



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

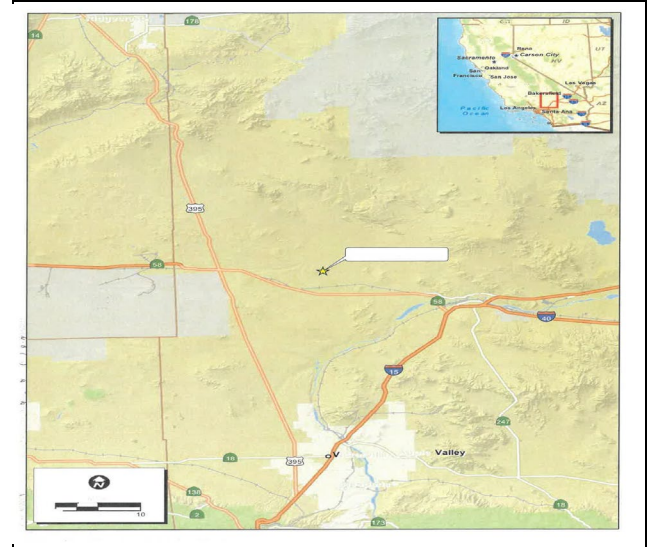
**HEARING DATE: July 8, 2021**

**AGENDA ITEM #5**

**Project Description**

**Vicinity Map -**

<b>APN:</b>	0496-051-10
<b>Applicant:</b>	Apex Energy Solutions, LLC
<b>Community:</b>	Approximately 10 miles northwest of Hinkley
<b>Location:</b>	East side of Harper Lake Road, approximately 3.9 miles north of California State Route 58
<b>Project No:</b>	PROJ-2019-00041
<b>Staff:</b>	Tom Nieves
<b>Rep:</b>	Anika Larson, ZGlobal
<b>Proposal:</b>	Conditional Use Permit to construct and operate an 8-Megawatt photovoltaic (PV) community solar power generating facility with battery storage on approximately 40 acres.



**8 Hearing Notices Sent on: June 25, 2021**

Report Prepared by: Tom Nieves, Contract Planner

**SITE INFORMATION:**

Parcel Size: Approximately 40 acres  
Terrain: Gently sloping desert  
Vegetation: Scattered desert scrub

**TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:**

AREA	EXISTING LAND USE	LAND USE CATEGORY	ZONING DESIGNATION
SITE	Vacant	Rural Living (RL)	Rural Living (RL)
North	Vacant	Rural Living (RL)	Rural Living (RL)
South	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)
East	Vacant	Rural Living (RL)	Rural Living (RL)
West	Vacant	Rural Living (RL)	Rural Living (RL)

**STAFF RECOMMENDATION:**

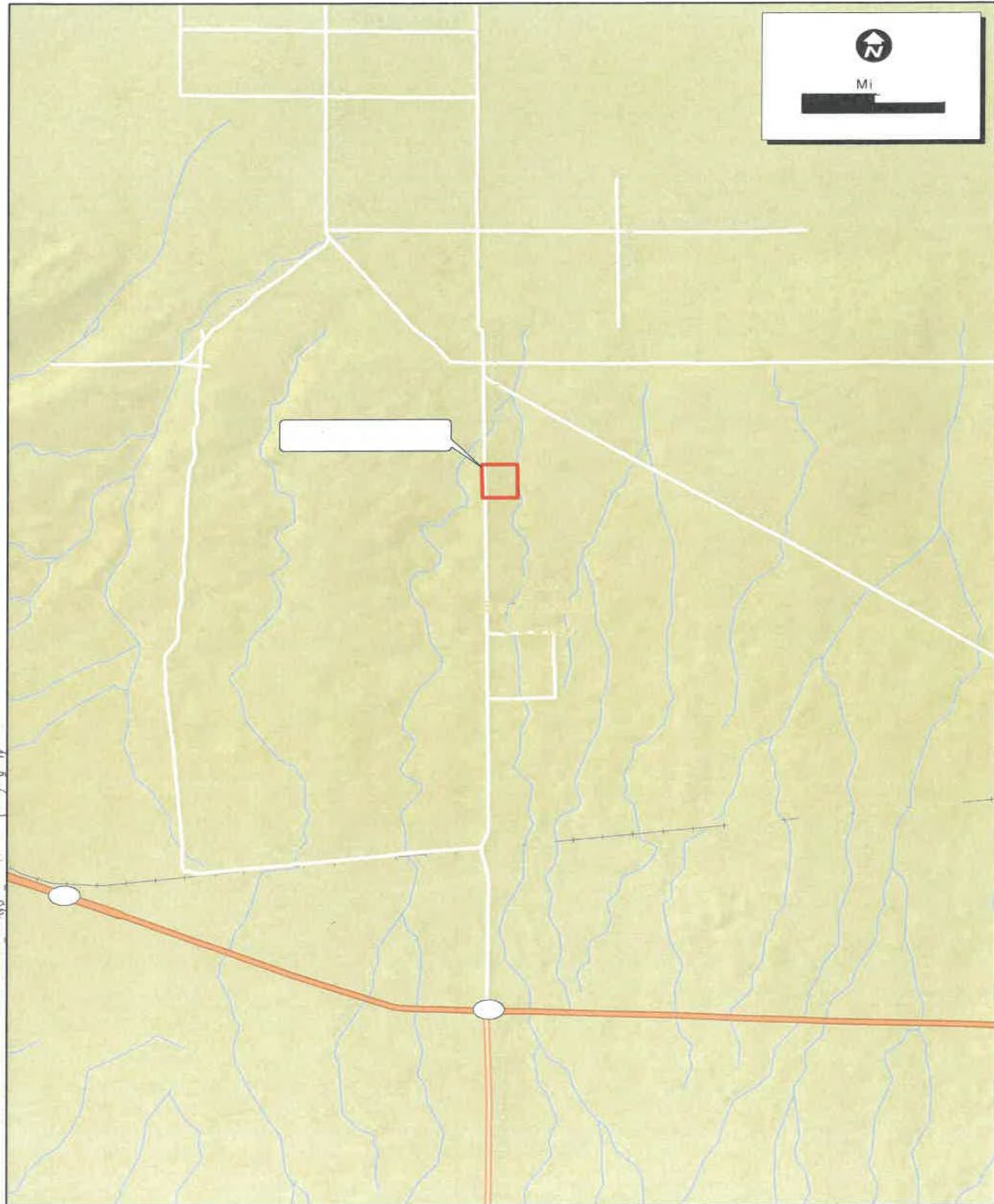
That the Planning Commission **ADOPT** the Mitigated Negative Declaration, **ADOPT** the Findings as contained in the Staff Report, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** staff to file a Notice of Determination.<sup>1</sup>

<sup>1</sup> In accordance with Section 86.08.010 of the San Bernardino County Development Code, this action may be appealed to the Board of Supervisors.

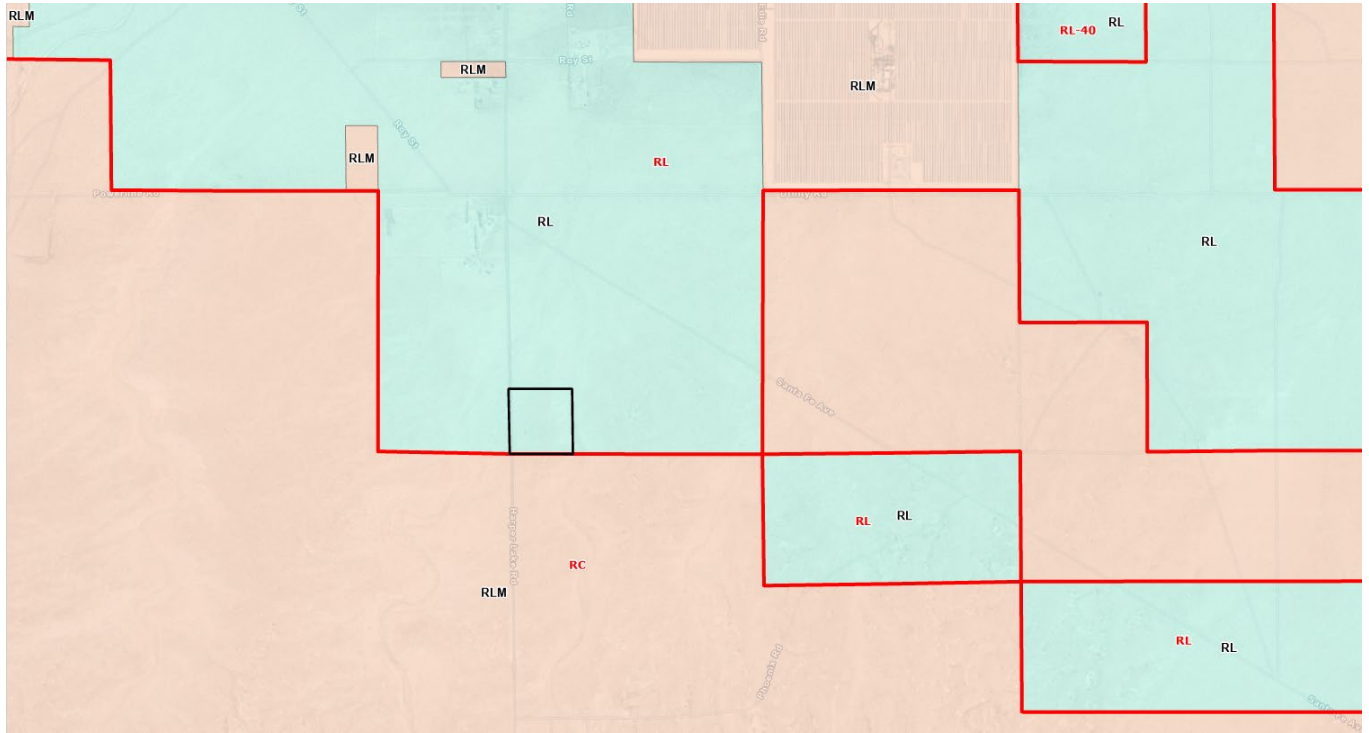
**EXHIBIT 1 – VICINITY MAP**



**EXHIBIT 2 – PROJECT SITE**



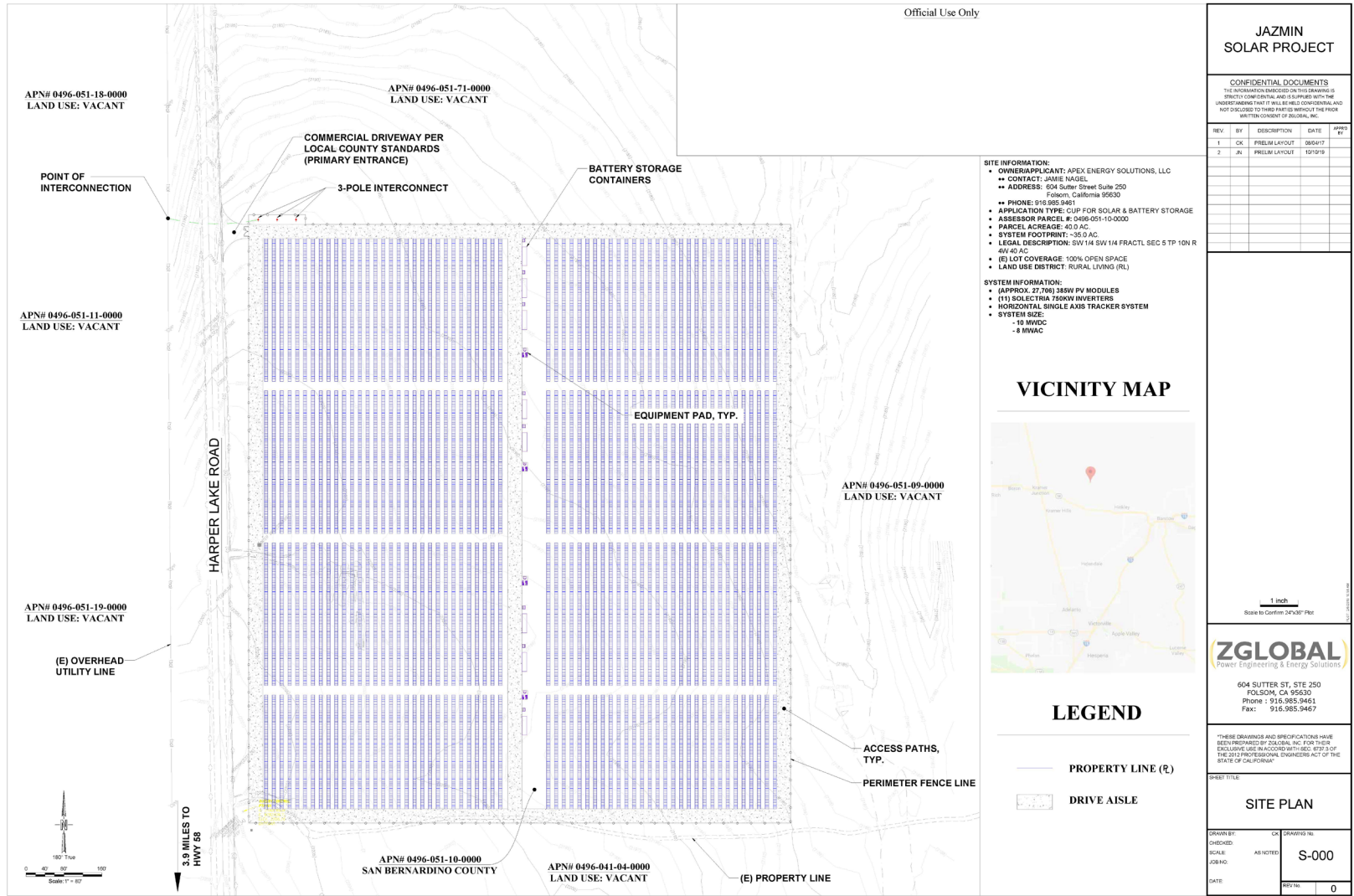
### EXHIBIT 3 – LAND USE CATEGORY/ZONING DESIGNATIONS



**RL – POLICY PLAN LAND USE CATEGORY**

**RL – ZONING DESIGNATION**

# EXHIBIT 4 – CUP SITE PLAN



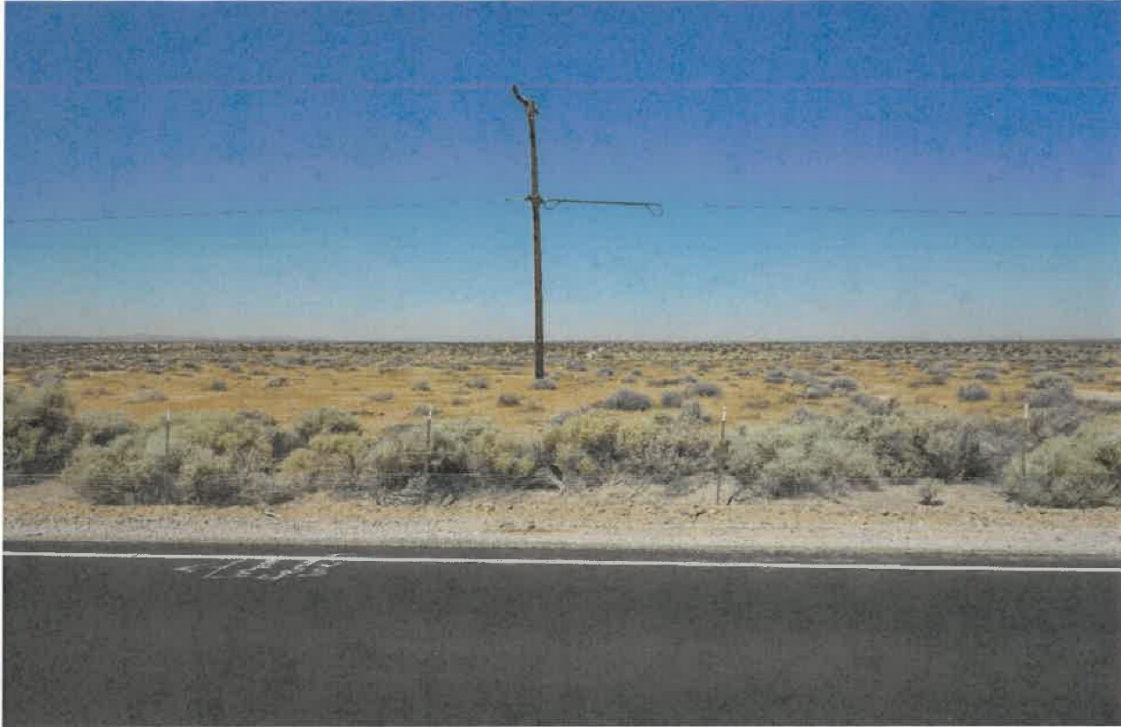
**EXHIBIT 5 – SITE PHOTOGRAPHS**



View to the south along Harper Lake Rd from the southwest corner of the site.



View to the north along Harper Lake Rd. from the southwest corner of the site.



View to the west of the site from the southwest corner of the site. Power line running north/south on west side of the road.



View to the east of the site from the southwest corner of the site along Harper Lake Rd.

**PROJECT DESCRIPTION AND BACKGROUND:**

The applicant, Apex Energy Solutions, LLC, requests approval of a Conditional Use Permit (CUP) to construct and operate an 8-Megawatt community solar photovoltaic (PV) power generating facility with battery storage capabilities on approximately 40 acres northwest of the community of Hinkley (Project). The Project involves the installation of solar photovoltaic modules mounted on either stationary fixed-tilt ground-mounted racking or single-axis trackers. Also included are PV panel support structures, battery storage system enclosures, combiner boxes, electrical inverters, transformers and data monitoring equipment. Electrical conduit, transmission and collection lines will be installed both overhead and underground. Access to the Project site will be provided via a paved, all-weather road while the interior perimeter road will be all-weather, but unpaved. Security fencing will be installed along the perimeter of the Project site.

**PROJECT ANALYSIS:**

Site Planning: The applicant proposes to construct photovoltaic solar arrays, battery storage areas, maintenance and support facilities, parking, access roads and entry points, internal roads and perimeter fencing over the 40-acre Project site. The site design of the Project accommodates emergency access and circulation to ensure that fire protection can be efficiently provided.

Policy Plan Consistency: The Project, although within the Rural Living (RL) zoning designation, is consistent with the Policy Plan and Renewable Energy Conservation Element (RECE) because the proposed Project is considered community-oriented. One of the goals within the RECE is to keep large-scale (10 MW or greater) utility-oriented projects separate from or sufficiently buffered from existing communities, to avoid adverse impacts on community development and quality of life. The proposed Project is less than 60 acres and will produce less than 10 Megawatts of power, as defined in the RECE, Table 1. The proposed findings discuss in detail the Project’s consistency with the Policy Plan, including the policy and goals within the RECE.

Code Compliance Summary: As identified in Table 1 below, the proposed Project complies with all applicable development standards and regulations. Building permit review processes will confirm compliance.

**Table 1: PROJECT CODE COMPLIANCE**

<b>Project Component</b>	<b>Development Code Standard</b>		<b>Project Plans</b>
Jazmin Community Solar	CUP		CUP
Parking	1 space per facility vehicle 1 ADA spaces		2 total spaces which includes 1 ADA space
		<b>RL</b>	<b>RL</b>
Building Setbacks	Front:	25'	30'+
	Side Street:	25'	30'+
	Side Interior:	20'	30'+
	Rear:	20'	30'+
Building Height	35' Maximum		10'
Drive Aisles	26' Perimeter 20' Internal between arrays		Provided Provided



## **California Environmental Quality Act Compliance**

On January 10, 2021, the County submitted a Notice of Availability (NOA)/ Notice of Intent (NOI) to adopt an Initial Study/Mitigated Negative Declaration (Exhibit A) to the State Clearinghouse and initiated public review and soliciting comments from the public and affected agencies. The review period ended on February 12, 2021. The only comment received was from the California Department of Fish & Wildlife (CDFW) dated February 8, 2021. The biologist responded to the CDFW comments and conditions of approval were added and adjusted to fully address those comments and concerns expressed by CDFW (Exhibit B). Staff have determined that the addition of new conditions of approval to address CDFW's concerns do not trigger the requirement of recirculation of the Mitigated Negative Declaration because the new conditions are added for biological impacts already identified in the Mitigated Negative Declaration and will not create new significant impacts. Additionally, staff has determined that the adjusted conditions are equivalent or more effective in mitigating the impacts identified in the Mitigated Negative Declaration.

The following are summaries of topics/issues of concern that were addressed in the Mitigated Negative Declaration for the Project:

**Aesthetics:** While the Project will be visible to the surrounding community, the Project would not result in significant impacts to scenic vistas or scenic resources, nor substantially degrade the existing visual character or quality of the Project site and its surroundings due to the existing industrial, transportation and energy infrastructure.

**Air Quality:** The analysis of impacts to air quality focused on two distinct aspects of the life of the Project, i.e. temporary short-term construction and long-term operation. The Project will not exceed Mojave Desert Air Quality Management District (MDAQMD) thresholds during the construction or operational phases of the Project. With implementation of mitigation measures proposed, impacts will be less than significant.

**Biological Resources.** The biological assessments prepared describe the potential impacts to the existing resources including desert tortoise, burrowing owl, desert kit fox, nesting birds or the habitats associated with these species. Mitigation measures and conditions of approval are proposed that reduce impacts to a less than significant level.

**Cultural Resources.** A Cultural Resources Analyses was prepared identifying the cultural, tribal cultural and paleontological resources that may exist on the Project site, the Project's impacts on those resources and the actions necessary to protect said resources. Pursuant to AB 52, County staff and the applicant have been in formal consultation with both the San Manuel Band of Mission Indians and the Morongo Band of Mission Indians so as to effectively protect the tribal resources on the Project site. The implementation of proposed mitigation measures will reduce all impacts to a less than significant level.

**Fire Protection.** The proposed battery storage system will be designed, constructed, operated, and maintained in accordance with applicable industry best practices and regulatory requirements, including fire safety standards. Current best practices for fire safety use chemical agent suppressant-based systems to detect and suppress fires. The safety system would include a fire detection and suppression control system that would be triggered automatically when the system senses imminent fire danger.

## **Water Quality**

The Project will comply with water quality standards and waste discharge requirements resulting in impacts that are less than significant.

## **Summary**

The environmental documentation prepared for the Project determined that all potentially significant environmental impacts resulting from the construction and operation of the Project can be mitigated to a less-than-significant level. Upon review and consideration of the Mitigated Negative Declaration, the Planning Commission may take action to adopt, revise, or reject the proposed Project. A decision to approve the proposed Project would be accompanied by written findings (Exhibit C).

## **RECOMMENDATION:**

That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration (Exhibit A);
2. **ADOPT** the recommended Findings (Exhibit C);
3. **APPROVE** the Conditional Use Permit for the construction and operation of an 8-Megawatt community solar photovoltaic (PV) power generating facility with battery storage capabilities on approximately 40 acres, subject to the recommended Conditions of Approval (Exhibit D); and
4. **DIRECT** staff to file the Notice of Determination.

## **ATTACHMENTS:**

- EXHIBIT A: Mitigated Negative Declaration
- EXHIBIT B: CDFW Comments and Response to Comments
- EXHIBIT C: Findings
- EXHIBIT D: Conditions of Approval
- EXHIBIT E: Site Plan

# EXHIBIT A

## 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:**

<b>APN:</b> 0496-051-10	<b>USGS Quad:</b> Twelve Gauge Lake, CA
<b>Applicant:</b> Apex Energy Solutions, LLC	<b>T, R, Section:</b> T 10N R 04W SEC 5
<b>Project #</b> PROJ-2019-00041	<b>Community Plan:</b> Hinkley
<b>Staff:</b> Tom Nieves, Contract Planner	<b>LUZD:</b> RL – Rural Living
<b>Rep</b> Jamie Nagel, ZGlobal	<b>Overlays:</b> Burrowing Owl, Desert Tortoise, Mojave Ground Squirrel
<b>Proposal:</b> Conditional Use Permit to construct and operate an 8 Megawatt photovoltaic solar power generating facility on approximately 40 acres	

**PROJECT CONTACT INFORMATION:**

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

**Contact person:** Tom Nieves, Contract Planner  
**Phone No:** (909) 387-5036    **Fax No:** (909) 387-3223  
**E-mail:** [Tom.Nieves@lus.sbcounty.gov](mailto:Tom.Nieves@lus.sbcounty.gov)

**PROJECT DESCRIPTION:**

**Summary**

Conditional Use Permit to construct and operate an 8-Megawatt photovoltaic solar power generating facility with battery storage capabilities on approximately 40 acres in the community of Hinkley. The Project involves the installation of solar photovoltaic modules mounted on either stationary fixed-tilt ground-mounted racking or single-axis trackers. Also included would be PV panel support structures, battery storage system enclosures, combiner boxes, electrical inverters, transformers and data monitoring equipment. Electrical conduit, transmission and collection lines will both overhead and buried. Access to the project site will be on an all-weather road while the interior perimeter road will be all-weather and the interior roads will be unpaved. Security fencing will be installed along the perimeter of the project site.

**Surrounding Land Uses and Setting**

Land uses on the project site and surrounding parcels are governed by the San Bernardino County General Plan/Development Code. The following table lists the existing land uses and zoning districts. The property is zoned Rural Living (RL). The properties to the north, west and east are zoned Rural Living (RL) and consist of vacant land. The property to the south is zoned Resource Conservation and is also vacant.

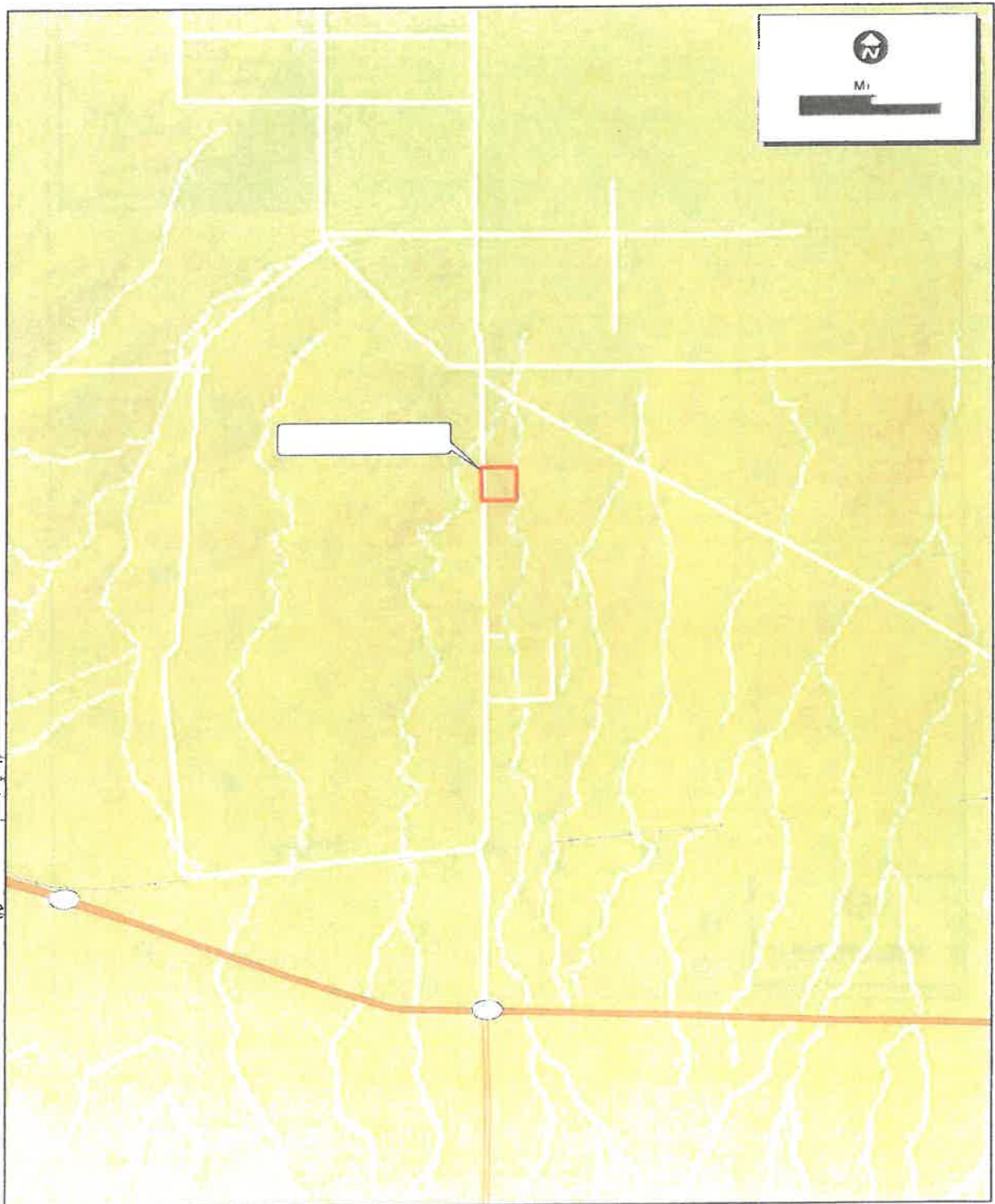
<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Site</b>	Vacant	RL – Rural Living
North	Vacant	RL – Rural Living
South	Vacant	RC – Resource Conservation
East	Vacant	RL – Rural Living
West	Harper Lake Road, vacant	RL – Rural Living

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

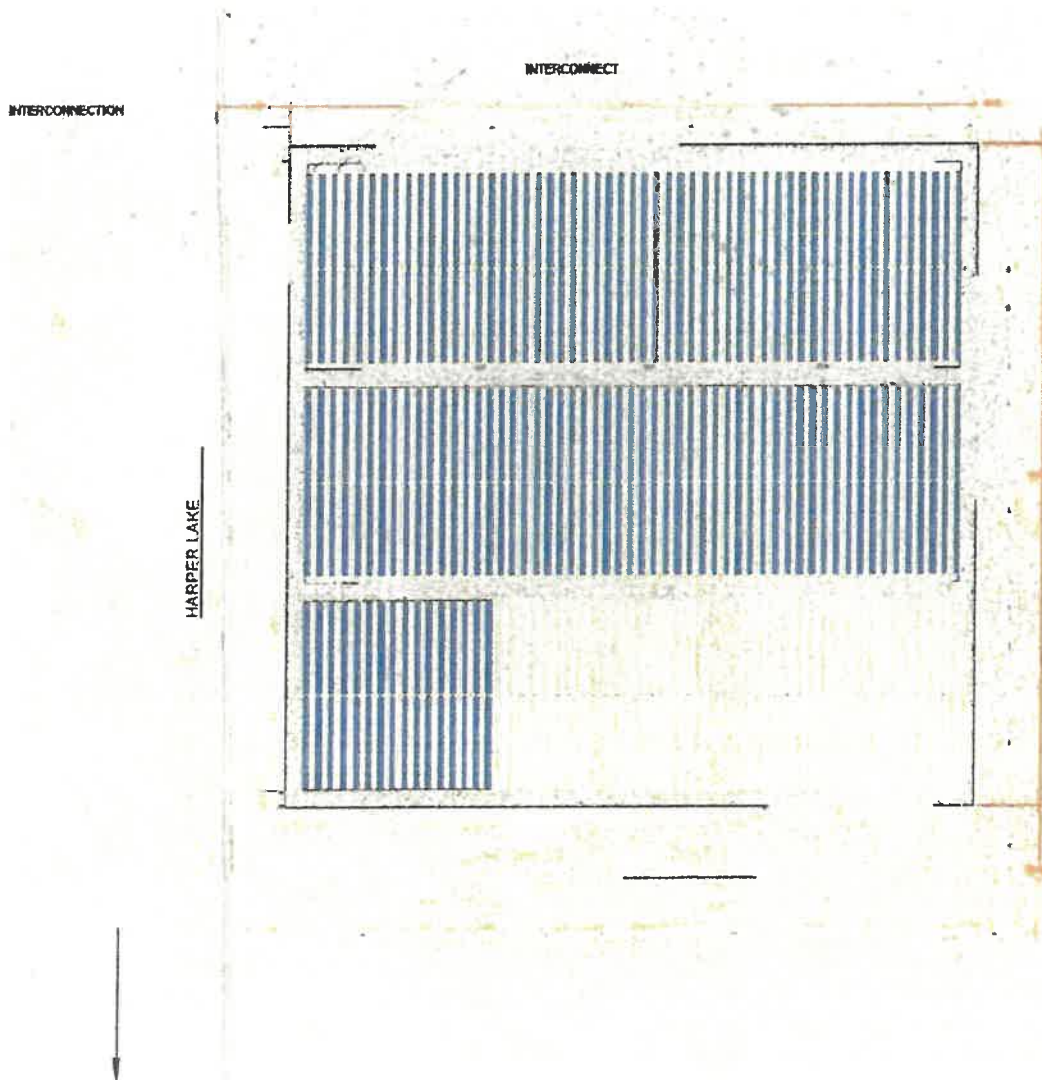
The 40-acre project site is located on the east side of Harper Lake Road, approximately ¾ of a mile south of the intersection of Harper Lake Road and Santa Fe Avenue, approximately 10 miles northwest of the community of Hinkley. The Project Site is vacant.

Figure 1 Vicinity Map





**Figure 3 Conditional Use Permit – Site Plan**

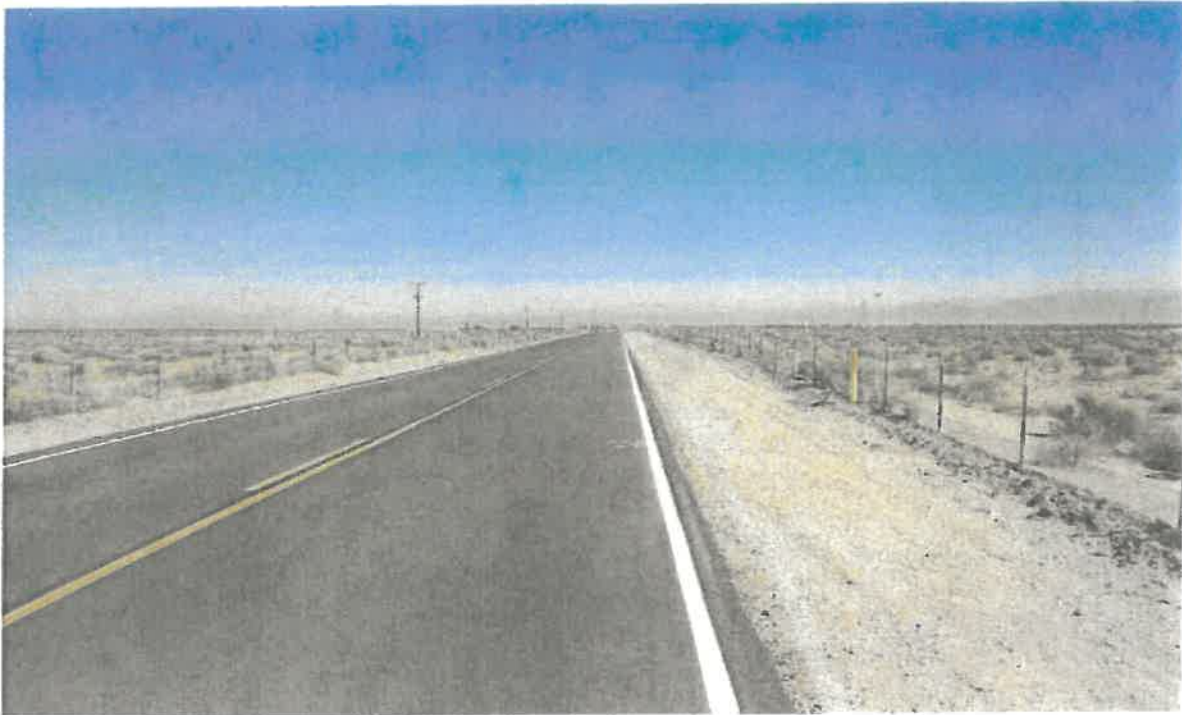




### Figure 4 - Site Photographs



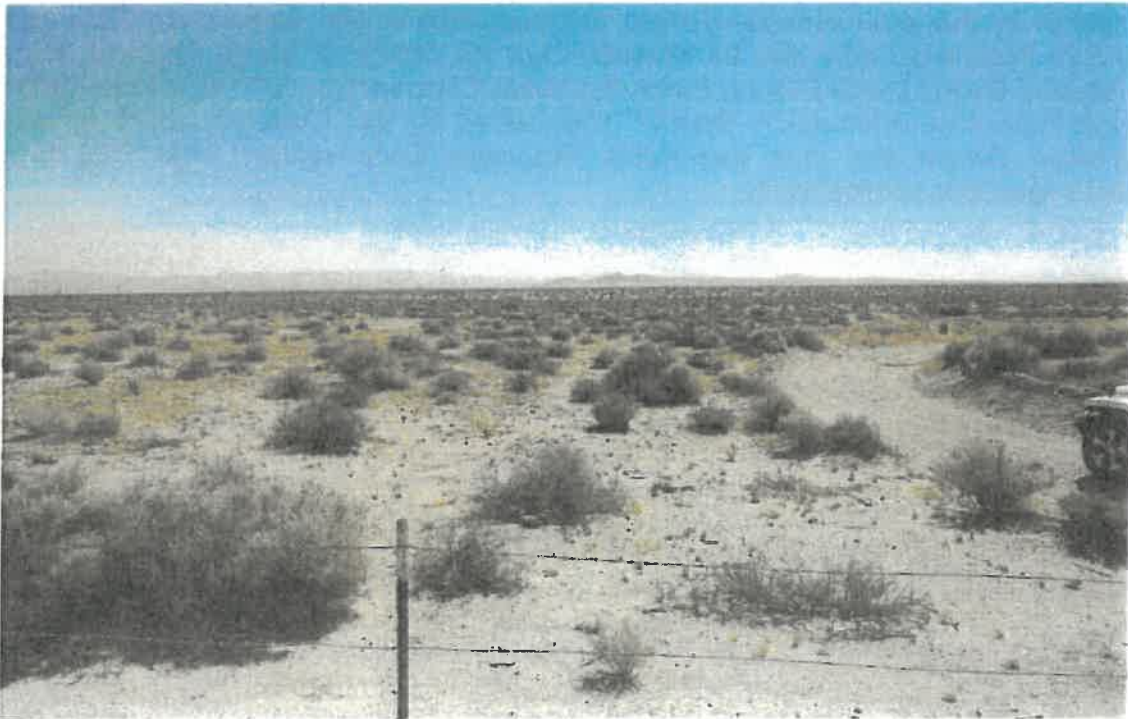
(1) View to the south along Harper Lake Rd from the southwest corner of the site.



(2) View to the north along Harper Lake Rd. from the southwest corner of the site.



(1) View to the west of the site from the southwest corner of the site. Power line running north/south on west side of the road.



(2) View to the east of the site from the southwest corner of the site along Harper Lake Rd.

*Initial Study: Jazmin Solar Energy (PROJ-2019-00041)*  
*Apex Energy Solutions, LLC*  
*APN: 0496-051-10*  
*December 2020*

#### ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement):

Federal: N/A

State of California: CA Fish & Wildlife, Mojave Desert Air Quality Management District (MDAQMD)

County of San Bernardino: Land Use Services – Building and Safety, Traffic, Land Development Engineering – Roads/Drainage; Public Health – Environmental Health Services; Public Works, Surveyor; and County Fire

Local: N/A

#### **CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? The required notification of affected tribes has occurred. The San Manuel Band of Mission Indians (SMBMI) has requested consultation and standard language regarding mitigation of inadvertent discovery of tribal cultural resources including human remains has been provided for future development on the site.

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.

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

Initial Study: Jazmin Solar Energy (PROJ-2019-00041)  
 Apex Energy Solutions, LLC  
 APN: 0496-051-10  
 December 2020


**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of 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.

  
 Signature: (prepared by Tom Nieves, Contract Planner)

1/13/2021  
 Date

  
 Signature: (Chris Warrick, Supervising Planner)

1-13-2021  
 Date

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>I. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:</b>				
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 Plan; Submitted Project Materials, Visual Simulations, Solar Glare Analysis**

- a) **Less than Significant Impact.** There will not be a substantial adverse effect on a scenic vista. The project will have a less than significant impact.
- b) **Less Than Significant Impact.** The site is not adjacent to a state scenic highway. There are no protected trees, rock outcroppings, or historic buildings on the project site; therefore, the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings.
- c) **Less Than Significant Impact.** The proposed project would not substantially degrade the existing visual character of the site and its surroundings. The proposed project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.
- d) **Less than Significant Impact.** A solar glare analysis was prepared to confirm that the project would result in a new source of substantial glare. The proposed development must comply with SBCC Chapter 83.13 Sign Regulations and SBCC§ 83.07.030 “Glare and Outdoor Lighting – Desert Region”, which includes light trespass onto abutting residential properties, shielding, direction, and type. Adherence will result in a less than significant impact.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>II. AGRICULTURE AND FORESTRY RESOURCES</b> - 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **No Impact.** The California Department of Conservation, Farmland Mapping and Monitoring Program, is responsible with mapping Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and Farmland of Local Importance (Farmland)

across the state. As proposed the project would not convert Farmland to non-agricultural use. There will be no impact.

- b) **No Impact.** The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The proposed project area is not under a Williamson Act contract. There is no impact and no further analysis is warranted. No impact is expected.
- c) **No Impact.** The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The proposed project area has never been designated as forest land or timberland because the site is within the desert region and does not contain forested lands. There will be no impact.
- d) **No Impact.** The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. The proposed project site is within the desert region of the county and does not contain forested lands. There is no impact and no further analysis is warranted. There will be no impact.
- e) **No Impact.** The proposed project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. There will be no impact.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district might be relied upon to make the following determinations. Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:** *(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable): California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Mojave Desert Air Quality Management District 2017 (MD AQMD); Air Quality and Greenhouse Gas Assessment, ECORP Consulting Inc.*



- a) **No Impact.** A project is consistent with a regional Air Quality Management Plan (AQMP) if it does not exceed the MDAQMD daily threshold or cause a significant impact on air quality, or if the project is already included in the AQMP projection. Emissions with regional effects during project construction, calculated with the CalEEMod; Version 2016.3.2, would not exceed criteria pollutant thresholds established by the Mojave Desert Air Quality Management District (MDAQMD). Compliance with MDAQMD Rules and Regulations during construction would reduce construction-related air quality impacts from fugitive dust emissions and construction equipment emissions. Construction emissions for the proposed project would not exceed the localized significance thresholds (LSTs).

Pollutant emissions from project operation, also calculated with CalEEMod, would not exceed the MDAQMD criteria pollutant thresholds. LSTs would not be exceeded by long-term emissions from project operations. The proposed project would not result in substantial increases in CO concentrations in the project vicinity that would result in the exceedance of federal or State CO concentration standards.

The proposed use is consistent with the County's General Plan. The County's General Plan is consistent with the Southern California Association of Governments (SCAG) Regional Comprehensive Plan Guidelines and the MDAQMD Air Quality Management Plan (AQMP). Thus, the proposed project would be consistent with the regional AQMP.

- b) **Less than Significant Impact.** MDAQMD has established daily emissions thresholds for construction and operation of a proposed project in the Basin. The emissions thresholds were established based on the attainment status of the Basin with regard to air quality standards for specific criteria pollutants. Because the concentration standards were set at a level that protects public health within an adequate margin of safety (MDAQMD 2017), these emissions thresholds are regarded as conservative and would overstate an individual project's contribution to health risks.

CEQA significance thresholds for construction and operational emissions established for the Basin are shown in **Table 1** below.

Emissions Source	Table 1: Pollutant Emissions Threshold (lbs/day)					
	VOC	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>x</sub>
Construction Activities	75	100	550	150	55	150
Operation Activities	55	55	550	150	55	150
CO: carbon monoxide lbs/day: pounds per day NO <sub>x</sub> : nitrogen oxides PM <sub>10</sub> : particulate matter less than 10 microns in size			PM <sub>2.5</sub> : particulate matter less than 2.5 microns in size MDAQMD: Mojave Desert Air Quality Management District SO <sub>x</sub> : sulfur oxides VOC: volatile organic compounds			

Source: MDAQMD Air Quality Significance Thresholds.

Projects in the Basin with construction- or operation-related emissions that exceed any of their respective emission thresholds would be considered significant under MDAQMD guidelines. These thresholds, which MDAQMD developed and that apply throughout the Basin, apply as both project and cumulative thresholds. If a project exceeds these

standards, it is considered to have a project-specific and cumulative impact.

c) **Less than Significant Impact.**

Sensitive receptors include residences, schools, hospitals, and similar uses that are sensitive to adverse air quality. There are no sensitive receptors within 500 feet of the Project site. **Table 2** and **Table 3** below show that the localized significance thresholds for project construction and operational emissions would not be exceeded.

Emissions Source Construction	Table 2: Construction Localized Impact Analysis (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Year 1 - Summer	60.53	58.27	23.22	13.00
Year 2 – Summer	40.37	54.78	7.39	3.41
Year 1 - Winter	60.59	53.79	23.22	13.00
Year 2 - Winter	40.45	40.45	7.39	3.41
Localized Significance Threshold (LST)	137	548	82	65
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Emissions Source Operation	Table 3: Operational Localized Impact Analysis (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Source	0.00	0.18	0.00	0.00
Energy Use	0.00	0.00	0.00	0.00
Mobile Source	3.53	7.24	1.67	0.46
Total	3.53	7.42	1.67	0.46
Localized Significance Threshold (LST)	137	548	82	65
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

d) **Less than Significant Impact.** Construction: Heavy-duty equipment in the project area during construction would emit odors, primarily from the equipment exhaust. However, the construction activity would cease to occur after construction is completed. No other sources of objectionable odors have been identified for the proposed project, and no mitigation measures are required. Therefore, objectionable odors posing a health risk to potential on-site and existing off-site uses would not occur as a result of the proposed project.

Operation: The proposed project could release localized odors. Such odors in general would be confined mainly to the project site and would readily dissipate. Therefore, objectionable odors affecting a substantial number of people would not occur as a result of the project. The impacts associated with odors would be less than significant and no mitigation measures are required.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands as (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 type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<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 ): **Biological Resources Constraints Analysis, Desert Tortoise Survey, and Rare**

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**Plant Survey, ECORP Consulting, Inc.; San Bernardino County Countywide Plan**

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- a) **Less Than Significant With Mitigation.** There is potential that the project could have substantial adverse effects, either directly or through habitat modifications, on 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. Implementation of Mitigation Measures identified herein will ensure that project impacts are less than significant
- b) **Less Than Significant With Mitigation.** There is potential that the project could have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. Implementation of Mitigation Measures identified herein will ensure that project impacts are less than significant.
- c) **No Impact.** This project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because the project is not within an identified protected wetland. No impact will occur.
- d) **Less Than Significant With Mitigation.** There is potential that the project could interfere substantially with the movement of 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. Implementation of Mitigation Measures identified herein will ensure that project impacts are less than significant
- e) **No Impact.** The existing vegetation does not include trees or plant species that are considered rare. This project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There will be no impact.
- f) **No Impact.** This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the project site. There will be no impact.

**Mitigation measures required:**

**BIO-1 – Preconstruction Survey for Desert Kit Fox and American Badger:** A preconstruction survey for desert kit fox and American badger is recommended. If possible, this survey can be conducted in conjunction with the preconstruction burrowing owl survey described below. The preconstruction survey for desert kit fox and American badger should be conducted between 30 and 14 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the species. Since there are no specific guidelines for desert kit fox or American badger, CDFW usually recommends that the survey follow the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011). If either of these species and/or suitable dens for these species are identified on the project site during the clearance survey, and impacts to those features are unavoidable, the project should consult with CDFW, before proceeding to follow the USFWS guidelines for avoidance, exclusion, and/or passive relocation.

**BIO-2 – Preconstruction Surveys for Burrowing Owl:** Preconstruction surveys for burrowing owl are recommended. The surveys should follow the methods described in the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys should be conducted, with the first survey being scheduled between 30 and 14 days before initial ground disturbance (grading, grubbing, and/or construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls or occupied burrowing owl burrows are identified on the project site during the survey, the project should consult with CDFW and follow the methods listed in the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation. If burrowing owls are found to be present on site, then CDFW may require the preparation of a burrowing owl management plan, which typically includes project-specific details on burrowing owl exclusion methods, burrow site monitoring, burrow excavation, and/or creation of artificial burrows.

**BIO-3 – Preconstruction Nesting Bird Survey:** If construction or other project activities are scheduled to occur during the bird breeding season (February 15 through August 31), a preconstruction nesting bird survey should be conducted by a qualified biologist. The survey will focus on detecting nesting birds protected by the MBTA, including but not limited to the loggerhead shrike, northern harrier, and LeConte’s thrasher, on or immediately adjacent to the site. The survey should be completed no more than 3 days prior to initial ground disturbance. The nesting bird survey should include the project site and adjacent areas where project activities have the potential to cause nest failure. If an active nest is identified, a qualified biologist should establish an appropriately-sized no-work buffer around the nest using flagging or staking. Construction activities will need to be avoided within no-work buffer zones until the nest is deemed no longer active by the biologist. If project activities are scheduled during the nesting bird season, then this survey can be conducted concurrently with the 24-hour preconstruction survey for burrowing owl.

**BIO-4 – Ongoing General Avoidance and Minimization Measures:** The following general avoidance and minimization measures are required to further reduce impacts to special-status species present on the property or that have potential to occur on the property:

- Confine all work activities to a pre-determined work area;
- To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2 ft deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals;
- Kit foxes are attracted to den-like structures, such as pipes and may enter stored pipes, and become trapped or injured. To prevent kit fox use of these structures, all construction pipes, culverts, or similar structures with a diameter of 4-inches or greater should be capped while stored on site;
- All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site;

- No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens;
- Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox;
- Establishing buffers and no work zones around active bird nests near the project work areas;
- Requiring all project personnel to check underneath vehicles and equipment for wildlife prior to operation; and
- Requiring that a biological monitor be present during vegetation removal activities and/or during certain activities conducted in the nesting bird season.

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

**SUBSTANTIATION:** (Check if the project is located in the Cultural  or Paleontological  Resources overlays or cite results of cultural resource review): **Cultural Resources Inventory, ECORP Consulting, Inc.; San Bernardino County Countywide Plan; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials**

- a) **Less than Significant Impact with Mitigation.** Data from the records search results indicated that four previously recorded cultural resources have been recorded within the Project area and 40 resources have been recorded within one mile of the Project. Compliance with mitigation measure **CUL-3** described below, and monitoring recommendations would reduce impacts to historical resources to less than significant.

- b) **Less than Significant Impact with Mitigation.** Compliance with mitigation measure **CUL-1** described below, and monitoring recommendations would reduce impacts to archaeological resources to less than significant.
- c) **Less than Significant Impact with Mitigation.** Compliance with mitigation measure **CUL-2** described below, and monitoring recommendations would reduce impacts to the inadvertent discovery of human remains to less than significant.

**Mitigation Measures:**

**CUL 1:** In the event that archaeological materials are encountered during construction, all construction work should be halted and a qualified archaeologist consulted to determine the appropriate treatment of the discovery (California Code of Regulations, Title 14, Chapter 3, Section 15064.5(f)). Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within **TCR-1 and TCR-2**, regarding any pre-contact/contact-era/historic finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

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

**Monitoring:** Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undocumented archaeological resources.

**CUL 2:** In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains.

**Monitoring:** Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains.

**CUL-3.** In order to determine whether or not the proposed Project will impact historical resources, the two resources listed above (P36-023244 and JS-003) will need to be evaluated using CRHR eligibility criteria. Evaluation for these sites will likely require archival research, and an inventory of artifact types present. If either site is evaluated as eligible, it will be a

Historical Resource, as defined by CEQA. If a Historical Resource cannot be avoided by solar farm construction, mitigation measures, likely consisting of data recovery, would be required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VI. ENERGY – Would the project:</b>				
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 County Countywide Plan; Renewable Energy and Conservation Element of the General Plan 2017; California Energy Commission Title 24***

- a) **Less than Significant Impact.** 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. The proposed project will be conditioned to comply with GHG operational standards during temporary construction. Adherence would ensure that there would not be a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- b) **No Impact.** The County of San Bernardino adopted a Renewable Energy and Conservation Element (RECE) as part of the County's General Plan August 8, 2017. The proposed project will directly assist in the implementation and the achieving of the goals and policies of the Renewable Energy and Conservation Element. Additionally, the proposed project would be required to meet Title 24 Energy Efficiency requirements. Adherence would ensure that the project would not conflict with or obstruct the recently adopted RECE or any other state or local plan for renewable energy or energy efficiency.



Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VII. GEOLOGY AND SOILS - Would the project:</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located in the Geologic Hazards Overlay District): **San Bernardino County Countywide Plan; Submitted Project Materials; California Building Code; Public Resources Code;**

- a) i) **Less than Significant Impact.** The project site is not located within an official earthquake fault zone or within a quarter of a mile of a mapped fault however, all of

Southern California is subject to major earthquake activity. In terms of proximity to an active fault the impact can be considered less than significant.

ii) **Less than Significant Impact.** The subject property is within an area that is subject to severe ground shaking as is most of Southern California. Adherence to California Building Code Seismic Design Standards, Chapter 16: *Structural Design* help to assure a less than significant impact.

iii) **Less than Significant Impact.** The project site is not located in an area of high liquefaction susceptibility however, adherence to California Building Code Seismic Design Standards, Chapter 16: *Structural Design* would further assure a less than significant impact due to liquefaction.

iv) **Less than Significant Impact.** The project site is not in an area of the desert that could have the potential to slide during a ground disturbing event such as an earthquake. There would be less than significant impact.

- b) **Less than Significant Impact.** The near surface sandy soils may be subject to water erosion. Positive drainage should be provided around the perimeter of all structures and directed to all approved drainage devices to minimize water infiltrating into the underlying natural and engineered fill soils. Erosion control plans and grading plans will be required to be submitted, approved, and implemented for the proposed development. A less than significant impact is expected.
- c) **Less than Significant Impact.** The project is not identified as being located on a geologic unit or soil that has been identified as being unstable or having the potential to result in on- or off- site landslide, lateral spreading, subsidence, liquefaction, or collapse. Impacts would thus be less than significant.
- d) **Less than Significant Impact.** The project site is not located in an area that has been identified by the County Building and Safety Geologist as having the potential for expansive soils. The impact would be less than significant.
- e) **No Impact.** During short-term construction, wastewater will be disposed via portable toilets. The project will not generate wastewater during long-term operation, therefore the capability of project soils to support the use of septic tanks is not applicable.

**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>
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: Mojave Desert Air Quality Management District 2017 (MDAQMD); San Bernardino County Countywide Plan; Air Quality and Greenhouse Gas Assessment, ECORP Consulting Inc***

- a) **Less than Significant Impact.** Construction and operation of the proposed project would generate Greenhouse Gas (GHG) emissions, with the majority of energy consumption (and associated generation of GHG emissions) occurring during the project’s construction. Typically, more than 80 percent of the total energy consumption takes place during the use of buildings and less than 20 percent of energy is consumed during construction. The following activities associated with the proposed project could directly or indirectly contribute to the generation of GHG emissions.

**Construction Activities:** During construction of the project, GHGs would be emitted through the operation of construction equipment and from worker and vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs (e.g., CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O). Furthermore, CH<sub>4</sub> is emitted during the fueling of heavy equipment. Emissions resulting from construction-generated activities would not exceed MDAQMD significance thresholds and impacts would be less than significant.

Motor Vehicle Use: Transportation associated with the proposed project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips.

GHG emissions related to temporary construction activities are detailed in Table 1 below.

Table 1: Construction-Related Greenhouse Gas Emissions

Emission Source	CO <sub>2</sub>
Annual (Maximum Tons per Year)	
Year 1	928
Year 2	407
MDAQMD Annual Threshold	100,000
<b>Exceeds Annual Threshold?</b>	<b>No</b>

Source: Air Quality and Greenhouse Gas Assessment, ECORP Consulting, Inc.

**Operational Activities:** As shown in Table 2, the project will result in GHG emissions of 432 MT CO<sub>2</sub>e/yr, which is lower than the County DRP review standard of 3,000 MT CO<sub>2</sub>e/yr. Emissions resulting from operation-generated activities would not exceed MDAQMD significance thresholds and impacts would be less than significant. Long-term operational greenhouse Gas Emissions are represented in Table 2 below.

Table 2: Operational-Related Greenhouse Gas Emissions

Emissions Source	CO <sub>2</sub>
Annual (Maximum Tons per Year)	
Area Source (landscaping, hearth)	0
Energy	56
Mobile	5374
Waste	0
Water	3
Total	432
MDAQMD Annual Threshold	100,000
<b>Exceeds Annual Threshold?</b>	<b>No</b>

Source: Air Quality and Greenhouse Gas Assessment, ECRP Consulting, Inc.

- b) **Less Than Significant Impact.** The San Bernardino County Regional Greenhouse Gas Reduction Plan (GHG Plan) was published in March of 2014. The GHG Plan establishes a GHG emissions reduction target for the year 2020 that is 15 percent below year 2007 emission levels. The GHG Plan is consistent with AB 32 and sets the County on a path to achieve a more substantial long-term reduction in the post-2020 period. Achieving this level of emissions would ensure that the contribution to greenhouse gas emissions from activities covered by the GHG Plan would not be cumulatively considerable.

All new development is required to quantify a 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 CO<sub>2</sub>e per year is used to identify and mitigate project emissions.

As shown above in Table 2, the proposed project will generate less than 3,000 metric tons of CO<sub>2</sub>e per year. Therefore, the Project complies with the emissions reduction target in the County's GHG Plan. Project impact would be less than 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>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard 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 type="checkbox"/>	<input checked="" type="checkbox"/>

***SUBSTANTIATION: Phase I ESA Report, GS Lyon Consultants, Inc.; San Bernardino County Countywide Plan***

- a) **Less than Significant Impact.** The project would have a less than significant impact to the public or the environment through the routine transport, use, or disposal of hazardous materials. All such uses proposed on-site in the will be subject to permit and inspection by the Hazardous Materials Division of the County Fire Department and in some instances additional land use review.
- b) **Less than Significant Impact.** The project would have a less than significant impact to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The use and storage of all hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department.

- c) **No Impact.** Emissions and handling of hazardous or acutely hazardous materials, or substances, would have a less than significant impact on any existing or proposed schools that are within a quarter mile from the project site as there are no existing or proposed schools within a quarter mile of the project site
- d) **No Impact.** The project site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5 and therefore, will not create a significant hazard to the public or environment.
- e) **No Impact.** The project site is not located within 2 miles of an FAA approved landing facility. The property would not be subject to some of the annoyances or inconveniences associated with proximity to airport operations, such as noise, vibration, or odors.
- f) **No Impact.** The project site is not within an adopted emergency response plan or emergency evacuation plan. Therefore there will be no impact.
- g) **No Impact.** The project will not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |    |                                                                                                                      |                          |                          |                                     |                                     |
|----|----------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
|    | or provide substantial additional sources of runoff; or                                                              |                          |                          |                                     |                                     |
|    | 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 type="checkbox"/>            | <input checked="" 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** *Preliminary Water Quality Management Plan,; San Bernardino County Countywide Plan; Hydrology Study, Quad Knopf, Inc.*

- a) **Less than Significant With Mitigation.** With the implementation of proposed mitigation measures, the project will not violate any water quality standards or waste discharge requirements because the on-site waste water treatment systems must be approved by the County Environmental Health Services based on requirements by the Lahontan Region Water Quality Control Board.
- b) **Less than Significant Impact.** The project will utilize minimal amounts of domestic water and thus will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- c) **Less than Significant Impact.** The project will not substantially alter any existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site because the project does not propose any alteration to a drainage pattern, stream or river. The project site will not be mass graded. Individual grading plans, drainage plans and compliance with WQMP measures will be reviewed and approved by the County.
- i. Based on the project-specific Water Quality Management Plan (WQMP), and Hydrology Report, implementation of the proposed drainage improvements for the site would not result in substantial erosion or siltation on- or off-site.
  - ii. Although some impervious surfaces will be added to the site, implementation of the proposed drainage improvements as outlined in the PWQMP and Hydrology Report would reduce impacts due to increased surface runoff and would not result in flooding on or offsite
  - iii. The proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff;
  - iv. The proposed project design would not impede or redirect flood flows.
- d) **No Impact.** The Project will not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.
- e) **No Impact.** The proposed development will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

**Mitigation Measures:**

**HYD-1. Construction Phase** - Prior to issuance of a grading permit, the project proponent shall submit a Stormwater Pollution Prevention Plan (SWPPP) to be reviewed and approved by San Bernardino County. The SWPPP shall be designed to minimize runoff in accordance with the Construction General National Pollutant Discharge Elimination System Permit, and shall specify best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended BMPs for the construction phase may include the following:

1. Stockpiling and disposing of demolition debris, concrete, and soil properly;
2. Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;
3. Protecting existing natural drainage features and stabilizing disturbed areas;
4. Implementing erosion controls;
5. Properly managing construction materials; and
6. Managing waste, aggressively controlling litter, and implementing sediment controls.

**HYD -2. Grading Plan** - Prior to issuance of a grading permit, the project proponent shall prepare a final grading plan to minimize the potential for changes, in on-site drainage patterns that result in increased erosion, sedimentation, or changes in drainage patterns off-site. The final grading plan shall include applicable drainage infrastructure, including facilities to manage stormwater on-site. Stormwater management facilities, shall be sized appropriately so as to ensure that County standards for hydromodification and drainage are met. The grading plan shall be prepared in accordance with the San Bernardino Grading Code and approved by the County.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING - Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any applicable 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 County Countywide Plan; Submitted Project Materials**

- a) **No Impact.** The project will not physically divide an established community, because the project site is located in a very sparsely developed area.
- b) **Less Than Significant Impact.** There will be no significant environmental impact resulting from a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect because the project is consistent with all applicable land use policies and regulations of the County Development Code, and General Plan.

**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>
<b>XII. MINERAL RESOURCES - Would the project:</b>				
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 County Countywide Plan; Submitted Project Materials; California Department of Conservation: Mineral Land Classification Maps**

- a) **Less than Significant Impact.** The project will not result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state.
- b) **Less than Significant Impact.** The proposed project will not 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.

**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>
<b>XIII. NOISE - Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

**SUBSTANTIATION:** (Check if the project is located in the Noise Hazard Overlay District  or is subject to severe noise levels according to the General Plan Noise Element ): **San Bernardino County Countywide Plan; Noise Impact Assessment, ECORP Consulting, Inc.**

- a) **Less than Significant Impact.** The proposed solar power generating facility will not result in the 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.
- b) **Less than Significant Impact.** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. The project is required to comply with the vibration standards of the County Development Code. No vibration exceeding these standards is anticipated to be generated by the proposed uses.
- c) **No Impact.** The proposed project is not in the vicinity of a private airstrip or an airport land use plan, or within two miles of a public airport or public use airport. There will be no impact.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XIV. POPULATION AND HOUSING - Would the project:**

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

***SUBSTANTIATION: San Bernardino County Countywide Plan; Submitted Project Materials.***

- a) **No Impact.** The project will not induce substantial population growth in an area either directly or indirectly. The project is not proposing new homes or businesses and is not extending roads or other infrastructure.
- b) **No Impact.** The proposed use will not displace any housing units, necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of this proposal.

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

***SUBSTANTIATION: San Bernardino County Countywide Plan; Submitted Project Materials***

- a) **Less than Significant Impact.** The proposed project will not result 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, including fire and police protection, schools, parks, or other public facilities.

**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>
<b>XVI. RECREATION</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: San Bernardino County Countywide Plan; Submitted Project Materials***

- a) **Less than Significant Impact.** The proposed project will not result in residents or customers and thus will not significantly increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b) **Less than Significant Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, because the type of project proposed will not result in an increased demand for recreational facilities.

**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>
<b>XVII. TRANSPORTATION – Would the project:</b>				
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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION: Traffic Analysis, Kunzman Associates; San Bernardino County Countywide Plan;**

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- a) **No Impact.** The project will not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.
- b) **Less than Significant Impact.** According to the Traffic Study prepared for the project, the existing plus project conditions at all of the study intersections are anticipated to operate at acceptable level of service (LOS) utilizing the existing and proposed intersection geometrics.
- c) **Less Than Significant With Mitigation.** The project will not substantially increase hazards due to a design feature or incompatible uses because the project site is adjacent to an established road that is accessed at points with good site distance. There are no incompatible uses proposed by the project that will impact surrounding land uses. Although no significant traffic impacts were identified, the Traffic Analysis prepared for the project recommended that a truck haul plan be prepared so as to minimize the impact of construction traffic. That requirement is identified in mitigation measure CIR-1.
- d) **Less than Significant Impact.** The proposed project will have complete access from fully-improved Harper Lake Road. The project will not result in inadequate access for emergency purposes.

**Mitigation Measure:**

**CIR-1** – A truck haul plan shall be developed by the project developer and reviewed by the appropriate agencies to further minimize the impact of construction traffic. The truck haul plan should consider the following recommendations:

- Limit any potential lane closures on Harper Lake Road to off-peak travel periods.
- Schedule receipt of construction materials during non-peak travel periods, to the extent possible.
- Coordinate deliveries to minimize loading and unloading time.
- Adequately trained flaggers should be used at the project driveway to control heavy vehicle access to/from Harper Lake Road, as necessary.
- Require the construction workers to park at a predetermined off-street parking area.
- The project access driveways should be constructed in conformance with County of San Bernardino standards, including provisions for sight distance.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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**XVIII. TRIBAL CULTURAL RESOURCES**

- a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- |                                                                                                                                                                                                                                                                                                                                                                                                                          |                          |                                     |                          |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or                                                                                                                                                                                                                           | <input type="checkbox"/> | <input 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:** *Cultural Resources Inventory, ECORP Consulting, Inc.; San Bernardino County Countywide Plan; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton*

Assembly Bill (AB) 52 took effect on July 1, 2015. AB 52 requires a lead agency to make best efforts to avoid, preserve, and protect tribal cultural resources.

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. Public Resources Code section 21082.3(c) also contains provisions specific to confidentiality.

Prior to the release of the CEQA document for a project, AB 52 requires the lead agency to initiate consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested the lead agency, in writing, to be informed by the lead agency through formal notification of proposed project in the geographic area that is traditionally and through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

Tribal consultation request letters were sent to the San Manuel Band of Mission Indians, Morongo Band of Mission Indians, Colorado River Indian Tribes, Serrano Nation of Mission Indians, and the Soboba Band of Luiseno Indians. The San Manuel tribe requested consultation. Consultation with the San Manuel Tribe is on-going. Language has been included as mitigation for the inadvertent discovery of tribal cultural resources.

- a) **Less than Significant Impact with Mitigation.** The results of the search of the Sacred Lands File by the NAHC did not indicate the presence of any Native American cultural resources within one mile of the Project area. Adherence to mitigation measures TCR-1 and TCR-2 will reduce any impacts to tribal cultural resources to a less than significant level.
- b) **Less than Significant Impact with Mitigation.** The project proponent shall consider the significance of any possible resource to a California Native American tribe. With required mitigation and/or monitoring requested by tribes with ancestral interest in the project area, the impact will be reduced to a less than significant level.

Tribal comments received include protocol, and procedures in the event human remains or other cultural resources are discovered once the properties are sold and subsequently developed. These comments will be incorporated into the projects final conditions of approval.

**Mitigation Measures**

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

**TCR-2:** Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- foreseeable future development during normal, dry and multiple dry years?
- c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?
  - d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
  - e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

***SUBSTANTIATION: County of San Bernardino Countywide Plan; Submitted Project Materials***

- a) **Less Than Significant Impact.** The proposed project does not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Lahontan Region, as determined by County Public Health – Environmental Health Services.
- b) **Less Than Significant Impact.** The proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources.  
**No Impact** During construction, the project will be served by portable toilets and will not generate wastewater. The project will not generate wastewater during operation.
- d) **Less Than Significant Impact.** The project will not 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.
- e) **Less than Significant Impact.** This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec-Empire Disposal). The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176. A Construction Waste Management Plan will be prepared in two parts to show adequate handling of waste materials; disposal, reuse, or recycling as required by the County Department of Public Works Solid Waste Management Department.

**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>
<b>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: County of San Bernardino Countywide Plan; Submitted Project Materials***

- a) **No Impact.** The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, there will be no impact.
- b) **Less Than Significant Impact.** All construction shall adhere to all applicable standards and requirements. Implementation of the proposed Project will not cause a significant impact due to slope, prevailing winds, and other factors, exacerbate wildfire risks, thereby exposing project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire.
- c) **Less Than Significant Impact.** The proposed Project will not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities). The project is not expected to exacerbate fire risk that may result in temporary or ongoing impacts to the environment.
- d) **Less Than Significant Impact.** The proposed Project will not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

<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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**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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant With Mitigation.** The project will not conflict with local policies or ordinances related to biological resources. The project is not within an adopted Habitat Conservation Plan area. The project will implement required mitigation measures, as identified in Section IV of this document, so as not to have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- b) **Less than Significant Impact.** The project does not have impacts that are individually limited, but cumulatively considerable. The project will construct and install the services, infrastructure and utilities necessary to serve the project.
- c) **Less than Significant Impact.** The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, as there are no such impacts identified by the studies conducted for this project or identified by review of other sources or by other agencies.

All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse

effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further insure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

## **MITIGATION/MONITORING MEASURES:**

### **XXII. MITIGATION MEASURES**

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

### **BIOLOGICAL MITIGATION MEASURES**

**BIO-1** – Preconstruction Survey for Desert Kit Fox and American Badger: A preconstruction survey for desert kit fox and American badger is recommended. If possible, this survey can be conducted in conjunction with the preconstruction burrowing owl survey described below. The preconstruction survey for desert kit fox and American badger should be conducted between 30 and 14 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the species. Since there are no specific guidelines for desert kit fox or American badger, CDFW usually recommends that the survey follow the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011). If either of these species and/or suitable dens for these species are identified on the project site during the clearance survey, and impacts to those features are unavoidable, the project should consult with CDFW, before proceeding to follow the USFWS guidelines for avoidance, exclusion, and/or passive relocation.

**BIO-2** – Preconstruction Surveys for Burrowing Owl: Preconstruction surveys for burrowing owl are recommended. The surveys should follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). Two surveys should be conducted, with the first survey being scheduled between 30 and 14 days before initial ground disturbance (grading, grubbing, and/or construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls or occupied burrowing owl burrows are identified on the project site during the survey, the project should consult with CDFW and follow the methods listed in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation. If burrowing owls are found to be present on site, then CDFW may require the preparation of a burrowing owl management plan, which typically includes project-specific details on burrowing owl exclusion methods, burrow site monitoring, burrow excavation, and/or creation of artificial burrows.

**BIO-3** – Preconstruction Nesting Bird Survey: If construction or other project activities are scheduled to occur during the bird breeding season (February 15 through August 31), a preconstruction nesting bird survey should be conducted by a qualified biologist. The survey will focus on detecting nesting birds protected by the MBTA, including but not limited to the loggerhead shrike, northern harrier, and LeConte's thrasher, on or immediately adjacent to the site. The survey should be completed no more than 3 days prior to initial ground disturbance. The nesting bird survey should include the project site and adjacent areas where project activities have the potential to cause nest failure. If an active nest is identified, a qualified biologist should establish an appropriately-sized no-work buffer around the nest using flagging or staking. Construction activities will need to be avoided within no-work buffer zones until the nest is deemed no longer active by the biologist. If project activities are scheduled during the nesting bird season, then this survey can be conducted concurrently with the 24-hour preconstruction survey for burrowing owl.

**BIO-4 – Ongoing General Avoidance and Minimization Measures:** The following general avoidance and minimization measures are required to further reduce impacts to special-status species present on the property or that have potential to occur on the property:

- Confine all work activities to a pre-determined work area;
- To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2 ft deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals;
- Kit foxes are attracted to den-like structures, such as pipes and may enter stored pipes, and become trapped or injured. To prevent kit fox use of these structures, all construction pipes, culverts, or similar structures with a diameter of 4-inches or greater should be capped while stored on site;
- All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site;
- No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens;
- Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox;
- Establishing buffers and no work zones around active bird nests near the project work areas;
- Requiring all project personnel to check underneath vehicles and equipment for wildlife prior to operation; and
- Requiring that a biological monitor be present during vegetation removal activities and/or during certain activities conducted in the nesting bird season.

#### **CULTURAL MITIGATION MEASURES**

**CUL-1:** In the event that archaeological materials are encountered during construction, all construction work should be halted and a qualified archaeologist consulted to determine the appropriate treatment of the discovery (California Code of Regulations, Title 14, Chapter 3, Section 15064.5(f)). Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within **TCR-1 and TCR-2**, regarding any pre-contact/contact-era/historic finds and be provided information after the

archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

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

**Monitoring:** Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undocumented archaeological resources.

**CUL-2:** In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains.

**Monitoring:** Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains.

**CUL-3.** In order to determine whether or not the proposed Project will impact historical resources, the two resources listed above (P36-023244 and JS-003) will need to be evaluated using CRHR eligibility criteria. Evaluation for these sites will likely require archival research, and an inventory of artifact types present. If either site is evaluated as eligible, it will be a Historical Resource, as defined by CEQA. If a Historical Resource cannot be avoided by solar farm construction, mitigation measures, likely consisting of data recovery, would be required.

## **HYDROLOGY MITIGATION MEASURES**

**HYD-1. Construction Phase -** Prior to issuance of a grading permit, the project proponent shall submit a Stormwater Pollution Prevention Plan (SWPPP) to be reviewed and approved by San Bernardino County. The SWPPP shall be designed to minimize runoff in accordance with the Construction General National Pollutant Discharge Elimination System Permit, and shall specify best management practices to prevent all construction pollutants from contacting stormwater, with the intent of keeping sedimentation or any other pollutants from moving off-site and into receiving waters. The requirements of the SWPPP shall be incorporated into design specifications and construction contracts. Recommended BMPs for the construction phase may include the following:

1. Stockpiling and disposing of demolition debris, concrete, and soil properly;
2. Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;
3. Protecting existing natural drainage features and stabilizing disturbed areas;

4. Implementing erosion controls;
5. Properly managing construction materials; and
6. Managing waste, aggressively controlling litter, and implementing sediment controls.

**HYD -2. Grading Plan** - Prior to issuance of a grading permit, the project proponent shall prepare a final grading plan to minimize the potential for changes, in on-site drainage patterns that result in increased erosion, sedimentation, or changes in drainage patterns off-site. The final grading plan shall include applicable drainage infrastructure, including facilities to manage stormwater on-site. Stormwater management facilities, shall be sized appropriately so as to ensure that County standards for hydromodification and drainage are met. The grading plan shall be prepared in accordance with the San Bernardino Grading Code and approved by the County.

#### **TRANSPORTATION MITIGATION MEASURES**

**CIR-1** – A truck haul plan shall be developed by the project developer and reviewed by the appropriate agencies to further minimize the impact of construction traffic. The truck haul plan should consider the following recommendations:

- Limit any potential lane closures on Harper Lake Road to off-peak travel periods.
- Schedule receipt of construction materials during non-peak travel periods, to the extent possible.
- Coordinate deliveries to minimize loading and unloading time.
- Adequately trained flaggers should be used at the project driveway to control heavy vehicle access to/from Harper Lake Road, as necessary.
- Require the construction workers to park at a predetermined off-street parking area.
- The project access driveways should be constructed in conformance with County of San Bernardino standards, including provisions for sight distance.

#### **TRIBAL CULTURAL MITIGATION MEASURES**

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

**TCR-2:** Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

# **EXHIBIT B**

## **CDFW Comments and Response to Comments**





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

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



February 8, 2021

Tom Nieves  
County of San Bernardino - Land Use Services  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0187  
Tom.Nieves@lus.sbcounty.gov

Jazmin Solar Energy Project (Project)  
Mitigated Negative Declaration (MND)  
SCH# 2021010129

Dear Mr. Nieves:

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

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

#### ROLE OF CDFW

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed

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

*Conserving California's Wildlife Since 1870*

Tom Nieves, County of San Bernardino  
February 8, 2021  
Page 2 of 8

alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION**

Lead Agency: County of San Bernardino

Applicant: Apex Energy Solutions, LLC

Objective: The objective of the Project is to construct and operate an 8-Megawatt photovoltaic solar power generating facility with battery storage capabilities on approximately 40 acres in the community of Hinkley.

Location: The project site is located on the east side of Harper Lake Road, near the intersection of Harper Lake Road and Santa Fe Avenue, approximately 10 miles northwest of the community of Hinkley, San Bernardino County. The property is zoned as Rural Living.

Description: The Project involves installation of solar photovoltaic (PV) modules mounted on either stationary fixed-tilt ground-mounted racking or single-axis trackers. Construction components will include PV panel support structures, battery storage system enclosures, combiner boxes, electrical inverters, transformers and data monitoring equipment. Electrical conduit, transmission and collection lines will be both overhead and buried. Access to the project site will be on an all-weather road while the interior perimeter road will be all-weather and the interior roads will be unpaved. Security fencing will be installed along the perimeter of the project site.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers following comments and recommendations to assist the Lead Agency in adequately identifying and mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### Desert Tortoise

CDFW appreciates inclusion of a mitigation measure to avoid potentially significant impacts to desert tortoise, a CESA-listed species. However, the measure needs to include specificity on who will perform the survey, what type of survey will be performed, and what actions will be taken should desert tortoise presence be confirmed during the survey. Additionally, the measure does not address avoidance, minimization, or mitigation measures should desert tortoise enter the Project site during the life of the Project.

Comment 1

Take (hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill) is prohibited unless authorized by state law (Fish and Game Code, §§ 2080 & 2085). Project activities have the potential to take desert tortoise. The measure as written does not ensure a qualified biologist, experienced in locating desert tortoise individuals in all life stages and their sign, will complete the survey following CDFW approved protocols. Additionally, should desert tortoise presence be confirmed, the measure needs to include avoidance, minimization and mitigation to avoid take.

If the Project, including the Project construction or any Project-related activity during the life of the Project, may result in take of CESA-listed species, CDFW recommends that the Project proponent seeks appropriate authorization prior to Project implementation through an incidental take permit (ITP). CDFW recommends inclusion of protocol level survey and the following measure in the environmental document:

A qualified biologist shall conduct a protocol level presence or absence survey no more than 14 days prior to initiating Project activities in accordance with the survey methodology described in *U.S. Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual*. In addition, the survey shall utilize perpendicular survey routes and 100-percent visual coverage of the Project area and 50-foot buffer zone for desert tortoise and their sign. If the survey confirms absence, a qualified biological monitor shall remain on-site during all Project activities to confirm desert tortoise do not enter the Project site. If the survey confirms presence, the Project Proponent shall obtain an ITP for desert tortoise prior to the start of Project activities. If the biological monitor during the life of the Project encounters a desert tortoise, work shall be suspended, and the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.

#### Burrowing Owl

CDFW appreciates inclusion of a mitigation measure to avoid potentially significant impacts to burrowing owls, a Species of Special Concern. The measure needs to include specificity on who will perform the burrowing owl survey, what type of survey will be performed, and what actions will be taken should burrowing owl presence be confirmed during the survey. It is necessary to address avoidance, minimization, or mitigation measures.

Project-related activities have potential to take burrowing owl individuals and their nests and may result in loss of burrowing owl habitat. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code Section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Eviction of burrowing owls is a potentially significant

Comment 2

impact under CEQA. CDFW recommends inclusion of the following measure in the environmental document:

Burrowing owl surveys 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 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 or noise levels above 65 dBA 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).

#### Nesting Birds and Migratory Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Migratory non-game native bird species are protected by international treaty under the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). In addition, sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC) also afford protective measures as follows: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA. CDFW recommends that the MND includes the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The MND should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. For pre-construction surveys, CDFW recommends that the surveys be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

Comment 3

Special Status Plant Species

The Biological Resources Assessment needs to include explanation of methodology and results of the survey of special status plants. CDFW recommends California Natural Diversity Database be used as a starting point in gathering information about the potential presence of species within the general area of the Project site, and surveys should not be restricted or limited to generated lists. It is unclear if a botanical field survey to identify all plants to the taxonomic level necessary to determine rarity and listing status was performed. Botanical field surveys should be conducted during times of year when plants are evident and identifiable (i.e. flowering or fruiting), which may warrant multiple surveys during the season to capture floristic diversity. Habitats, such as desert plant communities that have annual and short-lived perennial plants as major floristic components may require yearly surveys to accurately document baseline conditions for purposes of impact assessment.

Sensitive plant species are listed under the CESA as threatened, or endangered, or proposed or candidates for listing; designated as rare under the Native Plant Protection Act; or plants that otherwise meet the definition of rare, threatened, or endangered species under CEQA. Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare or threatened species for the purposes of CEQA analysis. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Fish and Game Code Sections 1900–1913 includes provisions that prohibit the take of endangered and rare plants from the wild and a salvage requirement for landowners. To ensure that Project impacts to biological resources are fully analyzed, CDFW recommends a thorough floristic-based assessment of special status plants and natural communities. Note that CDFW generally considers biological field assessments for rare plants valid for a period of up to three years. CDFW recommends inclusion of the following mitigation measure.

Pre-construction botanical surveys shall be conducted at the appropriate time of year by a qualified biologist following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, March 2018) or most recent version. Should special status plants or natural communities be present in the Project area, a qualified biologist shall develop species specific avoidance, minimization, and mitigation measures to ensure there is no net reduction in the size or viability of the local population.

CDFW also recommends that the Lead Agency reviews the listing status of Western Joshua Tree (*Yucca brevifolia*) prior to finalizing the MND and implements appropriate measures. If the Project, including the Project construction or any Project-related activity during the life of the Project, may result in take of CESA-listed species, CDFW recommends that the Project proponent seeks appropriate authorization prior to Project implementation through an incidental take permit (ITP). Should any CESA-listed plant

Comment 4

species be present at the Project site, the Project Proponent shall obtain an incidental take permit for those species prior to the start of Project activities.

Mohave Ground Squirrel

The Project is within the range of the threatened Mohave ground squirrel, and the MND confirms there is suitable habitat for the species. Project activities have the potential to take Mohave ground squirrels, a CESA-listed species. Take (hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill) is prohibited unless authorized by state law (Fish and Game Code, §§ 2080 & 2085). Protocol surveys are needed during the appropriate time of year to determine Mohave ground squirrel presence, and the specific avoidance, minimization, and mitigation measures are required. If the Project, including the Project construction or any Project-related activity during the life of the Project, results in take of CESA-listed species, CDFW recommends that the Project proponent seeks appropriate authorization prior to Project implementation through an ITP. CDFW recommends inclusion of the following measure in the environmental document:

A CDFW-approved qualified biologist shall conduct pre-construction surveys following the *Mohave Ground Squirrel Survey Guidelines* (CDFG, 2010) or most recent version. The pre-construction surveys shall cover the Project Area and a 50-foot buffer zone. Should Mohave ground squirrel presence be confirmed during the survey, the Project Proponent shall obtain an ITP for Mohave ground squirrel prior to the start of Project activities. CDFW shall be notified if Mohave ground squirrel presence is confirmed during the pre-construction survey. If a Mohave ground squirrel is observed during Project activities, and the Project Proponent does not have an ITP, all work shall immediately stop, and the observation shall be immediately reported to CDFW.

American Badger and Desert Kit Fox

The MND refers to occurrence of suitable habitat for American badger and desert kit fox in the Project location, and surveys are needed. American badger is a Species of Special Concern. Desert kit fox is a protected species and may not be taken at any time pursuant to Title 14 of the California Code of Regulations Section 460. Project activities have the potential to take American badger and desert kit fox individuals, and development may result in loss of habitat and/or foraging habitat. CDFW recommends inclusion of pre-construction American Badger and Desert Kit Fox survey in the MND and suggests the following measure be included in the environmental document.

No more than 30 days prior to the beginning of ground disturbance and/or Project activities, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present in the Project Area. If potential burrows are located, they shall be monitored by the qualified biologist. If the burrow is determined to be active, the qualified biologist shall verify there are suitable burrows outside of the Project Area prior to undertaking passive relocation actions. If no suitable burrows are located, artificial burrows shall be created at least 14 days prior to passive relocation.

Comment 5

Comment 6

The qualified biologist shall block the entrance of the active burrow with soil, sticks, and debris for 3-5 days to discourage the use of the burrow prior to Project activities. The entrance shall be blocked to an incrementally greater degree over the 3-5-day period. After the qualified biologist has determined there are no active burrows the burrows shall be hand-excavated to prevent re-use. No disturbance of active dens shall take place when juvenile desert kit fox and juvenile American badgers may be present and dependent on parental care. A qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be present.

#### Wildlife in Pipes and Construction Materials

Biological Monitor(s) shall visually check all sections of pipe/construction materials for the presence of wildlife sheltering within them prior to the pipe sections being placed in the trench and attached together, or shall have the ends capped while stored on site so as to prevent wildlife from entering. After attachment of the pipe sections to one another, whether in the trench or not, the exposed end(s) of the pipeline shall be capped at the end of each day during construction to prevent wildlife from entering and being trapped within the pipeline.

#### Escape Ramp in Trench

At the end of each work day, the Biological Monitor(s) shall place an escape ramp at each end of the open trench to allow any animals that may have become entrapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degree.

#### Lake and Streambed Alteration

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources. CDFW's issuance of an LSA Agreement is a "Project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to

Comment 7

Comment 8

Tom Nieves, County of San Bernardino  
February 8, 2021  
Page 8 of 8

the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

#### Environmental Data

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

Comment 9

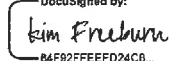
#### Filing Fees

Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

Comment 10

CDFW appreciates the opportunity to comment on the MND to assist the Lead Agency in identifying and mitigating Project impacts on biological resources. Questions regarding this letter should be directed to Dr. Shankar Sharma, Senior Environmental Scientist Specialist at [Shankar.Sharma@wildlife.ca.gov](mailto:Shankar.Sharma@wildlife.ca.gov) or (909) 228-3692.

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C0... for

Scott Wilson  
Environmental Program Manager

ec: State Clearinghouse ([state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov))



## Response to Comments

### Comment 1

Surveys for desert tortoise have been incorporated within the environmental documentation for the project. The biologist conducting any surveys would be considered to be qualified to identify and survey for the tortoise. In response to this comment, the mitigation measure for desert tortoise is modified as follows:

**Desert Tortoise.** A qualified biologist shall conduct a protocol level presence or absence survey no more than 14 days prior to initiating Project activities in accordance with the survey methodology described in *U.S. Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual*. In addition, the survey shall utilize perpendicular survey routes and 100-percent visual coverage of the Project area and 50-foot buffer zone for desert tortoise and their sign. If the survey confirms absence, a qualified biological monitor shall remain on-site during all Project activities to confirm desert tortoise do not enter the Project site. If the survey confirms presence, the Project Proponent shall obtain an ITP for desert tortoise prior to the start of Project activities. If the biological monitor during the life of the Project encounters a desert tortoise, work shall be suspended, and the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.

### Comment 2

Surveys for burrowing owl have been incorporated within the environmental documentation for the project. In response to this comment, the mitigation measure for burrowing owl is modified as follows:

**Burrowing Owl.** Burrowing owl surveys 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 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 or noise levels above 65 dBA 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).

### **Comment 3**

Surveys for nesting birds have been incorporated within the environmental documentation for the project. In response to this comment, the mitigation measure for nesting birds is modified as follows:

**Preconstruction Nesting Bird Survey:** If construction or other project activities are scheduled to occur during the bird breeding season (February 15 through August 31), a preconstruction nesting bird survey should be conducted by a qualified biologist. The survey will focus on detecting nesting birds protected by the MBTA and sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC), including but not limited to the loggerhead shrike, northern harrier, and LeConte's thrasher, on or immediately adjacent to the site. The survey should be completed no more than 3 days prior to initial ground disturbance. The nesting bird survey should include the project site and adjacent areas where project activities have the potential to cause nest failure. If an active nest is identified, a qualified biologist should establish an appropriately-sized no-work buffer around the nest using flagging or staking. Construction activities will need to be avoided within no-work buffer zones until the nest is deemed no longer active by the biologist. At the discretion of the monitoring biologist, project-specific avoidance and minimization measures may also include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. If project activities are scheduled during the nesting bird season, then this survey can be conducted concurrently with the 24-hour preconstruction survey for burrowing owl.

### **Comment 4**

Seven special-status plant species were determined to have a high or moderate potential to occur on the project site based on the presence of suitable habitat and documented observations of the species in the vicinity of the project site. Of these seven plant species, three are considered to be of a high level of sensitivity (CNPS List 1B) and, if present, could possibly represent a significant impact. Therefore, a survey for these plant species is recommended to determine if populations of these plant species are present on the project site. No western Joshua trees occur within the project site, and so no coordination with the CDFW regarding impacts to Joshua trees would be necessary. In

response to this comment, the mitigation measure for botanical surveys is modified as follows:

**Botanical Surveys.** Pre-construction botanical surveys shall be conducted at the appropriate time of year by a qualified biologist following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, March 2018) or most recent version. Should special status plants or natural communities be present in the Project area, a qualified biologist shall develop species specific avoidance, minimization, and mitigation measures to ensure there is no net reduction in the size or viability of the local population.

#### **Comment 5**

The project site does contain moderate to high quality habitat for the Mohave Ground Squirrel, and for this reason the following mitigation measure should be added:

**Mohave Ground Squirrel Protection:** In order to avoid impacts to Mohave ground squirrel (MGS), a protocol-level trapping survey for Mohave ground squirrel shall be conducted no more than one year prior to the start of ground-disturbing project activities. The trapping survey will be conducted by a qualified biologist in possession of a Memorandum of Understanding with CDFW to perform trapping surveys for the species. The trapping survey shall be conducted at the appropriate survey timing described in the most current and CDFW-accepted survey guidelines. At the time this document was prepared, the Mohave Ground Squirrel Survey Guidelines (CDFG 2003, revised 2010) is the most current protocol survey document. If Mohave ground squirrels are not detected or observed during the trapping survey, then Project activities may commence without implementation of additional mitigation or avoidance and minimization measure for the species. If Mohave ground squirrels are detected during the trapping survey then additional avoidance and minimization measures such as burrow avoidance, biological monitoring, compensatory mitigation, and pre-construction surveys may need to be implemented and consultation with CDFW regarding application for an ITP under the California ESA Section 2081 may be necessary. If ground-disturbing Project activities do not start within one year of a protocol-level trapping survey, then either another protocol-level trapping survey for Mohave ground squirrel shall be conducted by a qualified biologist prior to the start of construction or consultation with CDFW regarding application for an ITP shall be performed. If an ITP is obtained for the Project, then additional avoidance and minimization measures as well as mitigation measures developed in consultation with CDFW may be incorporated as permit conditions.

#### **Comment 6**

Mitigation measure BIO-1 requires conducting pre-construction surveys for the American Badger and Desert Kit Fox. Evidence for neither of these two species was observed on the project site, and so the possibility of their occurring on the site is considered minimal.

**Comment 7**

These two measures apply to construction monitoring and are standard practice. The biological monitoring proposed in BIO-4 will cover both the possibility of wildlife entrapment in construction materials and the need for ensuring that trenches have escape ramps for wildlife that may fall into the trenches.

**Comment 8**

During the field survey of the project site, a single drainage feature was observed along the eastern boundary. Because this feature traverses the project boundary, and is located partially offsite, direct impacts to the stream have been avoided by the project plans. The project also incorporates a buffer of 25 feet adjacent to this drainage feature to ensure avoidance. Prior to and during construction, the feature would be flagged by a biologist who can identify the exact limits of the stream, using clearly visible flagging and/or construction fencing. The flagging will be removed after the project has been constructed.

**Comment 9**

Comment noted. The observations of any special status species that are observed during surveys for the project site will be documented within the CNDDDB public records.

**Comment 10**

Comment noted. Filing fees will be provided as required.

# EXHIBIT C

## Findings

## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

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### **FINDINGS: CONDITIONAL USE PERMIT:**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts for the Conditional Use Permit (PROJ-2019-00041) to construct and operate a photovoltaic (PV) community solar power generating facility with battery storage on approximately 40 acres (Project):

- 1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.**

All setbacks meet or exceed the requirements of the Development Code for the proposed land use and zoning. The proposed facility will meet all Development Code requirements for the Rural Living (RL) Zoning District.

- 2. The site for the proposed use has adequate legal and physical access which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.**

The Project site is located in an area that is relatively flat with an existing circulation system that utilizes a grid pattern, resulting in conditions that allow easy access to the Project site without radical changes to the existing circulation patterns.

- 3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.**

The proposed Project will not generate excessive noise, traffic, vibration, light, glare, odors or other disturbances to the existing community. The Mitigated Negative Declaration (MND) evaluating the potential impacts of the Project finds that the impacts are less-than-significant or include mitigation measures that reduce potential impacts to a less-than-significant level. The mitigation measures have been incorporated in the Conditions of Approval for purposes of monitoring.

The Project will comply with the noise restrictions established by Development Code Section 83.01.080 during construction and operations. Construction will be temporary and will not involve blasting or produce noise and/or vibration that exceed Development Code requirements. Operation of the Project will generate minimal noise at a level that is within Development Code standards.

Additionally, the use will not interfere with the present or future ability to use solar energy systems. The proposed Project would not shade adjacent parcels and would not limit the future development of solar energy systems or other development on neighboring properties.

## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

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**4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Policy Plan and any applicable specific plan.**

The Project has a Land Use Category of Rural Living (RL) and a Zoning Designation of Rural Living (RL). The Project will not conflict with any applicable adopted land use plan, policy, or regulation or an agency with jurisdiction over the Project. The Project specifically implements the following goals, objectives and policies from the RECE adopted August 8, 2017, (amended February 2019):

RE Goal 2: The County will be home to diverse and innovative renewable energy systems that provide reliable and affordable energy to our unique Valley, Mountain, and Desert regions.

- RE Objective 2.1: By 2030, access to community-oriented renewable energy generation will be available throughout San Bernardino County.
- RE Policy 2.1: Support solar energy generation, solar water heating, wind energy and bioenergy systems that are consistent with the orientation, siting and environmental compatibility policies of the General Plan.

Policy Implementation: Jazmin Solar is designed to provide reliable and affordable energy to the unincorporated desert communities. The small scale 40-acre 8MW facility meets the requirements of RE Goal 2 in that it is of a scale that can be appropriately sited within the community while offering local residents the ability to enjoy the advantages of the renewable energy generated, lending towards the objective to provide such access throughout San Bernardino County by 2030.

**5. There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.**

During construction and operation the Project's required use of local infrastructure will not significantly affect existing service levels. As part of the Conditions of Approval, the Project applicant will be responsible for paying for and/or constructing the minimal necessary infrastructure improvements and thus there will be no significant effect on existing service levels.

**6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.**

Implementation of and compliance with the Conditions of Approval will ensure that the objectives of the Development Code to protect the overall public health, safety and general welfare will be achieved. These conditions are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare

**7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.**

The Project would not impede development of solar energy generation systems on adjacent parcels.

## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

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### **FINDINGS: COMMUNITY SOLAR FACILITY:**

The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 84.29.035, and supporting facts for approval of a Community Solar Facility. In making these findings, the review authority considered the characteristics of the community solar energy facility development site and its physical and environmental setting, as well as the physical layout and design of the proposed development in relation to the nearby communities, neighborhood and rural residential uses and the location of other solar energy generation facilities that have been constructed, approved, or applied for in the vicinity.

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

*Consistent.* The Project is sufficiently separated from existing communities and rural residential areas such that adverse effects are avoided. The Project design includes setbacks from roads as well as fencing to shield the facility from public view.

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

*Consistent.* Several solar-generating facilities exist in the area surrounding the Project site. The Project will be consistent with existing development. Chain-link fencing with one foot of barbed wire is proposed along the perimeter of the Project site or set back a minimum of 15 feet along existing County right-of-way. Chain-link access gates will be provided.

*The Project would use solar panels that have a low profile, thereby minimizing visual impacts. The panels are specially designed with anti-reflective coatings that absorb as much of the sun's energy as possible, to maximize efficiency and to minimize glare.*

- 3. Finding (c)(3): The siting and design of the proposed community solar energy generation facility will be either: (A) unobtrusive and not detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways or (B) located in such proximity to already disturbed lands, such as electrical substations, surface mining operations, landfills, wastewater treatment facilities, etc., that it will not further detract from the natural features, open space and visual qualities of the area as viewed from communities, rural residential uses, and major roadways and highways.**

*Consistent.* The site is located in an area with previous solar generating development, electric transmission lines and transportation uses. The Project area is not in proximity to rural residential uses, or major roadways and highways. The facility will be compatible with the overall character of the area.



## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

---

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

*Consistent.* Within the Project site, a minimum 20-foot-wide perimeter access route would be constructed along the Project site's fence line. All interior access routes would be a minimum of 20 feet in width. All roads within the site would consist of compacted native soil per San Bernardino County Fire Protection District requirements.

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

*Consistent.* No element of the proposed Project is expected to impact the feasibility of financing infrastructure development for the local area. Furthermore, pursuant to Development Code Section 84.29.040, the Project is also required to pay public safety services impact fees to offset any increased need for possible services.

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

*Consistent.* The operation of the Project will be using water only for the periodic cleaning of the solar panels. The Project's demand for water is not expected to exceed the water supplies. The Project will not adversely affect availability of groundwater supplies to a significant degree.

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

*Consistent.* Minimal site grading is proposed for the majority of the site, with finished topographical grades being similar to existing conditions, and less than five percent on average.

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

*Consistent.* The Project is designed to include use of existing transmission and access infrastructure in the area, where available, including transmission lines, utility corridors and roads.

## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

---

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

*Consistent.* A comprehensive biological resources assessment and technical report for the Project site has been prepared. The Project site contains habitat that has potential to support sensitive plant and animal species. Mitigation measures have been incorporated into the project so as to reduce said potential impacts to a less than significant level.

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

*Consistent.* The Project includes measures to minimize the growth of invasive weeds during and following construction.

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

*Consistent.* A cultural resources inventory of the proposed Project site has been conducted. The Project is designed to avoid impacts to significant cultural and historic resources. Pursuant to AB52, the applicant will continue to consult with Morongo and San Manuel tribes to establish and implement a program to address those known cultural resources on the Project site as well as respond to any resources discovered during construction activities. Mitigation measures have been incorporated into the Conditions of Approval so as to protect any resources encountered on the Project site.

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

*Consistent.* The Project is designed to maintain the natural drainage pattern. None of the on-site facilities, including fences and panel posts, should prevent stormwater flow. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared by the applicant and reviewed by the County prior to grading activities.

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

## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

---

**Consistent.** *The applicable FEMA Flood Insurance Rate Map for the Project site is Map Number 06071CIND2E (effective date 8/28/2008). Based on the National Flood Hazard Map, the entire Project site is within Zone D, which indicates flooding hazards for the site have not been determined. The Preliminary Hydrology Study & Flood Analysis describes the site's hydrology and design measures that will be implemented to minimize impacts.*

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

**Consistent.** *Based on the National Flood Hazard Map, the entire Project site is within Zone D, which indicates flooding hazards for the site have not been determined. However, a hydrology report was prepared and mitigation measures that will be implemented by the Developer will minimize impacts.*

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

**Consistent.** *The Project site is not located on or adjacent to undeveloped alluvial fans and will not affect potential channel migration zones and associated erosion impacts.*

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

**Consistent.** *According to data from the California Department of Conservation's Farmland Mapping and Monitoring Program, the Project site does not include lands in the following Important Farmland categories: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The proposed Project will not substantially affect the agricultural viability of surrounding lands.*

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

**Consistent.** *The Project site is not subject to Williamson Act contracts.*

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

**Consistent.** *The Project site is not located in an area of known significant mineral resources. Additionally, solar energy generation is considered an interim land use (with a limited-term contract with a utility) and is expected to be removed after its contractual lifetime.*

## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

---

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

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

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

*Consistent.* The Project will apply dust control measures in compliance with permit conditions and Mojave Desert Air Quality Management District (MDAQMD) guidance. A Dust Control Plan is required to establish the specific measures to be implemented to control dust. Additionally, the Project is conditioned such that, after construction is complete, disturbed areas will be stabilized in accordance with the SWPPP

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

*Consistent.* The Project will apply dust control measures in compliance with permit Conditions of Approval and MDAQMD regulations.

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

*Consistent.* The Project will comply with required measures to mitigate wind-blown dust. Designated areas on the site perimeter require wind fencing specifically designed to mitigate blowing dust from affecting nearby residences. The applicant will install and maintain said fencing so as to reduce impacts of blowing dust.

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

*Consistent.* The applicant will prepare a Dust Control Plan for review and approval by the County and Mojave Desert Air Quality Management District. Included in the plan will be treatments and measures designed to the specific conditions of the Project site so as to provide effective dust control.

## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

---

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

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

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

*Consistent.* The Project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 100 miles to the southeast.

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

*Consistent.* The Project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is located approximately 80 miles to the east of the Project site.

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

*Consistent.* The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is located approximately 80 miles to the northeast.

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

*Consistent.* The Project is located approximately 25 miles south of the Grass Valley Wilderness Area.

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

*Consistent.* The nearest active military base is the Marine Corps Logistic Base in Barstow, located approximately 20 miles southeast of the Project site.

## FINDINGS

Jazmin Solar Power Facility  
PROJ-2019-00041/CUP  
Planning Commission: July 8, 2021

---

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

*Consistent.* The Project site is not located within the sphere of influence of a city. The City of Barstow sphere of influence is located approximately ten miles southeast of the Project site.

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

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

### **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 Conditions of Approval and mitigation measures. It is further determined that the addition and/or alterations of the Project's conditions of approval do not trigger recirculation requirements under CEQA because the newly added conditions relate to impacts previously identified in the Initial Study/Mitigated Negative Declaration (MND), modified conditions are equivalent or more effective in mitigating the impacts identified in the MND, and the new or modified conditions do not itself cause any potential significant effect. The MND will be adopted, and a Notice of Determination (NOD) will be posted in the San Bernardino County Clerk's office. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

# EXHIBIT D

## Conditions of Approval

**CONDITIONS OF APPROVAL**

Jazmin Solar Power Facility (PROJ-2019-00041)  
Conditional Use Permit

**GENERAL REQUIREMENTS**

Ongoing and Operational Conditions

**LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

1. Project Approval Description. This Conditional Use Permit (CUP) is conditionally approved to construct and operate an 8-Megawatt photovoltaic (PV) community solar power generating facility with battery storage on approximately 40 acres, in the community of Hinkley. Project No: PROJ-2019-00041

The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, and the following conditions of approval, the approved site plan and all other required and approved reports and/or displays (e.g. elevations). The developer shall provide a copy of the approved conditions and approved site plan to every current and future developer to facilitate compliance with these conditions of approval and continuous use requirements for the project site.

2. Project Location. The project is located on approximately 40 acres 10 miles northeast of the town of Hinkley.
3. Revisions. Any proposed change to the approved site plan, conditions of approval, approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.



This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The approval is deemed "exercised" and the CUP shall remain effective for a period not to exceed ten (10) years when either:
- The permittee has commenced actual construction or alteration under at least one CUP within three (3) years under a validly issued building permit and construction of all future phases has commenced within ten (10) years of the date of this approval, or
  - 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)
  - 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.

6. 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.
7. 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)
8. Project Account. The Project account number is PROJ-2019-00041. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is

initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

9. Condition Compliance - Construction. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall comply with all of the conditions for each of the respective stages of development. The developer shall obtain written clearance (email is ok) that all of the conditions have been satisfied prior to issuance of any permits.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. State and Federal Endangered Species Act. This approval does not relieve the property owner or project proponent of responsibility to comply with State and Federal Endangered Species Acts. If any listed species are identified during grading, building or land disturbing activity, all on-site activities in the vicinity of the species observation must cease, the California Department of Fish and Wildlife (CDFW) and/or U.S. Fish and Wildlife Service (USFWS) (as applicable) must be contacted for consultation. Construction may recommence upon determination by the County I consultation with USFWS and CDFW that appropriate avoidance, minimization and/or mitigation measures have been implemented.
12. 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. These may include but not limited to:
  - a. FEDERAL: None;
  - b. STATE: California Department of Fish and Wildlife (CDFW), Mojave Desert Air Quality Management District, Lahontan Regional Water Quality Control Board (RWQCB);
  - c. COUNTY: Land Use Services – Building and Safety, Code Enforcement, Land Development; Public Health – Environmental Health Services; Public Works – County Surveyor; County Fire; and
  - d. LOCAL: None
13. Additional Permits. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is not visually derelict 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. Dust control: The developer shall maintain dust control measures on any undeveloped areas where soil stabilization is required.
  - d. Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - e. 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.
  - f. 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.

- g. 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.
  - h. 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.
  - i. 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.
  - j. 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, as applicable. Any modification to parking and access layout requires the Planning Division review and approval, as applicable. 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, as applicable.
  - k. 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, as applicable.
14. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is not visually derelict 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:
- l. 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.
  - m. Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
  - n. Dust control: The developer shall maintain dust control measures on any undeveloped areas where soil stabilization is required.
  - o. Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - p. 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.
  - q. 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.
  - r. 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.
  - s. 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.
  - t. 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.
  - u. 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, as applicable. Any modification to parking and access layout requires the Planning Division review and approval, as applicable. 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, as applicable.

- v. 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, as applicable.
15. 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, including during construction.
16. 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.
17. 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.
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.
19. 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.
20. 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.
21. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
  - a. All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - b. 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.

- c. 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.
22. 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.

**LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311**

23. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.
24. Weed Abatement. The property owner and “developer” shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387- 8311**

25. 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.
26. 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.
27. 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.

**PUBLIC HEALTH - Environmental Health Services (800) 442-2283**

28. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
29. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
30. 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 DEHS/LEA at: 1-800-442-2283.

**COUNTY FIRE DEPARTMENT– Community Safety Division (909)386-8465**

31. 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 developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.
32. 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. [F01AJ]
33. Constriction Permits. 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.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 387-8701**

34. Franchise Hauler Service Area – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec).

**PRIOR TO ISSUANCE OF LAND DISTURBANCE OR GRADING PERMITS**

The Following Shall Be Completed:

**LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

35. 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 the implement the following when possible:
    1. Training operators to use equipment more efficiently.
    2. identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions
    3. replacing older, less fuel-efficient equipment with newer models
    4. 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 flag person 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.
36. Air Quality. The Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin 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, if necessary, 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. The Project proponent will be required to implement the following requirements of the Mojave Desert Air Quality Management District thresholds during operations:
    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.
37. Dust Control Mitigation. Prior to the issuance of grading permits, the project applicant shall submit an Air Quality Construction Management Plan to the County for review and approval. The plan shall describe the fugitive dust control measures which would be implemented and monitored at all locations of proposed project construction. The plan shall comply with the mitigation measures described in the Fugitive Dust Control Rules enforced by the Mojave Desert Air Quality Management District (MDAQMD) (Rules 403 and 403.2), San Bernardino County Development Code Sections 83.01.040 and 84.29.035, as well as the existing State Implementation Plan available for PM10 and PM2.5. The plan shall be incorporated into all contracts and contract specifications for construction work.
38. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert 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. Mojave Desert 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.
39. Special Status Plant Species. Botanical Surveys. Pre-construction botanical surveys shall be conducted at the appropriate time of year by a qualified biologist following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, March 2018) or most recent version. Should special status plants or natural communities be present in the Project area, a qualified biologist shall develop species specific avoidance, minimization, and mitigation measures to ensure there is no net reduction in the size or viability of the local population.
40. Desert Tortoise. A qualified biologist shall conduct a protocol level presence or absence survey no more than 14 days prior to initiating Project activities in accordance with the survey methodology described in U.S. Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. In addition, the survey shall utilize perpendicular survey routes and 100-percent visual coverage of the Project area and 50-foot buffer zone for desert tortoise and their sign. If the survey confirms absence, a qualified biological monitor shall remain on-site during all Project activities to confirm desert tortoise do not enter the Project site. If the survey confirms presence, the Project Proponent shall obtain an ITP for desert tortoise prior to the start of Project activities. If the biological monitor during the life of the Project encounters a desert tortoise, work shall be suspended, and the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.



41. Mohave Ground Squirrel. In order to avoid impacts to Mohave ground squirrel (MGS), a protocol-level trapping survey for Mohave ground squirrel shall be conducted no more than one year prior to the start of ground-disturbing project activities. The trapping survey will be conducted by a qualified biologist in possession of a Memorandum of Understanding with CDFW to perform trapping surveys for the species. The trapping survey shall be conducted at the appropriate survey timing described in the most current and CDFW-accepted survey guidelines. At the time this document was prepared, the Mohave Ground Squirrel Survey Guidelines (CDFG 2003, revised 2010) is the most current protocol survey document. If Mohave ground squirrels are not detected or observed during the trapping survey, then Project activities may commence without implementation of additional mitigation or avoidance and minimization measure for the species. If Mohave ground squirrels are detected during the trapping survey then additional avoidance and minimization measures such as burrow avoidance, biological monitoring, compensatory mitigation, and pre-construction surveys may need to be implemented and consultation with CDFW regarding application for an ITP under the California ESA Section 2081 may be necessary. If ground-disturbing Project activities do not start within one year of a protocol-level trapping survey, then either another protocol-level trapping survey for Mohave ground squirrel shall be conducted by a qualified biologist prior to the start of construction or consultation with CDFW regarding application for an ITP shall be performed. If an ITP is obtained for the Project, then additional avoidance and minimization measures as well as mitigation measures developed in consultation with CDFW may be incorporated as permit conditions.
42. Burrowing Owl Mitigation. *Burrowing owl surveys 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 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 or noise levels above 65 dBA 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).*
43. Desert Kit Fox/American Badger Mitigation. *Preconstruction Survey for Desert Kit Fox and American Badger: A preconstruction survey for desert kit fox and American badger is recommended. If possible, this survey can be conducted in conjunction with the preconstruction burrowing owl survey described below. The preconstruction survey for desert kit fox and American badger should be conducted between 30 and 14 days prior to the beginning of ground disturbance and/or construction activities or any project activity likely to impact the species. Since there are no specific guidelines for desert kit fox or American badger, CDFW usually recommends that the survey follow the USFWS Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011). If either of these species and/or suitable dens for these species are identified on the project site during the clearance survey, and impacts to those features are unavoidable, the project should consult with CDFW, before proceeding to follow the USFWS guidelines for avoidance, exclusion, and/or passive*

*relocation.*

44. *Nesting Bird Mitigation. Preconstruction Nesting Bird Survey:* *If construction or other project activities are scheduled to occur during the bird breeding season (February 15 through August 31), a preconstruction nesting bird survey should be conducted by a qualified biologist. The survey will focus on detecting nesting birds protected by the MBTA and sections 3503, 3503.5, and 3513 of the Fish and Game Code (FGC), including but not limited to the loggerhead shrike, northern harrier, and LeConte's thrasher, on or immediately adjacent to the site. The survey should be completed no more than 3 days prior to initial ground disturbance. The nesting bird survey should include the project site and adjacent areas where project activities have the potential to cause nest failure. If an active nest is identified, a qualified biologist should establish an appropriately sized no-work buffer around the nest using flagging or staking. Construction activities will need to be avoided within no-work buffer zones until the nest is deemed no longer active by the biologist. At the discretion of the monitoring biologist, project-specific avoidance and minimization measures may also include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. If project activities are scheduled during the nesting bird season, then this survey can be conducted concurrently with the 24-hour preconstruction survey for burrowing owl.*

45. *Ongoing General Avoidance Mitigation Measures.* *The following general avoidance measures are required to further reduce impacts to special-status species present on the property or that have potential to occur on the property:*

*Confine all work activities to a pre-determined work area;*

*To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a project, all excavated, steep-walled holes or trenches more than 2 ft deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals;*

*Kit foxes are attracted to den-like structures, such as pipes and may enter stored pipes, and become trapped or injured. To prevent kit fox use of these structures, all construction pipes, culverts, or similar structures with a diameter of 4-inches or greater should be capped while stored on site;*

*All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site;*

*No pets, such as dogs or cats, should be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens;*

*Use of rodenticides and herbicides in project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox;*

*Establishing buffers and no work zones around active bird nests near the project work areas;*

*Requiring all project personnel to check underneath vehicles and equipment for wildlife prior to operation; and*

*Requiring that a biological monitor be present during vegetation removal activities and/or during certain activities conducted in the nesting bird season.*

46. *Cultural Resource Mitigation.* *In the event that archaeological materials are encountered during construction, all construction work should be halted and a qualified archaeologist consulted to determine the appropriate treatment of the discovery (California Code of Regulations, Title 14, Chapter 3, Section 15064.5(f)). Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within **TCR-1 and TCR-2**, regarding any pre-contact/contact-era/historic finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. If significant cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly. Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undocumented archaeological resources. (CUL-1)*
47. *Cultural Resource Mitigation.* *In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains. Monitoring of earthmoving activities by a qualified archaeologist and/or tribal monitor (including initial grubbing and vegetation removal) is recommended to mitigate potential impacts to undiscovered human remains. (CUL-2)*
48. *Cultural Resource Mitigation.* **CUL-3.** *In order to determine whether or not the proposed Project will impact historical resources, the two resources listed above (P36-023244 and JS-003) will need to be evaluated using CRHR eligibility criteria. Evaluation for these sites will likely require archival research, and an inventory of artifact types present. If either site is evaluated as eligible, it will be a Historical Resource, as defined by CEQA. If a Historical Resource cannot be avoided by solar farm construction, mitigation measures, likely consisting of data recovery, would be required.*
49. *Tribal Cultural Resource Mitigation.* *The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact/contact-era/historic cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site. (TCR-1)*

50. Tribal Cultural Resource Mitigation. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project. (TCR-2)

**LAND USE SERVICES DEPARTMENT– Building and Safety Division (909) 387-8311**

51. Geotechnical (Soil) Report: 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.

**PUBLIC HEALTH - Environmental Health Services (800) 442-2283**

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

**DEPARTMENT OF PUBLIC WORKS – Surveyor (909) 387-8149**

53. Monumentation. 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.
54. Record of Survey. 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.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387- 8311**

55. 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.
56. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C3875H dated 8/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
57. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. 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.

58. 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](http://www.swrcb.ca.gov)
59. 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.
60. 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.

**Department of Public Works - Traffic Division at (909) 387-8186**

61. Construction Management Plan. The applicant's engineer shall provide a construction management plan to the Department of Public Works, Transportation Operations Division to determine if a maintenance agreement (during construction) with the County will be required. The construction management plan shall show the number of trucks, type of trucks (size), the total number of Equivalent Single Axle Loads (ESALs), and the truck routes to the site for construction. If it is determined that a maintenance agreement is required, the developer shall enter into a maintenance agreement with the County Department of Public Works to insure all County maintained roads utilized by the construction traffic shall remain in acceptable condition during construction. Prior to issuance of grading permits, the developer/contractor shall contact the Transportation Operations Division at (909) 387-7995 in order to process the maintenance agreement with the County. Please allow a minimum of 12 weeks for the processing of an agreement and obtain approval from the Board of Supervisors. For additional information regarding the maintenance agreement, please contact the Transportation Operations Division at (909) 387-7995. For additional information about the construction management plan, please contact the Department of Public Works - Traffic Division at (909) 387-8186.
62. Construction Traffic Mitigation. Prior to commencement of construction activities, the applicant shall prepare and submit a Construction Traffic Control Plan to the County in accordance with both the Caltrans (2014) California Manual on Uniform Traffic Control Devices (CA MUTCD) and the Work Area Traffic Control Handbook for review and approval by the County, which will include:
  - a. Timing the delivery of heavy equipment and building materials under the contractors' control during non-peak commute hours, to the extent feasible.
  - b. Directing construction traffic with a flag person.
  - c. Placing temporary signing, lighting, and traffic control devices if required, including but not limited to appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic.
  - d. Ensuring access for emergency vehicles to the project site.
  - e. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections.
  - f. Designating bicycle and pedestrian detour plans if/where applicable.
  - g. Maintaining access to adjacent property.
  - h. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hours, distributing construction traffic flow across

alternative routes to access the project site in a way that maintains level of service conditions at the time of construction, and avoiding residential neighborhoods to the maximum extent feasible.

- i. Coordinating the traffic control plan with the County, as well as potential traffic control plan adjustments, in the event of concurrent projects generating potentially overlapping traffic effects.
- j. Conducting additional traffic control plan coordination with Caltrans regarding the SR-58 Hinkley Expressway Project if construction of the proposed project occurs concurrently with construction of the expressway project.

### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

The following shall be completed:

#### **PUBLIC HEALTH – Environmental Health Services (800) 442-2283**

63. Water purveyor shall EHS approved. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
64. A water system permit may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water, if applicable. Applicant shall submit preliminary technical report at least 6 months before 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 (DEHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.
65. If an approved water company cannot serve the project, individual wells are authorized for each daughter parcel providing that County Development Code infrastructure requirements can be met. Conceptual plans, showing that wells and septic system locations meet setback requirements, may be required (§ 83.09.060).
66. Method of sewage disposal shall be the local sewer provider, or, if not available, EHS approved onsite wastewater treatment system (OWTS). Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
67. 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 DEHS 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.
68. Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to DEHS verification of Local Agency Formation Commission (LAFCO) approval of either:
  - i. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or,

- ii. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
69. 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.
70. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442- 2283.
71. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts, and environmental public health nuisances are minimized and complies with San Bernardino County Code Chapter 8, Section 33.081 et. seq. For information, please call DEHS/Local Enforcement Agency (LEA) at: 1-800-442-2283. The recycling center must maintain an amount of less than 10% residual amount of solid waste from the separated waste for reuse; a less than 1% putrescible wastes from the separated waste for reuse material received by weight. As long as the above conditions are met, the facility will not be subject to the Transfer/Processing Regulatory Requirements, pursuant to 14 CCR §17402.5. If the facility exceeds the above stated limitations, a Full Solid Waste Facility Permit will be required.

**Land Use Services Department / Building and Safety Division (909) 387-8311**

72. 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.
73. 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.

**LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

74. Special Use Permit. The developer shall submit for review and gain approval for a Special Use Permit (SUP) from County Code Enforcement. Thereafter, the SUP shall be renewed annually subject to annual inspections. The annual SUP inspections shall review & confirm continuing compliance with the listed conditions of approval, including all mitigation measures. This comprehensive compliance review shall include evaluation of the maintenance of all storage areas, landscaping, screening and buffering. Failure to comply shall cause enforcement actions against the developer. Such actions may cause a hearing or an action that could result in revocation of this approval and imposition of additional sanctions and/or penalties in accordance with established land use enforcement procedures. Any additional inspections that are

deemed necessary by the Code Enforcement Supervisor shall constitute a special inspection and shall be charged at a rate in accordance with the County Fee Schedule, including travel time, not to exceed three (3) hours per inspection. As part of this, the developer shall pay an annual public safety services impact fee in accordance with Code §84.29.040(d).

75. Decommissioning Requirements. In accordance with SBCC 84.29.070, Decommissioning Requirements, the Developer shall submit a Closure Plan to the Planning Division for review and approval. The Decommissioning Plan shall satisfy the following requirements:

- a) Closure Plan. Following the operational life of the Project, the Project owner shall perform site closure activities to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the Project Site after decommissioning. The applicant shall prepare a Closure, Re-vegetation, and Rehabilitation Plan and submit to the Planning Division for review and approval prior to building permit issuance. Under this plan, all aboveground structures and facilities shall be removed to a depth of three feet below grade, and removed off-site for recycling or disposal. Concrete, piping, and other materials existing below three feet in depth may be left in place. Areas that had been graded shall be restored to original contours unless it can be shown that there is a community benefit for the grading to remain as altered. Succulent plant species native to the area shall be salvaged prior to construction, transplanted into windrows, and maintained for later transplanting following decommissioning. Shrubs and other plant species shall be re-vegetated by the collection of seeds and re-seeding following decommissioning.
- b) Closure Compliance. Following the operational life of the Project, the developer shall perform site closure activities in accordance with the approved closure plan to meet federal, state, and local requirements for the rehabilitation and re-vegetation of the Project site after decommissioning. Project decommissioning shall be performed in accordance with all other plans, permits, and mitigation measures that would assure the Project conforms to applicable requirements and would avoid significant adverse impacts. These plans shall include the following as applicable:
  - Erosion and Sediment Control Plan
  - Drainage Report
  - Notice of Intent and Stormwater Pollution Prevention Plan
  - Air Quality Permits
  - Biological Resources Report
  - Incidental Take Permit, Section 2081 of the Fish and Game Code
  - Cultural Records Report
  - The County may require a Phase 1 Environmental Site Assessment be performed at the end of decommissioning to verify site conditions.

76. TRANSPORTATION MITIGATION. *A truck haul plan shall be developed by the project developer and reviewed by the appropriate agencies to further minimize the impact of construction traffic. (CIR-1) The truck haul plan should consider the following recommendations:*

- *Limit any potential lane closures on Harper Lake Road to off-peak travel periods.*
- *Schedule receipt of construction materials during non-peak travel periods, to the extent possible.*
- *Coordinate deliveries to minimize loading and unloading time.*



- *Adequately trained flaggers should be used at the project driveway to control heavy vehicle access to/from Harper Lake Road, as necessary.*
- *Require the construction workers to park at a predetermined off-street parking area.*
- *The project access driveways should be constructed in conformance with County of San Bernardino standards, including provisions for sight distance.*

**LAND USE SERVICES DEPARTMENT – Land Development Division – Roads Section (909) 387-8311**

77. Road Dedication. 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.

a. **Harper Lake Road (Secondary Highway – 88')**

- Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way. A 35-foot radius return grant of easement is required at the intersection of Harper Lake Road and the northerly property line. A 35-foot radius return grant of easement is required at the intersection of Harper Lake Road and the southerly property line.
- Street Improvements. Design AC Dike with match up paving 32 feet from centerline.
- Curb Returns. Curb returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure any future sidewalk improvements are within public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per Standard 130.

b. **Northerly Property Line (1/16<sup>th</sup> Section Line – 60')**

- Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet. A 20-foot radius return grant of easement is required at the intersection of the northerly property line and the easterly property line.

c. **Easterly Property Line (1/16<sup>th</sup> Section Line – 60')**

- Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet. A 35-foot radius return grant of easement is required at the intersection of the easterly property line and the southerly property line.

d. **Southerly Property Line (1/4 Section Line – 88')**

- Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

78. 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.

79. 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.
80. Construction Permits. Prior to the installation of road and drainage improvements, a construction permit is required from County Department of Public Works, Operations Division, Transportation Permits Section, (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
81. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Department of Public Works, Operations Division, Transportation Permits Section, (909) 387-1863 as well as other agencies prior to work within their jurisdiction.
82. 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 Operations Division, Transportation Permits Section of County Public Works, prior to any placement of base materials and/or paving.
83. Slope Easements. Slope rights shall be dedicated, where necessary.
84. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
85. 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.
86. 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.
87. 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.

**COUNTY FIRE DEPARTMENT–Community Safety Division (909) 386-8465**

88. 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 FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F43].
89. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.
90. Access. The development shall have a minimum of one point of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

Photovoltaic solar facilities without buildings on the site shall have access provided by approved roads, alleys and private drives. Perimeter access roads shall have a minimum twenty-six (26) foot unobstructed width and vertically clearance of fourteen (14) feet six (6) inches. Interior access roads shall have a minimum twenty (20) foot unobstructed width and vertical clearance of fourteen (14) feet six (6) inches. Access shall be provided within 300 feet of all solar panels.

91. 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.
92. Solar / Photovoltaic System Plans. Plans shall be submitted online through EZOP to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building.
93. Surface. Fire apparatus access roads for photovoltaic facilities without buildings can be designed with native soil compacted to 85% and hold the weight of Fire Apparatus at a minimum of 80K pounds.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 387-8701**

94. Construction and Demolition Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

**PRIOR TO ISSUANCE OF FINAL INSPECTION/OCCUPANY**

The following shall be completed:

**LAND USE SERVICES DEPARTMENT – Land Development Division – Drainage Section (909) 387- 8311**

95. 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.

**LAND USE SERVICES DEPARTMENT – Land Development Division – Roads Section (909) 387-8311**

96. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
97. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
98. 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.
99. 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.

**COUNTY FIRE DEPARTMENT - Community Safety Division (909) 386-8465**

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. 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.
102. 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".

**COUNTY FIRE PROTECTION – HAZARDOUS MATERIALS (909) 386-8401**

103. Plan Submittal Requirements. Prior to Occupancy businesses or facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures Plan (SPCC) in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be maintained on site.
104. Permit Requirements. Prior to Occupancy a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.
105. Reporting Requirements. Prior to Occupancy an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

**DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186**

106. The developer shall comply with the maintenance agreement during construction if applicable (Should the maintenance agreement be needed) and/or ensure that all County maintained roads affected by the project during construction shall be restored to pre-construction conditions. Please contact the County Department of Public Works, Transportation Operations Division at (909) 387-7995 for inspection prior to occupancy.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 387-8701**

107. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

108. Improvements Installed. All required on-site improvements shall be installed per approved plans.
109. 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).
110. AQ – Installation. The developer shall submit for review and obtain approval from County Planning of evidence that all air quality-related conditions have been installed properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety.
111. Dust Control – Operation. Prior to final inspection, the Applicant shall develop an Operational Dust Control Plan that shall be approved and implemented prior to energization of the solar facility. The Operational Dust Control Plan shall include Dust Control Strategies sufficient to ensure that areas within the Project site shall not generate visible fugitive dust (as defined in Mojave Desert Air Quality Management District's [MDAQMD's] Rule 403.2) such that dust remains visible in the atmosphere beyond the property boundary. During high wind events, Dust Control Strategies shall be implemented so as to minimize the Project site's contribution to visible fugitive dust beyond that observed at the upwind boundary.
112. Public Safety Services Impact Fees. Upon completion and final construction of the Project, the developer of an approved commercial solar energy generation facility shall pay a fee on an annual basis according to the following schedule:

Parcel Size	Fee Per Acre
0-4.99 acres	\$580
5-14.99 acres	\$280
15 acres or greater	\$157

Alternatively, the developer of an approved commercial solar energy generation facility shall pay an annual public services impact fee on a per acre basis based on a project-specific study of the project's public safety services impacts, which study shall be paid at the developer's expense, using a consultant approved by the County.

Whether based on the above schedule or on the basis of the project-specific study, the per acre annual impact fee shall be adjusted annually based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles-Riverside-Orange County, California area.

113. Removal Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for the closure costs and complete removal of the solar energy generating facility and other elements of the facility. The developer shall either:
- a) Post a performance or other equivalent surety bond issued by an admitted surety insurer to guarantee the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director; OR
  - b) Cause the issuance of a certificate of deposit or an irrevocable letter of credit payable to the County of San Bernardino issued by a bank or savings association authorized to do business in this state and insured by the Federal Deposit Insurance Corporation for the purpose of guaranteeing the closure costs and complete removal of the solar panels and other elements of the facility in a form or manner determined acceptable to County Counsel and the Land Use Services Director in an amount equal to 120 percent of the cost estimate generated by a licensed civil engineer and approved by the Land Use Services Director.
114. 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-2020-00164.
115. Revegetation Mitigation. Prior to commencement of the decommissioning phase, the project applicant shall prepare a revegetation plan as part of the Decommissioning Plan to identify performance standards necessary for revegetation of the site with native plants. The Decommissioning Plan shall specify success criteria, including, but not limited to, site preparation methods, installation specifications, maintenance requirements, and monitoring/report measures to ensure certain botanical thresholds are met such as adequate cover, density, and species richness. Standards of success shall include at least a 50 percent revegetation success rate compared to baseline conditions and shall include annual monitoring for 2 years. If 50 percent revegetation has not been achieved within 2 years due to lack of water or other environmental factors, the applicant shall work with the County to identify and implement an alternate solution to achieve the identified success rate.

END OF CONDITIONS

# EXHIBIT E

## Site Plan

# JAZMIN SOLAR PROJECT

CONFIDENTIAL DOCUMENTS  
THE INFORMATION EMBODIED ON THIS DRAWING IS STRICTLY CONFIDENTIAL AND IS SUPPLIED WITH THE UNDERSTANDING THAT IT WILL BE HELD CONFIDENTIAL AND NOT DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF ZGLOBAL, INC.

REV.	BY	DESCRIPTION	DATE	APPRD BY
1	CK	PRELIM LAYOUT	08/04/17	
2	JN	PRELIM LAYOUT	10/10/19	
3	HP	PRELIM LAYOUT	06/28/21	

APN# 0496-051-18-0000  
LAND USE: VACANT

APN# 0496-051-71-0000  
LAND USE: VACANT

COMMERCIAL DRIVEWAY PER LOCAL COUNTY STANDARDS (PRIMARY ENTRANCE)

3-POLE INTERCONNECT

BATTERY STORAGE CONTAINERS

POINT OF INTERCONNECTION

### SITE INFORMATION:

- OWNER/APPLICANT: APEX ENERGY SOLUTIONS, LLC
- CONTACT: ANIKA LARSON, solaroperations@zglobal.biz
- ADDRESS: 604 Sutter Street Suite 250  
Folsom, California 95630
- PHONE: 916.985.9461
- APPLICATION TYPE: CUP FOR SOLAR & BATTERY STORAGE
- ASSESSOR PARCEL #: 0496-051-10-0000
- PARCEL ACREAGE: 40.0 AC.
- SYSTEM FOOTPRINT: ~35.0 AC.
- LEGAL DESCRIPTION: SW 1/4 SW 1/4 FRACTL SEC 5 TP 10N R 4W 40 AC
- (E) LOT COVERAGE: 100% OPEN SPACE

### SYSTEM INFORMATION:

- (APPROX. 27,706) 385W PV MODULES
- (11) SOLECTRIA 750KW INVERTERS OR EQUIV.
- HORIZONTAL SINGLE AXIS TRACKER SYSTEM
- SYSTEM SIZE:
  - 10 MWDC
  - 8 MWAC

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.

#### Harper Lake Road (Secondary Highway - 88')

- Road Dedication. A grant of easement is required to provide a half-width right-of-way of 44 feet. A 35-foot radius return grant of easement is required at the intersection of Harper Lake Road and the northerly property line. A 35-foot radius return grant of easement is required at the intersection of Harper Lake Road and the southerly property line.

- Street Improvements. Design AC Dike with match up paving 32 feet from centerline.
- Curb Returns. Curb returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure any future sidewalk 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.

#### Northerly Property Line (1/16<sup>th</sup> Section Line - 60')

- Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet. A 20-foot radius return grant of easement is required at the intersection of the northerly property line and the easterly property line.

#### Easterly Property Line (1/16<sup>th</sup> Section Line - 60')

- Road Dedication. A 30-foot grant of easement is required to provide a half-width right-of-way of 30 feet. A 35-foot radius return grant of easement is required at the intersection of the easterly property line and the southerly property line.

#### Southerly Property Line (1/4 Section Line - 88')

- Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

APN# 0496-051-11-0000  
LAND USE: VACANT

APN# 0496-051-19-0000  
LAND USE: VACANT

(E) OVERHEAD UTILITY LINE

HARPER LAKE ROAD

APN# 0496-051-09-0000  
LAND USE: VACANT

EQUIPMENT PAD, TYP.

APN# 0496-051-10-0000  
SAN BERNARDINO COUNTY

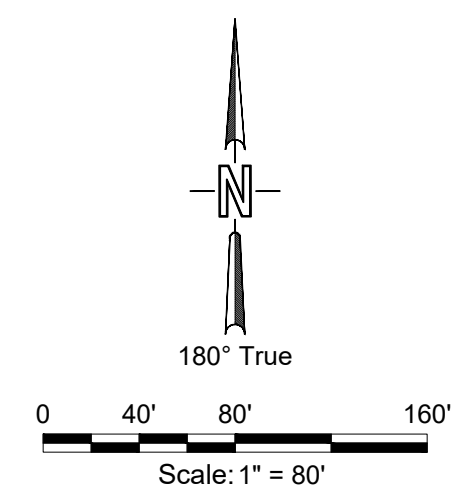
APN# 0496-041-04-0000  
LAND USE: VACANT

PERIMETER FENCE LINE

ACCESS PATHS, TYP.

(E) PROPERTY

3.9 MILES TO HWY 58



## VICINITY MAP



## LEGEND

- PROPERTY LINE (R)
- DRIVE AISLE

1 inch  
Scale to Confirm 24"x36" Plot



604 SUTTER ST, STE 250  
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Fax: 916.985.9467

"THESE DRAWINGS AND SPECIFICATIONS HAVE BEEN PREPARED BY ZGLOBAL INC. FOR THEIR EXCLUSIVE USE IN ACCORD WITH SEC. 6737.3 OF THE 2012 PROFESSIONAL ENGINEERS ACT OF THE STATE OF CALIFORNIA"

SHEET TITLE:

SITE PLAN

DRAWN BY: CK DRAWING No.

CHECKED: AS NOTED

SCALE: AS NOTED

JOB No: S-000

DATE: REV No. 0