detailed comments that follow.

Response to Comment 1-2:

Comment relates to IS/MND and declares that San Bernardino County (County) must prepare an Environmental Impact Report (EIR) to assess potentially significant environmental impacts.

The County disagrees with the Center for Biological Diversity's (CBD) position that an EIR is required. As stated in the IS/MND and the Biological Resources Assessment, the project has been designed to avoid all impacts to the western Joshua trees present on-site. Because the proposed project is avoiding this species, there are no significant impacts.

The site does not contain any wildlife corridors as indicated in the IS/MND and the Biological Resources Assessment. The proposed project would have no cumulative impact on the ability of wildlife to move within the area as the fence around the project site will have a 6-inch opening along the bottom for animal movement. The project site is located in a rural section of the County. Additionally, there are vast plots of land in the vicinity of the project that are considered undevelopable as they are currently held by either the Bureau of Land Management or the United States Marine Corps (Twentynine Palms Base), both of which currently have no plans of developing or selling any portion of the parcels that they control.

Because there is sufficient land for wildlife to move unconstrained within the area and there is no wildlife corridor within the project site due in part to Yucca Mesa Road being a paved two-lane road along the westerly project boundary and the adjoining rural development just beyond to the west, the County believes that an EIR is not necessary for this project because no potentially significant impacts have been identified or impacts have been reduced to be less than significant with mitigation measures incorporated.

Response to Comment 1-3:

Comment relates to the significant threats that the western Joshua tree is facing within the region.

The County respectfully disagrees that the impacts to western Joshua trees have not been fully evaluated and disclosed. As indicated in the IS/MND and the Biological Resources Assessment, the proposed project does not contain any impacts to the western Joshua trees. The site plan has been designed to allow for the development of the parcel with all the required infrastructure, and to avoid all the western Joshua trees on-site. Because the proposed project does not include a take of the western Joshua tree, there are no impacts that have not been fully disclosed, analyzed or mitigated.

Response to Comment 1-4:

Comment requests that the IS/MND disclose whether the project will be removing western Joshua trees.

As stated above, in the IS/MND, and the Biological Resources Assessment, the proposed project does not include the removal or relocation of any western Joshua trees on-site. The County understands the potential confusion that could be inferred from the statements about the suitability of western Joshua trees to be relocated in the Biological Resources Assessment. However, that section of the report also indicates that no trees are proposed to be relocated through implementation of the proposed project. The purpose of the analysis in the Biological Resources Assessment was to evaluate the potential relocation of Joshua trees, if such relocation was needed due to the project design. However, the project was designed in a manner that avoided existing Joshua trees on site and relocation is not necessary. Additionally, the table of information at the end of the Biological Resources Assessment relating to the status of each western Joshua tree was also essential information in the development of the current site plan and the required buffers to protect each tree. Therefore, the County believes that it is clear the proposed project does not propose the removal or relocation of western Joshua trees.

Response to Comment 1-5:

Comment states that the IS/MND fails to analyze numerous impacts to Joshua trees.

The County respectfully disagrees with the statement that the IS/MND fails to analyze the various impacts to the western Joshua trees on-site. The IS/MND discloses that the impacts to the western Joshua trees and its habitat is only less than significant with the implementation of mitigation measures, which is the same as saying it is significant, but applicable mitigation, whether in the form of a mitigation measure or the requirement to follow state law to obtain necessary permits that formulate and finalize the mitigation, ultimately renders the impact less than significant, which is the conclusion from the IS/MND.

As stated in the comment and the IS/MND, mitigation measure BIO-2 was put in place to reduce any potential impacts to western Joshua trees on-site. The County agrees that the measure can be confusing and as such proposes to modify mitigation measure BIO-2 with the following verbiage:

BIO-2: Joshua Trees

The proposed Project will not affect western Joshua trees, since all trees are to be avoided. To ensure no impacts to this species, the following no work buffers shall be placed around any Joshua tree that is in the vicinity of active construction:

- 40 feet for western Joshua trees five meters or greater in height.
- 12 feet for western Joshua trees one meter but less than five meters in height.
- 6 feet for western Joshua trees less than one meter in height.

The buffer shall be installed using a suitable, highly visible, material, such as orange construction fencing and be of sufficient height to be visible from a distance. With this mitigation incorporated, no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required at that time.

The County finds that the change to mitigation measure BIO-2 is equivalent or more effective in mitigating impacts to the western Joshua tree and that the change does not itself cause any potentially significant effect.

The County disagrees with the statement that the IS/MND fails to consider and disclose the permanent impacts from locating humans and development within western Joshua tree habitat. The project is designed to be a minimally invasive as possible with all regards to the native plants and habitat. The project is intended and designed to provide a desert camping experience necessitating a limited infringement on the native vegetation and site topography to ensure isolated camping sites. The project is only designed to build the necessary access routes to the proposed sites with large open areas between them. Additionally, the site is already located within a rural area that has some development. Therefore, the project does not propose a significant risk to the native vegetation on or off-site.

The County does recognize that the project will need to install and maintain a certain amount of lighting for safety and usability purposes. The proposed project falls within the unincorporated region of San Bernardino County. As such, the proposed project will be required to fully comply with all the San Bernardino County Development Codes. On February 4, 2021, the County Board of Supervisors voted in favor of a change to the building code regarding lighting. The proposed project will be required to comply with all requirements in Division 3, Title 8, Chapter 83.07 Light Trespass. Specifically, Section 83.07.060 "Mountain and Desert Regions Requirements", which details the following requirements:

- Light pollution and trespass shall be minimized through the use of directional lighting, fixture location, height and the use of shielding and motion sensors.
- Curfew. All outdoor lighting shall be extinguished by 11:00 pm.
- And, unless extinguished manually, automated control systems, such as motion sensors and timers, shall be used to meet curfew requirements.

The applicant intends to have lights auto-dimmed at 9pm and after that allow guests to use dimmed lights or flashlights, as necessary. Because the project will be conditioned to follow this local building code, the County believes that the impacts associated with lighting are less than significant.

The County respectfully disagrees with the statement that the IS/MND misses the “forest for the trees”. The project is designed to blend in with the surrounding landscape and native vegetation. A total of 87.33% of the property will remain undisturbed and the native vegetation will be preserved. The primary function of the proposed project is to develop a campground that is as if you were camping in the wild, but in a more controlled and less destructive way than simply camping on BLM land. The effects on all species will be less than significant as the project is designed in such a way that it blends in with nature. As stated above, the fence will have a 6-inch opening at the bottom, the camp sites are elevated deck pads, roads and driveways will be primarily comprised of compacted gravel with only paving near the project entrance. As such, there is a less than significant impact as there will be nothing stopping any transitory species that may be required for western Joshua tree reproduction.

Response to Comment 1-6:

Comments states that the proposed mitigation for impacts to Joshua trees is drastically inadequate.

The County respectfully disagrees with the statement that the mitigation measures are drastically inadequate. The IS/MND does take into account the various sources of impacts on the western Joshua tree species and comes to the conclusion that there are no additional mitigation measures beyond BIO-2, required. The IS/MND discloses that the impact to the Joshua Tree and its habitat is only less than significant with the implementation of such mitigation measures, which is the same as saying it is significant, but applicable mitigation, whether in the form of a mitigation measure or the requirement to follow state law to obtain necessary permits that formulate and finalize the mitigation, ultimately renders the impact less than significant, which is the conclusion from the IS/MND. This is not deferring the analysis or mitigation as is suggested.

Response to Comment 1-7:

Comment states that the IS/MND fails to consider the project’s off-site impacts to biological resources and that impact on wildlife connectivity was not analyzed.

See Response to Comment 1-2 and 1-5 regarding impacts to biological resources, the movement of wildlife and the type of fencing that will be placed around the parcel.

Response to Comment 1-8:

Comment thanks the County for the opportunity to comment on the DEIR. No response is necessary.

Response to Comment 1-9:

Comment reminds the County to maintain and preserve all documents and to keep all information available and up-to-date in anticipation of litigation. This comment is noted, and no further response is necessary.

EXHIBIT E

Mitigation Monitoring and Reporting Program

**Mitigation Monitoring and Reporting Program
Initial Study/Mitigated Negative Declaration
Conditional Use Permit
PROJ-2020-00203**

Prepared by:



County of San Bernardino, Land Use Services Department

385 N. Arrowhead Avenue, 1st Floor
San Bernardino, California 92415-0182
Contact: Jim Morrissey, Planner

NOVEMBER 2022

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1 Introduction

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

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Star Point Properties Sixth Street Warehouse Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and tribal cultural resources.

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

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

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2 Mitigation Monitoring and Reporting Program Table

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<i>Biological Resources</i>				
<p>BIO-1 Pre-Construction Survey A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation (CDFG, March 2012) or the most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300- foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).</p>	Prior to Land Disturbance or Grading Permit	Project applicant	County of San Bernardino	
<p>BIO-1 Joshua Trees The proposed Project will not affect western Joshua trees, since all trees are to be avoided. To ensure no impacts to this species the following no work buffers shall be placed</p>	Prior to Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	County of San Bernardino	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>around any Joshua tree that is in the vicinity of active construction:</p> <ul style="list-style-type: none"> - 40 feet for western Joshua trees five meters or greater in height. - 12 feet for western Joshua trees one meter but less than five meters in height. - 6 feet for western Joshua trees less than one meter in height. <p>The buffer shall be installed using a suitable, highly visible, material, such as orange construction fencing and be of sufficient height to be visible from a distance. With this mitigation incorporated, no western Joshua trees will be affected. Should impacts to this species become unavoidable in the future, an incidental take permit (ITP) will be required at that time.</p>				
<p>BIO-3 Migratory Bird Survey Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest that will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.</p>	<p>Prior to Land Disturbance or Grading Permit</p>	<p>Project applicant</p>	<p>County of San Bernardino</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<i>Cultural Resources</i>				
<p>CR-1 Archaeological Monitoring Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.</p>	During Construction	Project applicant and their construction contractor/consultant	County of San Bernardino	
<i>Tribal Cultural Resources</i>				
<p>TCR-1: Tribal Monitoring Due to the heightened cultural sensitivity of the proposed project area, Tribal monitors representing the San Manuel Band of Mission Indians shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal</p>	Prior to issuance of Land Disturbance or Grading Permit	Project applicant and their construction contractor/consultant	County of San Bernardino	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of Tribal monitors shall be present each workday to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation (“Cultural Resources” and “Tribal Cultural Resources”) shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI). Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.</p>				
<p>TCR-2: Treatment of Cultural Resources If a pre-contact cultural resource is discovered during archaeological presence/absence testing, the discovery shall be properly recorded and then reburied in situ. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), avoidance (or other appropriate treatment) of the discovered resource, and the potential need for construction monitoring during project implementation. Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the</p>	<p>On-Going</p>	<p>Project applicant</p>	<p>County of San Bernardino</p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis project plans, conservation/preservation easements, etc.).</p> <p>Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of</p>				



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.</p> <p>All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and SMBMI.</p>				
<p>TCR-3: Inadvertent Discoveries of Human Remains/Funerary Objects. In the event that any human remains are discovered within the project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately who shall notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to</p>	On-Going	Project applicant and their construction contractor/consultant	County of San Bernardino	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>(1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.</p> <p>Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.</p> <p>It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).</p>				

EXHIBIT F

Findings

FINDINGS: CONDITIONAL USE PERMIT. The following are the required findings, per San Bernardino County Development Code (“Development Code”) Section 85.06.040 and supporting facts for the approval of a campground with 10 camp sites that includes portable structures (pods), linked by an internal drive isle, a 1,200 square foot office/reception building and a 400 square foot storage building on an 18.06-acre parcel (Project).

- 1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application,** because the subject property is of adequate size and configuration to accommodate the proposed use, proposed structures and activity areas to meet required setbacks, allow for required vehicle maneuvering, and provide adequate features consistent with the requirements of the Development Code.
- 2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** Access to the subject property is provided from Yucca Mesa Road and Douglas Lane. Yucca Mesa Road is currently designated a Major Highway, with a planned width of 104 feet and four travel lanes. Currently, the roadway consists of a paved two (2) lane roadway that will be required to expand the easterly half-width roadway easement adjacent the property and install an easterly half-width roadway pavement section of 40 feet, adequate for two north bound travel lanes. Douglas Lane is a dirt roadway that will also be required to expand the southerly half-width roadway easement adjacent the property and install 32 feet of paved roadway over the southerly roadway half-width. This is intended to match the Countywide Plan roadway design and ensure safe pedestrian access and vehicular transit in the area. Access into and out of the site from Yucca Mesa Road will be permitted provided it is right turn into and out of the site. Access via Douglas Lane would permit full turning movements.
- 3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.** The proposed Project is approximately 18 acres in size with 10 camp sites and an onsite office/manager’s unit on the parcel. Additional vehicle trips will be generated by the use, but the number of trips will be limited due to the type of use and the number of camp sites. The proposed use does not exceed threshold levels requiring the preparation of a traffic study. The proposed use is intended to provide a natural camping experience with limited noise levels and lighting must be terminated by 9:00 pm. Exterior office building lighting will be shielded to prevent off-site effects. The conditions of approval will ensure that the Project will conform to countywide development and performance

standards, including those for noise and vibration, to reduce potential impacts to the nearby residences. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.

- 4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Plan/Policy Plan and any applicable Community or Specific Plan.**

Policy LU-2.4 Land Use Map consistency.

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

Policy Implementation: The proposed Project is permitted, subject to a Conditional Use Permit within the RL (Rural Living) Zone. The proposed Project has been conditioned to comply with the development criteria of the RL Zone, for parking design, landscaping, and building setbacks to ensure compatibility with other surrounding uses.

Policy LU-2.1 Compatibility with Existing Uses

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhood. We also require that new residential development be located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Policy Implementation: The proposed Project is a campground development on approximately 18 acres of land. The 10 camp sites are dispersed throughout the parcel. The property perimeter will have two different types of fencing, with a six-foot-high corrugated steel and post privacy fencing along the north and west property line adjacent to perimeter streets to reduce visibility and noise, and a six-foot-high field-type fencing with a wire grid and post design along the south and east property line allowing visibility. Each fence will be raised six inches above existing grade to permit animal movement under the fence. The office/manager's unit is located along the Yucca Mesa Road frontage.

- 5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.** The developer will be required to construct appropriate road improvements, provide adequate water and on-site wastewater

disposal facilities, and extend adequate utilities to the property, in accordance with the conditions of approval.

6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare**, because the conditions of approval ensure appropriate site improvements, street design, traffic improvements, and utilities are incorporated into the new development to meet projected needs. The County Public Works Department, Traffic Division, has reviewed the Project and found the sight distance was adequate for the posted speed limit of 55 miles per hour. The additional street improvements along Yucca Mesa Road that will widen the number of travel lanes and the half-width improvement of Douglas Lane will also improve travel safety. Additional traffic enhancements, such as signing and stripping, can be requested by the Traffic Division during their evaluation of the improvement plans during the design phase. In addition, the conditions will ensure the Project will meet the adopted countywide development and performance standards for noise, lighting, and Project operation.
7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities**, because the proposed Project has a number of buildings that could provide for solar facilities, depending upon its feasibility to incorporate this feature into the Project.

ENVIRONMENTAL FINDINGS:

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

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been determined to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. The review authority finds that changes to mitigation measures as a result of public review process do not constitute an action or circumstance requiring recirculation because said changes have been determined to be equivalent or more effective in mitigating the environmental impacts identified in the initial study and the changes do not itself cause any potentially significant effect. The changes in mitigation have been made at a public hearing and have been adopted as a condition of approval to the project. A Mitigated Negative Declaration (MND) will be adopted and a Notice of Determination (NOD) will be filed with the San Bernardino County Clerk's office. The MND for this Project reflects the County's independent judgment and was presented to the review authority, which reviewed and considered the information in the MND along with all public comments, responses to comments and errata before making a decision on the Project.

EXHIBIT G

Letter of Intent

Letter of Intent

Applicant: Nathan Resnick
Mailing Address: 7473 La Jolla Blvd Suite C
La Jolla CA 92037
Phone Number: 2407238419
Business Name: Bubbles Joshua Tree LLC

Date: 08/05/2020
Primary Contact: Nathan Resnick
nathanrez@yahoo.com
APN(s): 0601-231-20-0000

If needed, you may attach additional documents to provide more detailed information.

Brief description of proposed use:

Our proposed use of this land is to set up a camp ground experience with electric, water, and septic at each campsite. We will also provide removable shelter for people to stay.

Brief Description of proposed location and surrounding properties as they currently exist:

APN 0601-231-20-0000 has very little surroundings. This makes for a great campground space because of it's road access and proximity to the city.

Logistics (Truck trips, hours of business, parking, number of employees, etc.):

We plan to have manager to help manage the property. With ten sites on the land, we plan a maximum of 10 cars at a time.

Goals and Objectives:

Our goal is to create a unique and sustainable experience in the county that is close to Joshua Tree. This will boost the local economy, improve relations amongst tourists and the county, and employ locals to maintain the property.

EXHIBIT H

Site Plan

