



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

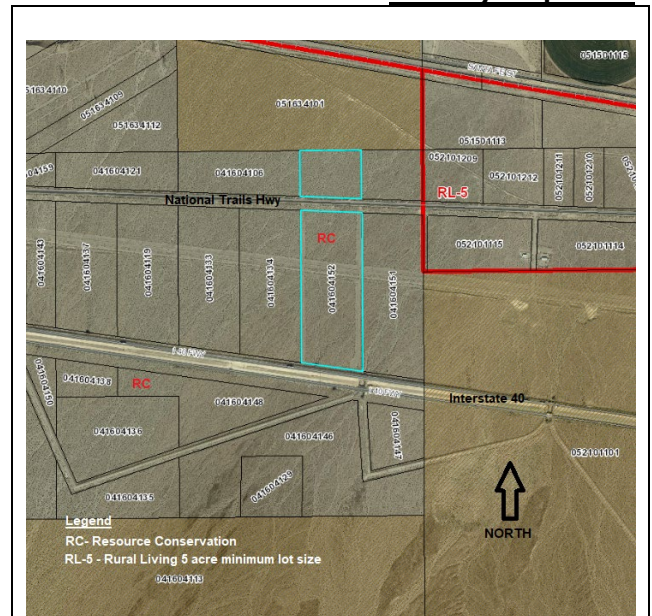
HEARING DATE: November 18, 2021

AGENDA ITEM #3

Project Description

Vicinity Map -

APN:	0416-041-52
Applicant:	Ralph Laks
Community:	Daggett
Location:	On National Trails Hwy, north of I-40, Approx. 1 mile west of Hidden Springs Rd Daggett, CA
Project No:	P201800520/PROJ-2020-00145
Staff:	Anthony DeLuca
Rep:	Ralph Laks
Proposal:	Conditional Use Permit to construct and operate a 4.8-Megawatt photovoltaic solar power generating facility that includes a PV/Battery Energy Storage System and associated infrastructure, on approximately 35 acres



7- Hearing Notices Sent on: November 3, 2021

Report Prepared by: Anthony DeLuca, Senior Planner

SITE INFORMATION:

Parcel Size: Approximately 35 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	Resource Land Management (RLM)	Resource Conservation (RC)
North	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)
South	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)
East	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)
West	Vacant	Resource Land Management (RLM)	Resource Conservation (RC)

STAFF RECOMMENDATION:

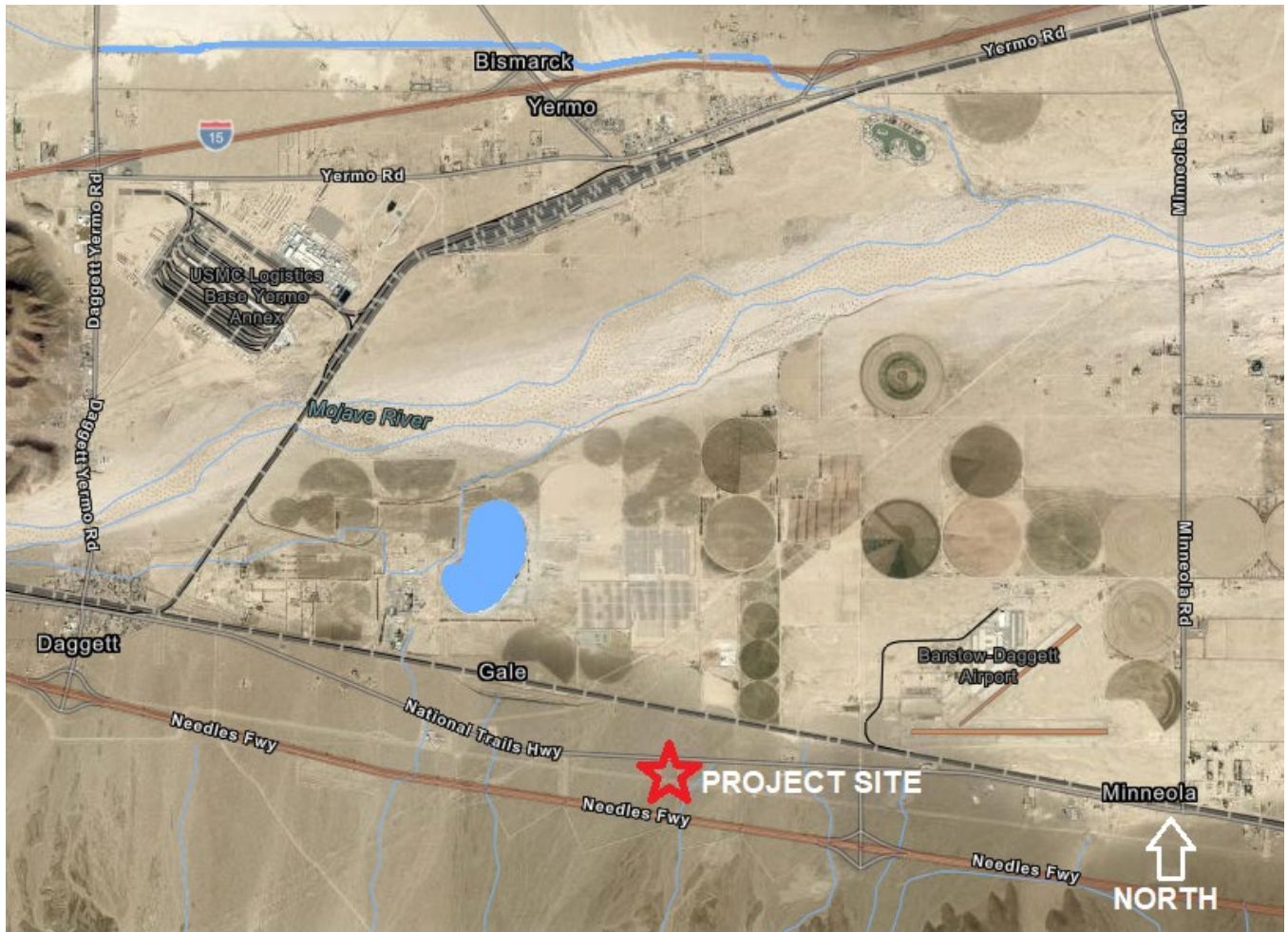
That the Planning Commission **ADOPT** the Mitigated Negative Declaration, **ADOPT** the Findings as contained in the Staff Report, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** staff to file a Notice of Determination.¹

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

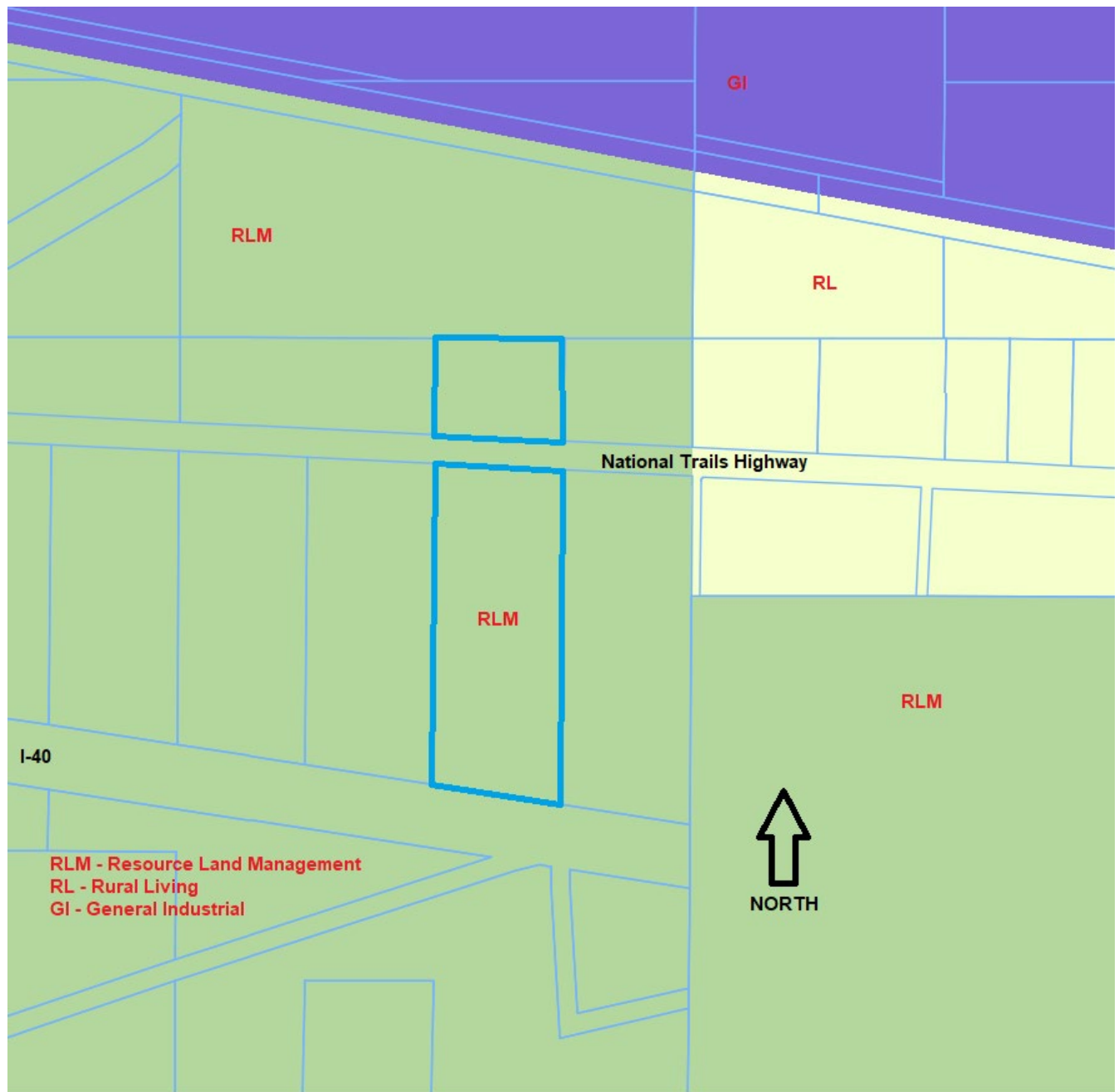
REGIONAL VICINITY MAP



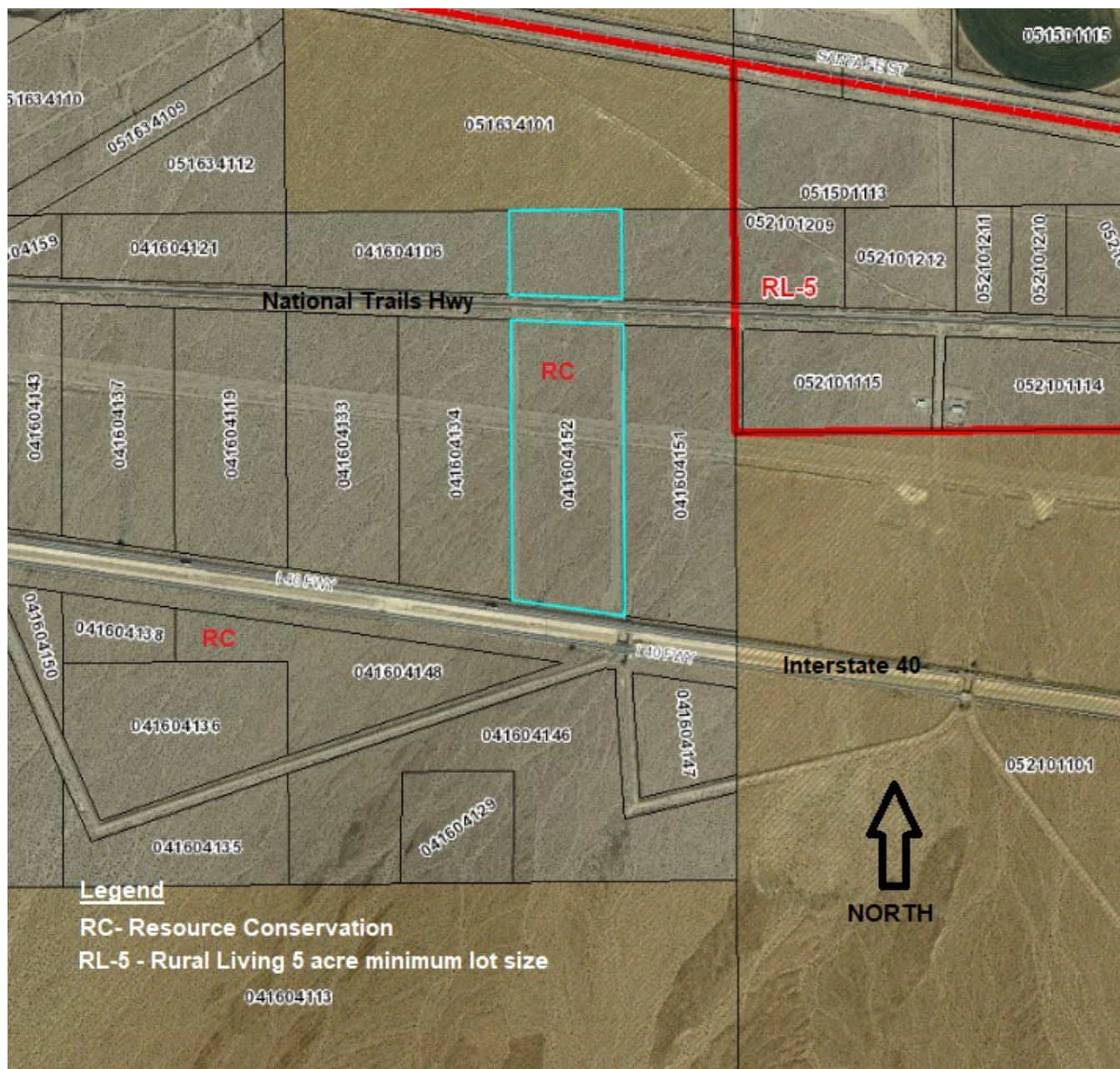
PROJECT SITE (AERIAL VIEW)



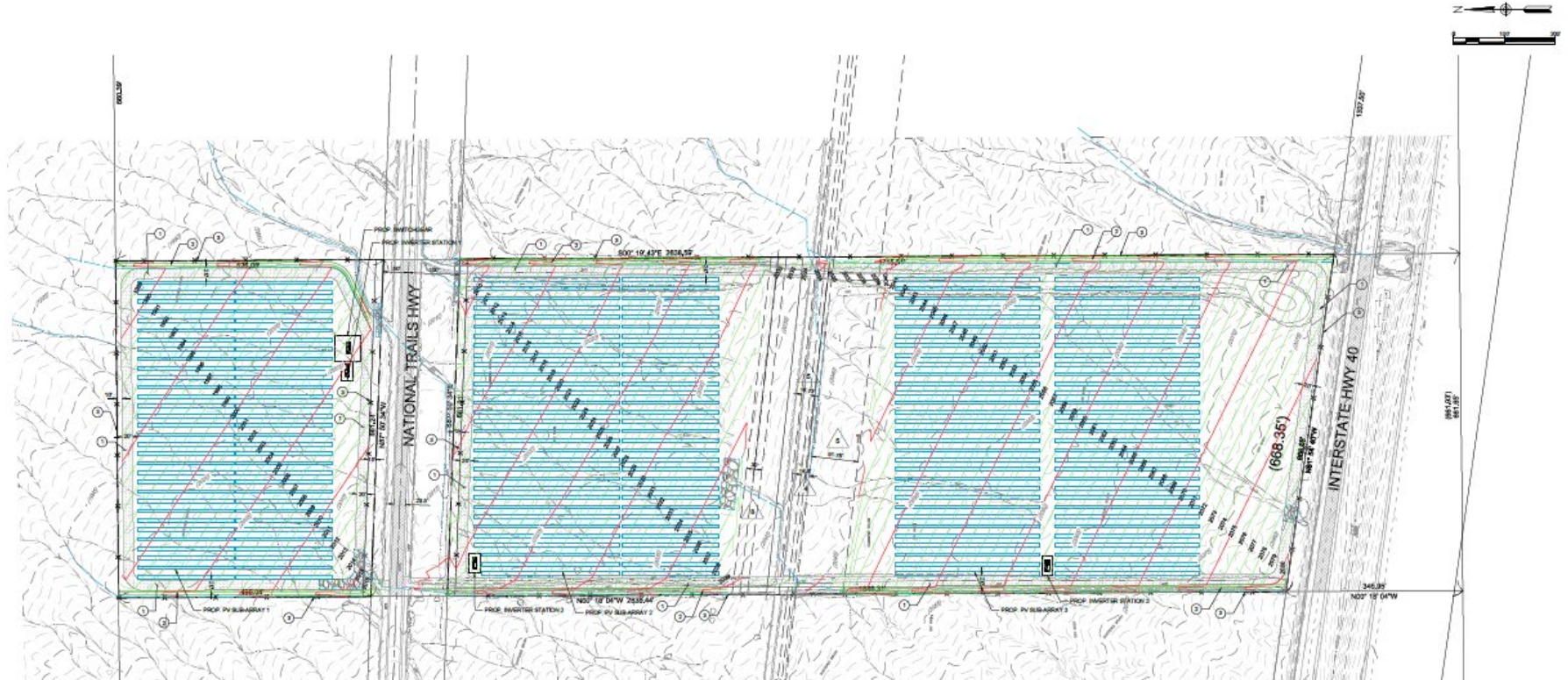
COUNTYWIDE PLAN LAND USE CATEGORY



CURRENT ZONING



PROPOSED SITE PLAN



SITE PHOTOGRAPHS



Figure 1 View East from National Trails Highway



Figure 2 View West from National Trails Highway



Figure 3 View Northeast from I-40 Westbound



Figure 4 View Northwest from I-40 Westbound

PROJECT DESCRIPTION AND BACKGROUND:

The applicant requests approval of a Conditional Use Permit (CUP) to construct and operate a 4.8-Megawatt photovoltaic (PV) solar power generating facility including PV/Battery Energy Storage System (BESS), and associated infrastructure, on approximately 35 acres in the community of Daggett (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. 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 35-acre Project site. The site design of the Project accommodates emergency access and circulation to ensure that fire protection can be efficiently provided.

Scenic Vistas:

A roadway, vista point, or area can be considered a scenic resource if it:

- a) provides a vista of undisturbed natural areas,
- b) includes a unique or unusual feature that comprises an important or dominant portion of the viewshed, or
- c) offers a distant vista that provides relief from less attractive views of nearby features, such as views of mountain backdrops from urban areas.

Route 66 is a designated County Scenic Route, and Interstate 40 is a designated State Scenic Route, however, the proposed Project site is surrounded by rural residential land uses and transportation, industrial, and utility infrastructure. At approximately 8 feet tall, the PV panels are relatively short, and given their design, which absorbs as much sunlight as possible, the panels will not be highly reflective. Impacts are considered less than significant based on the Visual Impact Analysis, and photo simulations (Exhibit A) prepared for the Project.

Policy Plan Consistency: The Project will operate as a commercial utility scale solar facility. The Resource Conservation (RC) zoning district allows for utility scale solar. The proposed findings discuss the Project’s consistency with the Countywide Plan/Policy Plan, including policies and goals within the Renewable Energy Conservation Element (RECE).

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

Table 1: PROJECT CODE COMPLIANCE

Project Component	Development Code Standard		Project Plans
National Trails Solar 33	CUP		CUP
Parking	1 space per facility vehicle 1 ADA spaces		2 total spaces to include 1 ADA space
		RC	RC
Building Setbacks	Front:	25'	30'+
	Side Street:	25'	30'+
	Side Interior:	15'	30'+
	Rear:	15'	30'+
Building Height	35' Maximum		10'
Drive Aisles	20' Perimeter		Provided
	20' Internal between arrays		Provided

California Environmental Quality Act Compliance

On July 29, 2021, the County submitted a Notice of Availability (NOA)/ Notice of Intent (NOI) to adopt an Initial Study/Mitigated Negative Declaration (IS/MND) (Exhibit B) to the State Clearinghouse and initiated public review to solicit comments from the public and affected agencies in compliance with the California Environmental Quality Act (CEQA). The review period for the NOA/NOI ended on August 27, 2021. The environmental document was re-circulated due to an error in posting with a revised comment period beginning September 23, 2021 and ending on October 22, 2021.

A letter was received from the California Department of Fish and Wildlife (CDFW) dated August 24, 2021 stating concerns that the Project may potentially result in substantial adverse impacts on biological resources, including but not limited to burrowing owl, desert tortoise, Mojave ground squirrel, desert kit fox, and lake and streambed. CDFW recommended consideration of conditions of approval that would enhance mitigation that has been recommended in the MND for the Project. RCA Associates, Inc (RCA) conducted biological surveys on site in April 2021, with the results presented in the General Biological Assessment (BA) for the Project dated April 7, 2021. A response to the CDFW letter was prepared by RCA Associates to address the concerns raised. The CDFW letter and response are included in this report as Exhibit C. RCA Associates, Inc. concurs that pre-construction surveys will need to be conducted as necessary, and appropriate conditions of approval should be implemented as part of the proposed Project approval.

The CEQA Guidelines state that a lead agency is required to recirculate an MND prior to approval if the MND requires “substantial revisions.” (14 Cal. Code Regs., § 15073.5(a).) The CEQA Guidelines define “substantial revisions” as: “(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.” (14 Cal. Code Regs., § 15073.5(b).) The CEQA Guidelines further provide, however, that recirculation of an MND is not required where “[m]itigation measures are replaced with equal or more effective measures.” (14 Cal. Code Regs., § 15073.5(c).)

Staff has determined that, based on RCA’s response to the recommended alternative mitigation measures from CDFW, the concerns raised do not trigger the requirement of a recirculation of the MND or the preparation of an Environmental Impact Report (EIR), because these conditions are added for impacts already identified in the MND as significant and the alternative mitigation measures are equal or more effective and do not create new significant impacts.

The following is a summary of responses to the topics/issues of concern that were presented in the CDFW letter in response to their review of the MND for the Project:

Biological Resources. The General Biological Resources Assessment prepared by RCA describes the potential impacts to the existing resources including desert tortoise, burrowing owl, Mojave ground squirrel, nesting birds or the habitats associated with these species. CDFW has recommended additional pre-construction surveys be conducted prior to the start of future ground disturbance activities to ensure no special status species have moved onto the site since the April 2021 surveys were conducted. Alternate mitigation measures recommended by CDFW have been agreed to by the applicant and incorporated into the final conditions of approval for the Project that reduce impacts to a less than significant level.

Cumulative Impacts. Each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential energy consumption impacts and identify necessary mitigation measures, where appropriate. The proposed Project would not result in significant energy consumption impacts and would not be considered inefficient, wasteful, or unnecessary. The proposed Project would have a beneficial impact on energy resources by providing 4.8 Megawatts of renewable energy which is significantly less than other solar facilities in the area. Thus, the proposed Project is not anticipated to result in a significant cumulative impact.

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 MND, 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 D).

RECOMMENDATION: That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration (Exhibit B);
2. **ADOPT** the recommended Findings (Exhibit D);
3. **APPROVE** the Conditional Use Permit to construct and operate a 4.8-Megawatt photovoltaic solar power generating facility that includes a PV/Battery Energy Storage System and associated infrastructure, on approximately 35 acres, subject to the recommended Conditions of Approval (Exhibit E); and
4. **DIRECT** staff to file the Notice of Determination.

ATTACHMENTS:

- EXHIBIT A: Photo Simulations
- EXHIBIT B: Mitigated Negative Declaration
- EXHIBIT C: California Department of Fish and Wildlife comment letter and Response
- EXHIBIT D: Findings
- EXHIBIT E: Conditions of Approval
- EXHIBIT F: Site Plan

EXHIBIT A

Photo Simulations



KOP 4. Existing view from National Trails Highway south, southeast towards the Daggett Solar 33 Project Site.



Visual Simulation of the proposed Daggett Solar 33 Project Site Panels from KOP 4.

SOURCE: BRG Consulting, Inc., 2018.



Existing and Simulated View - Daggett Solar 33 Project Site From National Trails Highway (KOP 4)
Daggett Solar 33 and Daggett Solar 66 Visual Impacts Report



KOP 7. Existing view from I-40 north towards the Daggett Solar 33 Project Site.



Visual Simulation of the proposed Daggett Solar 33 Project Site Panels from KOP 7.

SOURCE: BRG Consulting, Inc., 2018.



Existing and Simulated View - Daggett Solar 33 Project Site From I-40 (KOP 7)
Daggett Solar 33 and Daggett Solar 66 Visual Impacts Report

Figure 8

EXHIBIT B

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:

APN: 0416-041-52	USGS Quad: Minneola, CA
Applicant: Ralph Laks	T, R, Section: T 9N R 01E SEC 25
Project # PROJ-2020-00145/P201800520	Community Plan: Daggett
Staff: Tom Nieves, Contract Planner	LUZD: RC – Resource Conservation
Rep	Overlays: Burrowing Owl, Desert Tortoise, Mojave Ground Squirrel
Proposal: Conditional Use Permit to construct and operate an 4.8 Megawatt photovoltaic solar power generating facility on approximately 35 acres	

PROJECT CONTACT INFORMATION:

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

Contact person: Anthony DeLuca, Senior Planner
Phone No: (909) 387-3067 **Fax No:** (909) 387-3223
E-mail: Anthony.DeLuca@lus.sbcounty.gov

PROJECT DESCRIPTION:

Summary

Conditional Use Permit to construct and operate a 4.8-Megawatt photovoltaic solar power generating facility with battery storage capabilities on approximately 35 acres in the community of Daggett. 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 Resource Conservation (RC). The properties to the north, south, west and east are vacant, zoned Rural Living (RL) and consist of vacant land. The property to the south is zoned Resource Conservation and is also vacant.

Existing Land Use and Land Use Zoning Districts			
Location	Existing Land Use	Land Use Category	Zoning Designation
Project Site	Vacant	RC – Resource Conservation	RC – Resource Conservation
North	Vacant	RL – Rural Living	RL – Rural Living
South	Vacant, Interstate Highway 40	RC – Resource Conservation	RC – Resource Conservation
East	Vacant	RL – Rural Living	RL – Rural Living
West	Vacant	RL – Rural Living	RL – Rural Living

Project Site Location, Existing Site Land Uses and Conditions

The 35-acre project site is located on the north of and adjacent to Interstate Highway 40 and is bisected by National Trails Highway (Route 66). The site is approximately one mile west of Hidden Springs Road in the community of Daggett. The Project Site is vacant.

Figure 1 Vicinity Map (Aerial View)

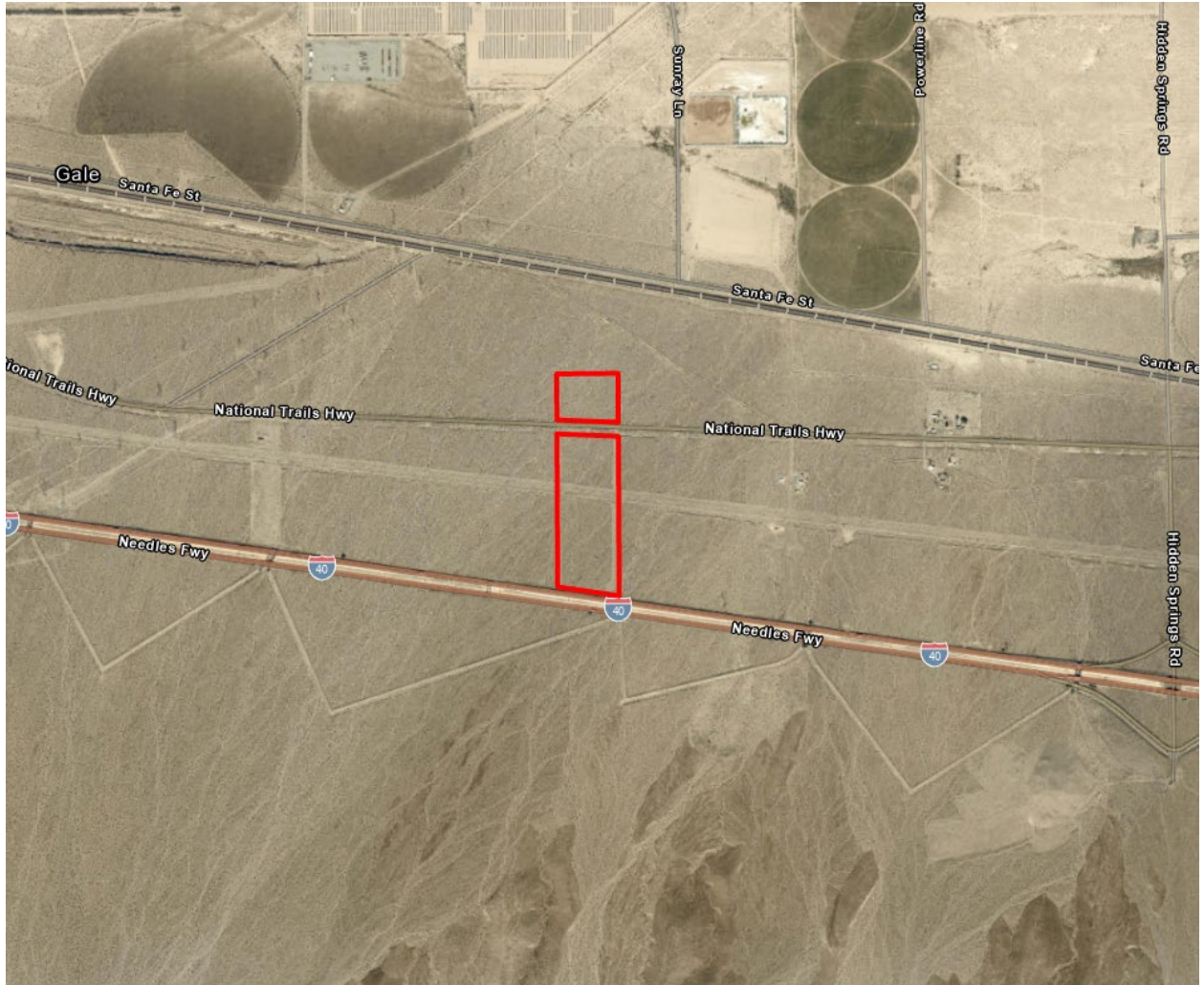


Figure 2 Aerial Photo



Figure 5 Site Photographs



Looking east along National Trails Highway



Looking west along National Trails Highway

Figure 5 Site Photographs – continued



Looking northwest at project site from I-40 (westbound)



Looking northeast at project site from I-40 (westbound)

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

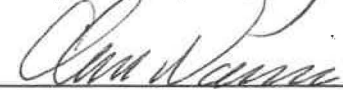
DETERMINATION: (To be completed by the Lead Agency)

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)

7-27-21
 Date


 Signature: (Chris Warrick, Supervising Planner)

7-27-21
 Date

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

SUBSTANTIATION: (Check if project is located within the view-shed of any Scenic Route listed in the General Plan): **San Bernardino Countywide Plan; Submitted Project Materials**

- 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.** Both National Trails Highway (Route 66) and Interstate 40 are designated as County Scenic Routes. However, neither is designated as 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.** 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
II.	AGRICULTURE AND FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<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>
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:				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUBSTANTIATION: <i>(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable): California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Mojave Desert Air Quality Management District 2017 (MD AQMD); Air Quality and GHG Impact Analysis, Giroux & Associates</i>				

- a) **No Impact.** A project is consistent with a regional Air Quality Management Plan (AQMP) if it does not exceed the Mojave Desert AQMD 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 Countywide Plan. The Countywide 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 with Mitigation.** 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)					
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}	SO _x
Construction Activities	137	137	548	82	82	137
Operation Activities	137	137	548	82	82	137
CO: carbon monoxide lbs/day: pounds per day NO _x : nitrogen oxides PM ₁₀ : particulate matter less than 10 microns in size			PM _{2.5} : particulate matter less than 2.5 microns in size MDAQMD: Mojave Desert Air Quality Management District SO _x : sulfur oxides			

Source: MDAQMD Air Quality Significance Thresholds; Air Quality and GHG Impacts Analysis, Giroux & Associates

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. Mojave Desert Air Quality Management District recommends mitigation measure identified below so as to ensure compliance with district standards and reduction of impacts to a less than significant level.

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 _x	CO	PM ₁₀	PM _{2.5}
With Fugitive Dust Mitigation	22.7	11.5	4.0	2.3
Localized Significance Threshold (LST)	137	548	82	82
Exceeds Threshold?	No	No	No	No

Source: Air Quality and GHG Impacts Analysis, Giroux & Associates

Emissions Source Operation	Table 3: Operational Localized Impact Analysis (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Total	0.255	0.603	0.158	0.043
Localized Significance Threshold (LST)	137	548	82	82
Exceeds Threshold?	No	No	No	No

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.

Mitigation Measure:

AQ-1 Dust Control. Prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a Dust Control Plan that describes all applicable dust control measures that will be implemented at the project.

AQ-2 Signage. Signage, compliant with MDAQMD specifications, shall be erected prior to the commencement of construction which provides the public with contact information regarding non-compliance conditions

AQ-3 Watering. Water truck shall be utilized to maintain moist disturbed areas and actively spread water during visible dusting episodes to minimize fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

AQ-4 Perimeter Fencing. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

AQ-5 Road Maintenance. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces, and clean any project-related track out within 24 hours. All earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on state or federally protected wetlands as (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
 - d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
 - e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
 - f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

SUBSTANTIATION: (Check if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database): **General Biological Resources Assessment, Avian Protection Plan, RCA Associates, Inc.; San Bernardino County Countywide Plan**

- a) **Less Than Significant With Mitigation.** There is some 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 some 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.** There is little 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.

- 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 Surveys. Preconstruction surveys for burrowing owl, desert tortoise and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.

- a. Appropriate survey methods and timeframes shall be established to ensure that chances of detecting the target species are maximized. In the event that listed species, such as desert tortoise, are encountered, authorization from the CDFW and USFWS must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until the young have fledged.
- b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas. .

BIO-2 Focused Plant Survey. A focused plant survey is recommended for all special status plant species that have the potential to occur of the site to be performed during the blooming season (April – June) to determine the potential environmental effects of the proposed project on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife.

BIO-3 CDFW and USFWS Notification. If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) shall be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

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 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;

- Animals 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.

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

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

Phase I Cultural Resources Assessment, RCA Associates; 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 although no cultural resources are within the project site itself, 14 cultural resources have been recorded within the half mile project buffer. Monitoring of construction activities, consistent with CUL-1, 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.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
VI. ENERGY – Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION: San Bernardino 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
VII. GEOLOGY AND SOILS - Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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; Geotechnical Investigation report, Noorzay Geotechnical Services, Inc.**

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.** Consistent with most of Southern California, the subject property is within an area that is subject to severe ground shaking. Compliance with California Building Code Seismic Design Standards, Chapter 16: *Structural Design* will assure a less than significant impact.

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

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

- b) **Less than Significant Impact.** The existing near-surface sandy soils may be subject to water erosion. Erosion control plans and grading plans will be required to be submitted, approved, and implemented for the proposed development so as to minimize soil erosion. 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 soils materials encountered during the field investigation were considered granular and non-critically expansive. 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 and will not require septic systems 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>
VIII. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: Mojave Desert Air Quality Management District 2017 (MDAQMD); San Bernardino County Countywide Plan; Air Quality and GHG Impact Analysis, Giroux & Associates

- 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., CO₂, CH₄, and N₂O). Furthermore, CH₄ 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 ₂
Annual (Maximum Tons per Year)	
Construction-Related Emissions	168.8
MDAQMD Annual Threshold	7,000
Exceeds Annual Threshold?	No

Source: Air Quality and GHG Impacts Analysis, Giroux & Associates

Operational Activities: As shown in Table 2, the project will result in GHG emissions of 35 MT CO₂e/yr, which is lower than the County DRP review standard of 3,000 MT CO₂e/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 ₂
Annual (Maximum Metric Tons per Year)	
Total	35.0
MDAQMD Annual Threshold	7,000
Exceeds Annual Threshold?	No

Source: Air Quality and GHG Impacts Analysis, Giroux & Associates

- 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 CO₂e 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 CO₂e per year. Therefore, the Project complies with the emissions reduction target in the County’s GHG Plan as well as MDAQMD thresholds. 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>
IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | upset and accident conditions involving the release of hazardous materials into the environment? | | | | |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <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>
X. HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input 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 or provide substantial additional sources of runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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: *San Bernardino County Countywide Plan; Drainage Study, Ludwig Engineering Associates, 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. 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 during long-term operation 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 surrounding area, 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-site or off-site. The project site will not be mass graded. Grading plans, drainage plans and compliance with WQMP measures will be reviewed and approved by the County.
 - i. Based on 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-site or off-site.
 - ii. Although some impervious surfaces will be added to the site, implementation of the proposed drainage improvements would reduce impacts due to increased surface runoff and would not result in flooding on-site or off-site
 - 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>
XI. LAND USE AND PLANNING - Would the project:				
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 Countywide 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>
XII. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION: (Check if project is located within the Mineral Resource Zone Overlay): **San Bernardino 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>
XIII. NOISE - Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 Analysis, Giroux & Associates**

- 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 County's Countywide Plan or noise ordinance, or applicable standards of other agencies.
- b) **Less than Significant Impact.** The project will not generate excessive ground borne vibration or noise levels and will not expose persons to 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) **Less than Significant Impact.** Although the proposed project is in the vicinity of an airport land use plan, and within two miles of a Daggett-Barstow Airport, a public use airport, there will be a less than significant impact in terms of exposing people working in the area to excessive noise levels.

<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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: **San Bernardino 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>
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>
XVI. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

SUBSTANTIATION: San Bernardino County Countywide Plan; Submitted Project Materials

- a) **Less than Significant Impact.** The proposed project will not result in new 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>
XVII. TRANSPORTATION – Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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: Trip Generation Report, KOA Corporation; San Bernardino County Countywide Plan;

- 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.** All area intersections are anticipated to operate at acceptable level of service (LOS) based on analysis of existing conditions plus project-generated increases.

- 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 and access is provided 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, a truck haul plan should 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 access from National Trails Highway (Route 66). The project will not result in inadequate access for emergency purposes.

Mitigation Measure:

CIR-1 Truck Haul Plan. 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"/>
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- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

SUBSTANTIATION: Phase I Cultural Resources Assessment, RCA Associates, 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 the Project area. Nonetheless, 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, as noted below, the impact will be reduced to a less than significant level.

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>
XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

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

- 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>
XXI. MANDATORY FINDINGS OF SIGNIFICANCE:				

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

- or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?

-
- a) **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 BIO-1 through BIO-4, 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 Daggett community contains the infrastructure necessary to efficiently serve this project as well as the planned and approved projects to be constructed in the future. 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 Surveys. Preconstruction surveys for burrowing owl, desert tortoise and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.

- a. Appropriate survey methods and timeframes shall be established to ensure that chances of detecting the target species are maximized. In the event that listed species, such as desert tortoise, are encountered, authorization from the CDFW and USFWS must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until the young have fledged.
- b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas. .

BIO-2 Focused Plant Survey. A focused plant survey is recommended for all special status plant species that have the potential to occur of the site to be performed during the blooming season (April – June) to determine the potential environmental effects of the proposed project on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife.

BIO-3 CDFW and USFWS Notification. If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) shall be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

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 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;
- Animals 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.

GENERAL REFERENCES

County of San Bernardino, Countywide Plan. Approved October 27, 2020, Adopted November 27, 2020. http://countywideplan.com/wp-content/uploads/2020/08/CWP_PolicyPlan_PubHrngDraft_HardCopy_2020_July.pdf

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

California Department of Conservation, California Geological Survey, Mineral Resources and Mineral Hazards

County of San Bernardino 2007 Development Code

County of San Bernardino Geologic Hazards Overlays Map

County of San Bernardino Hazard Overlay Map

County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998.

County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995.

San Bernardino County General Plan, 2007; Environmental Impact Report

County of San Bernardino, Greenhouse Gas Emissions Reduction Plan, January 6, 2012.

County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*.

County of San Bernardino Road Planning and Design Standards.

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map.

Mojave Desert Air Quality Management District, CEQA Air Quality Handbook, November 1993.

U.S. Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey. Available at <http://websoilsurvey.nrcs.usda.gov/>

PROJECT-SPECIFIC REFERENCES

Biological Resource Assessment, RCA Associates, LLC

Cultural Resources Assessment, CRM TECH

Preliminary Hydrology and Hydraulic Calculations, Ludwig Engineering Associates, Inc.

Preliminary Water Quality Management Plan, Ludwig Engineering Associates, Inc.

South Central Coast Information Center, California State University, Fullerton

EXHIBIT C

California Department of Fish and Wildlife comment letter and Response



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

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



August 24, 2021

Governor’s Office of Planning & Research

August 24 2021

STATE CLEARINGHOUSE

Mr. Tom Nieves
 County of San Bernardino
 385 North Arrowhead Avenue, First Floor
 San Bernardino, CA 92415
 Tom.Nieves@lus.sbcounty.gov

Subject: Initial Study - Mitigated Negative Declaration
 Solar 33, National Trails Solar Facility
 State Clearinghouse No. 2021070540

Dear Mr. Nieves:

The California Department of Fish and Wildlife (CDFW) received an Initial Study with proposed Mitigated Negative Declaration (MND) from the County of San Bernardino (Lead Agency) for Solar 33, National Trails Solar Facility Project (Project) pursuant to California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding the 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

¹ 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.

August 24, 2021
Mr. Tom Nieves
County of San Bernardino
State Clearinghouse No. 2021070540
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proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, 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 LOCATION AND DESCRIPTION

CEQA Lead: County of San Bernardino

Applicant: Ralph Laks

The proposed Project is located on the north of and adjacent to Interstate Highway 40 and is bisected by National Trails Highway (Route 66). The site is at approximately one mile west of Hidden Springs Road in the community of Daggett, San Bernardino County, California. The Project site is situated on approximately 35-acre property within Section 25, Township 9 North, Range 1 East in Minneola, California, U.S. Geological Survey (USGS) 7.5-minute topographical quadrangle map, and identified by the Assessor Parcel Number (APN) 0416-041-52.

The Project proposes to construct and operate a 4.8-Megawatt (MW) photovoltaic (PV) solar power generating facility with battery storage capabilities. The activities involve installation of solar PV modules mounted on either stationary fixed-tilt ground-mounted racking or single-axis trackers. The construction components also 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 both overhead and buried. Access to the project site will be on an all-weather road. 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. The Project Site is currently vacant and subject to Resource Conservation and Rural Living Land Use Category and Zoning Designation.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (biological resources). CDFW offers these comments to assist the Lead Agency for adequately identifying and mitigating the Project's significant, or potentially significant, impacts on biological resources. CDFW recommends that the MND addresses the ensuing comments.

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following 2009 or current version of The Manual of California Vegetation. Adjoining habitat areas should also be included in this assessment where Site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Please note that CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The assessment should include a comprehensive, recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380).

The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

CDFW recommends species-specific surveys for desert tortoise (*Gopherus agassizii*) and Mohave ground squirrel (*Xerospermophilus mohavensis*). CDFW approved desert tortoise pre-construction surveys cover 100 percent of the project area and adjacent habitat using the methods described in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise (Mojave Population) Field Manual. CDFW also recommends a current assessment of Mohave ground squirrel and survey guidelines

are provided in The Mohave Ground Squirrel Survey Guidelines (Department of Fish and Game, July 2010) or current version. CDFW recommends survey for burrowing owl (*Athene cunicularia*), a Species of Special Concern. Survey recommendations and guidelines are provided in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012) or current version. Development of a desert kit fox and American badger mitigation and monitoring plan is recommended. Desert kit fox is a protected species, and American badger is a Species of Special Concern. CDFW also recommends a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.

CDFW recommends that the MND provides a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the MND should include mitigation measures for adverse Project-related impacts to these resources. The MND should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat acquisition, enhancement, conservation, and management in perpetuity should be addressed. The MND should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring, management for invasive species, control of illegal dumping, water pollution, increased human intrusion, and other factors that diminish the habitat value for the target species.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The Project may potentially result in substantial adverse impacts on biological resources including but not limited to burrowing owl, desert tortoise, Mojave ground squirrel, desert kit fox, and lake and streambed. The MND should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the MND.

1. A discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions created by zoning of development Projects or other Project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project Site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project Site.
2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to adjacent open space lands from both the construction of the Project and long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future Projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
5. The Project has long life-span and potential loss in habitat expansion and population density changes with time needs be accounted for considering fully mitigated standards. For adequacy of mitigation analysis, there is a need to consider both spatial and temporal effects on habitat as well as cumulative impacts of the activities on habitat biodiversity under microclimate variability.

Burrowing Owl is a CDFW species of special concern and occurs as a year-round resident and winter visitor. Habitat for the burrowing owl includes dry, open, short-grass areas with level to gentle topography and well-drained soils, as well as agricultural areas. These areas are also often associated with burrowing mammals. The burrowing owl is diurnal and perches during daylight at the entrance to its burrow or on low posts. It is typically found in dry open areas with few trees and short grasses; it is also found in vacant lots near human habitation. It uses uninhabited mammal burrows for roosts and nests, often in close proximity to California ground squirrel (*Otospermophilus beecheyi*) colonies. Northern harrier is a CDFW species of special concern. This species is

typically found in open habitats with dense ground cover including grasslands, agricultural fields, and marshes. Northern harriers nest on the ground, preferring wetland habitat for cover. Loggerhead shrike is a CDFW species of special concern. This species prefers open country with scattered shrubs and trees. They frequent agricultural fields, abandoned orchards, desert scrublands, and riparian areas. Black-tailed gnatcatcher is a CDFW watch List species. This species remains in pairs all year, defending permanent territories. Black-tailed gnatcatchers prefer dry washes or desert brush with varied growth of mesquite, acacias, and paloverdes, but are also known to inhabit tamarisk scrub.

Flat-tailed Horned Lizard (*Phrynosoma mcallii*) is a CDFW species of special concern and BLM sensitive species. Flat-tailed horned lizard is found in the low deserts of southwestern Arizona, southeastern California, and adjacent portions of northwestern Sonora and northern Baja California, Mexico. This species is known to inhabit sand dunes, sheets, and hummocks, as well as gravelly washes. It is thought to be most abundant in creosote bush scrub. This species may be found in a variety of desert scrub. Many occurrences of flat-tailed horned lizard have been reported in the undeveloped desert areas.

Loggerhead Shrike (*Lanius ludovicianus*) is a CDFW species of special concern. This species inhabits most of the continental U.S. and Mexico and is an uncommon year-round resident of southern California. It prefers washes with scattered trees or shrubs, or valley floors with scattered thickets of mesquite (*Prosopis* spp.) or saltbush (*Atriplex* spp.). Outside the desert this species inhabits grasslands, agricultural fields, open sage scrub, and chaparral. The loggerhead shrike requires open habitat with tall shrubs or trees to use as perches for hunting and fairly dense shrubs for nesting. It may also use fences or power lines for hunting perches. Loggerhead shrikes are highly territorial and usually lives in pairs in permanent territories. This species feeds on small reptiles, mammals, smaller birds, amphibians, and insects that they often impale on sticks or thorns before eating. This bird may also be associated with freshly plowed or mowed fields, as these activities create foraging opportunities for this species. Loggerhead shrike populations are declining, likely due to urbanization and loss of habitat and, to a lesser degree, pesticide use.

LeConte's Thrasher (*Toxostoma lecontei*) is a CDFW species of special concern. It is a permanent resident in the San Joaquin Valley, Mojave and Colorado Deserts of California, the Sonoran Desert in Arizona, as well as Utah, Nevada, and Baja California, Mexico. This sensitive bird requires undisturbed substrate for foraging under desert shrubs. Ideal habitat throughout this species' range consists of sparsely vegetated desert flats, dunes, sandy alluvial fans below desert mountains, alkaline dry lakes, or gently rolling hills.

American Badger (*Taxidea taxus*) is a CDFW species of special concern. American badgers are widespread, ranging from the Great Lakes to the Pacific Coast, and from the Canadian Prairie provinces to the Mexican Plateau. This species can be found in a variety of habitats, which include shrub steppes, agricultural fields, open woodland forests, and large grass and sagebrush meadows and valleys. Its breeding season occurs from mid- to late summer, after which egg implantation is delayed until December to February. Declines in American badger populations and distribution have resulted from habitat fragmentation from urbanization and development of roads.

Mitigation Measures for Project Impacts to Biological Resources

The MND should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. CDFW recommends consideration of the following comments.

Fully Protected Species

Several Fully Protected Species (Fish and Game Code § 3511) have the potential to occur within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time. Project activities described in the MND should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the MND fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends more robust analysis of appropriate avoidance, minimization and mitigation measures to reduce any possible indirect impacts to fully protected species.

Sensitive Plant Communities

CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in the 2009 or current version of The Manual of California Vegetation. The MND should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts. Minimization measures may include transplanting perennial species, seed collection and dispersal from annual species, and other conservation strategies that will protect the viability of the local population. If minimization measures are implemented, monitoring of plant populations will be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for mitigation will be no net reduction in the size or viability of the local population.

Western Joshua tree

Western Joshua tree (*Yucca brevifolia*) is a candidate for threatened species (see 2020 Cal. Reg. Notice Register, No. 41-Z, pp. 1349, October 9, 2020) under CESA. CDFW recommends that the MND should include risk analysis showing comparative evaluation of adverse impacts of design layouts on various species and their habitat quality and sustainability over time. Edge effects should be considered. The determination should be based on factors including an assessment of the importance of the habitat in the Project area, the extent to which the covered activities will impact the habitat, and estimation of the acreage required to provide for adequate compensation. Avoidance of western Joshua tree and its associated habitat would be a preferred approach. When considering impacts that involve removal of western Joshua tree, including its potential seedbank, impacts to habitat adjacent to western Joshua tree and other suitable habitat should also be evaluated. CDFW recommends the assessment area cover all Project areas that may be impacted and an additional 200-foot-wide area outside of the Project impact area to assess the habitat quality parameters. High quality habitat adjacent to an impact area would generally factor into a quality determination for the impact area. CDFW recommends that assessment of impacts and associated mitigation should evaluate the number and size of western Joshua trees impacted, and the overall quality and extent of habitat that may support western Joshua tree. Generally, areas with greater density, range of size classes, and recruitment of western Joshua tree, along with larger, intact, and connected habitat areas represent high habitat quality areas.

The assessment should consider edge effects that may exist from Project design. Areas with larger edge effect and narrow corridors should be considered as having greater indirect impacts on adjacent areas. Impacts include removal of western Joshua tree and its seedbank, and loss of occupied and suitable habitat. Removal of western Joshua tree to “salvage” or relocate elsewhere should be considered an impact at the removal site. Relocation of western Joshua tree is disfavored as relocation is likely to impact habitat at a relocation site and affect other fish and wildlife resources, potentially including special-status species, and a relocation site may not have all required habitat elements for successful reproduction on site, potentially limiting the biological effectiveness of such as measure. CDFW recommends the amount of compensatory mitigation is related to the extent and type of impacts to the species and the quality of the habitat being affected for the biological resources that may be potentially impacted. CDFW recommends mitigation for western Joshua tree be based on acres of impact to occupied and suitable habitat for western Joshua tree, rather than number of trees impacted. CDFW does not view relocation as adequate mitigation for impacts to western Joshua tree and its habitat. For desert tortoise, for example, compensatory mitigation ratios from 1:1 to 5:1 of mitigation acres to impacted acres are most typical. The higher mitigation ratios are often used for impacts that most affect the species, such as impacts to high quality, connected, other important habitat areas, and impacts

to areas with a greater distribution and presence of the species. The lower mitigation ratios are often used for impact areas with low habitat value and low to very low presence of the species. The Lead Agency may choose to take a similar approach with western Joshua tree.

CDFW recommends the mitigation site is occupied and is of equivalent or higher value for western Joshua tree than the impact site. For compensatory mitigation, CDFW recommends permanent protection through a conservation easement, development of a long-term management plan, and funding sufficient to implement management plan tasks in perpetuity should be completed before starting Project ground-disturbing activities. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). 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 seek appropriate authorization prior to Project implementation through an ITP.

Mitigation

CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the MND should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed in detail. If onsite mitigation is not feasible or would not be biologically viable and therefore not adequately mitigate the loss of biological functions and values, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. The MND should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, land dedications, long-term monitoring and management, control of illegal dumping, water pollution, and human intrusion.

Moving out of Harm’s Way

The proposed Project is anticipated to result in the clearing of natural habitats that support native species. To avoid direct mortality, CDFW recommends that the lead agency condition the MND to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to

move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the California Endangered Species Act (CESA). A CESA ITP is issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. CDFW recommends that a CESA ITP be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). 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 seek appropriate authorization prior to Project implementation through an ITP. Desert tortoise and Mohave ground squirrel are two CESA-listed threatened species that have potential to occur within the Project Area, presence needs to be determined by protocol surveys required by the Lead Agency. CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. Please note that the proposed avoidance, minimization, and mitigation measures must be sufficient for CDFW to conclude that the Project's impacts are fully mitigated and the measures, when taken in aggregate, must meet the full mitigation standard.

Desert Tortoise

For desert tortoise, a CESA-listed threatened and candidate endangered species, 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.

Mohave Ground Squirrel

Project activities have the potential to take Mohave ground squirrel, 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.

Burrowing Owl

Burrowing owl is a CDFW Species of Special, and potential construction-related direct impacts to burrowing owl could result from destruction of burrowing owl dens, destruction of nests, eggs, and young; and entombment of adults. CDFW recommends inclusion of mitigation measures to avoid potentially significant impacts to burrowing owls, a Species of Special Concern. The measures need 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.

Eviction of burrowing owls is a potentially significant impact under CEQA. CDFW recommends inclusion a measure for a qualified biologist 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).

LeConte's Thrasher

LeConte's thrasher is a CDFW Species of Special Concern. During the nesting season, January 15 through June 15, prior to the start of construction activities, a Qualified Biologist will conduct surveys within the Whitewater Floodplain Conservation Area, within 500 feet of the impact area, or to the property boundary if less than 500 feet. If nesting Le Conte's thrashers are found, an exclusion buffer will be established around the nest site in any location where work may occur within 500 feet of the active nest. The exclusion buffer will be staked and flagged. No construction will be permitted within the buffer during the breeding season of January 15 through June 15 or until the young have fledged.

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 analysis 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 measures 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 days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

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. 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 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 ITP. Should any CESA-listed plant species be present at the Project Site, the Project Proponent shall obtain an ITP for those species prior to the start of Project activities.

American Badger and Desert Kit Fox

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 may 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 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. 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 Program

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 the

August 24, 2021
Mr. Tom Nieves
County of San Bernardino
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lakes, streams, dryland channels, riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments.

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).

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.)

CDFW appreciates the opportunity to comment on your Project. Questions regarding this letter should be directed to Dr. Shankar Sharma, Senior Environmental Scientist Specialist and Renewable Energy Lead at Shankar.Sharma@wildlife.ca.gov or (909) 228-3692.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: Dr. Shankar Sharma, CDFW, Shankar.Sharma@wildlife.ca.gov

State Clearinghouse, State.clearinghouse@opr.ca.gov

Habitat Conservation Planning Branch, CEQAcommentletters@wildlife.ca.gov



15555 Main Street, #D4-235
Hesperia, CA 92345
(760) 596-0017
www.rcaassociatesinc.com

September 30, 2021

Mr. Ralph Laks
4949 Topanga Canyon Blvd.
Woodland Hills, CA 91364

Dear Mr. Laks:

We reviewed the California Department of Fish and Wildlife (CDFW letter dated August 24, 2021 regarding the Solar 33 Project (National Trails Solar Facility). RCA Associates, Inc. conducted biological surveys on the site in April 2021 and the results of the surveys were presented in a General Biological Resources Assessment (BA) (Dated April 7, 2021).

The results and conclusions present in the BA are still valid and the report is valid for one year from the date of the surveys in April 2021. CDFW has recommended additional pre-construction surveys be conducted prior to the start of future ground disturbance activities to ensure no special status species have moved onto the site since the April 2021 surveys were conducted. In addition, implementation of certain mitigation measures have been suggested by CDFW in order to minimize project related impacts to the biological resources on the site and in adjacent habitats. RCA Associates, Inc. concurs that pre-construction surveys will need to be implemented as necessary and appropriate mitigation measures should be implemented as part of the proposed project.

If you have any questions, please feel free to call me at my office (760 596-0017).

Sincerely,

Randall C. Arnold, Jr.

Randall C. Arnold, Jr.
President & Senior Biologist

HDFFile: #2018-73Letter

EXHIBIT D

Findings

FINDINGS: CONDITIONAL USE PERMIT:

A Conditional Use Permit to construct and operate a 4.8-Megawatt (MW) photovoltaic (PV) solar power generating facility, that includes a PV/Battery Energy Storage System (BESS), and associated infrastructure, on approximately 35 acres in the Resource Land Management (RLM) land use category and Resource Conservation (RC) zoning district in the Community of Daggett (Project).

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:

- 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.**

The proposed Project would include the development of solar facilities and associated infrastructure with the capacity to generate up to 4.8 MW of renewable electric energy and energy storage capacity. Power generated by the proposed Project would be transferred to the Gale substation via an existing 33.5 KV gen-tie line. The solar facility would use PV technology and consist of solar arrays mounted on either fixed or tracking structures mounted to vertical posts. The solar facility would operate year-round and would generate electricity during the daylight hours. 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 Resource Conservation (RC) 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 one mile west of Hidden Springs Street, north of Interstate 40, and both north and south of National Trails Highway (Route 66) in the community of Daggett on 35 acres. The site for the proposed use has adequate access. Access roads would be located throughout the Project area. Twenty-foot access roads will be provided every 600 feet within the arrays with a 20-foot perimeter road surrounding the facility.

- 3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.**

The proposed use is required to comply with all requirements of the County Development Code with respect to noise, vibration, lighting and glare. The Project has also been conditioned to comply with Development Code section 83.01.080 related to noise standards.

- 4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the Countywide Plan, Renewable Energy and Conservation Element (RECE) and any applicable Community or Specific Plan.**

The Project has a Land Use Category of Resource Land Management (RLM) and a Zoning Designation of Resource Conservation (RC). 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 of the Countywide Plan:

Countywide Plan (CWP):

CWP Goal LU-2 Land Use Mix and Compatibility: An arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.

CWP Policy LU 2.4 Land Use Map Consistency: We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

Goal/Policy Implementation: The Project is designed to provide reliable and affordable energy to the unincorporated desert communities. The small scale 4.8 MW facility meets the requirements of Goal LU-2 in that it is appropriately sited within the Resource Conservation (RC) zone, where commercial solar facilities are allowed. The Project will also allow local residents the ability to enjoy the advantages of the renewable energy generated by the Project, lending towards the objective to provide such access throughout San Bernardino County by 2030.

Renewable Energy Conservation Element (RE)

RE Goal 4: The County will establish a new era of sustainable energy production and consumption in the context of sound resource conservation and renewable energy development practices that reduce greenhouse gases and dependency on fossil fuels.

RE Policy 4.5: Require RE generation facility developers to provide and implement a decommissioning plan that provides for reclamation of the site to a condition at least as good as that which existed before the lands were disturbed or another appropriate end use that is stable (i.e., with interim vegetative cover), prevents nuisance, and is readily adaptable for alternative land uses. Decommissioning plans shall:

- RE 4.5.1: Include a cost estimate of the decommissioning and site restoration work for the purpose of providing a bond to guarantee completion of decommissioning.
- RE 4.5.2: Provide for an inspection after all decommissioning and site restoration work to ensure that the work has been completed to the standards required by the County, prior to release of the decommissioning bond.
- RE 4.5.3: Require any structures created during construction to be decommissioned and all material recycled to the greatest extent possible.
- RE 4.5.4: Require all material recovered during decommissioning and site restoration work of a renewable energy facility, including the renewable energy technology itself, to be reused or recycled to the greatest extent possible.

Goal/Policy Implementation: As with all solar Projects in the unincorporated areas of the County, the Project is conditioned to prepare a Decommissioning Plan, Closure Plan, and to provide surety through bonding measures prior to the issuance of building permits. The above listed elements will be required as part of the plan in order to ensure an adequate return of the parcel to its pre-construction condition.

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

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 overall public health, safety and general welfare.

The Project conditions of approval include measures that require the developer to comply with the performance measures outlined in the County Development Code. The Project has been evaluated by County departments and as part of the environmental review process to respond to specific development needs and reduce potential environmental impacts.

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 sole purpose of the proposed Project is to construct and operate a PV solar generating facility that will contribute significant quantities of renewable energy for use by the larger public.

FINDINGS: COMMERCIAL 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 Commercial Solar Facility:

Finding (c)(1): The proposed commercial 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.

Consistency. 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.

Finding (c)(2): Proposed fencing, walls, landscaping, and other perimeter features of the proposed commercial 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.

Consistency. 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.

Finding (c)(3): The siting and design of the proposed commercial 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.

Consistency. *The site is located in an area with previous solar generating development, electric transmission lines and transportation uses. The Project area is approximately 0.6 miles from the nearest residence to the east, is bisected by Rt. 66 National Trails Highway, and adjacent to the north of I-40. The Project is approximately 1.65 [SJ1] miles west of Barstow-Daggett Airport, and approximately .75 miles south of Sunray Solar Facility, RRI Energy West, and several Southern California Edison facilities. The facility will be compatible with the overall character of the area.*

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.

Consistency. *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 and Daggett Fire requirements.*

Finding (c)(5): The proposed commercial 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).

Consistency. *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.*

Finding (c)(6): The proposed commercial 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.

Consistency. *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.*

Finding (c)(7): The proposed commercial 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.

Consistency. *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.*

Finding (c)(8): The proposed commercial 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.

Consistency. *The project is designed to include use of existing transmission and access infrastructure in the area developed for the existing solar site, including transmission lines, utility corridors and roads. The project will connect and deliver its output to the existing Barstow Substation.*

Finding (c)(9): The proposed commercial 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.

Consistency. The project site has been mostly disturbed by previous industrial or agricultural activities. A general biological survey was conducted to document all biological resources identified within the survey area and included a floral/fauna inventory, vegetation/land use mapping, and habitat suitability assessments to determine the potential for special-status plant and wildlife species and vegetation communities to occur within the survey area. The Project site contains habitat that has potential to support sensitive plant and animal species. Mitigation measures have been incorporated into the project to reduce said potential impacts to a less than significant level.

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

Consistency. The project includes measures to minimize the growth of invasive weeds during and following construction.

Finding (c)(11): The proposed commercial 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.

Consistency. 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 the San Manuel tribe 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 to protect any resources encountered on the Project site.

Finding (c)(12): The proposed commercial 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.

Consistency. 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.

Finding (c)(13): The proposed commercial 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.

Consistency. The applicable FEMA Flood Insurance Rate Map for the Project site is Panel Number 06071C4600H dated 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.

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

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

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

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

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

Consistency. *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.*

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.

Consistency. *The Project site is not subject to a Williamson Act contract.*

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

Consistency. *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.*

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

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

Finding (c)(20): The proposed commercial 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.

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

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

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

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

Consistency. The Project is not located within a quarter of a mile of any residential developments or single residences. 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 to reduce impacts of blowing dust.

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

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

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

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

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

Consistency. The Project site is not located within two miles of Joshua Tree National Park. Joshua Tree National Park is located approximately 70 miles to the southeast.

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

Consistency. The Project site is not located within two miles of the Mojave National Preserve. The Mojave National Preserve is located approximately 50 miles to the east.

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

Consistent. The Project site is not located within two miles of Death Valley National Park. Death Valley National Park is located approximately 85 miles to the north.

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

Consistency. The Project is located approximately 5 miles northwest of the Newberry Mountains Wilderness, and approximately 13 miles northwest of the Rodman Mountains Wilderness Area.

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

Consistency. The nearest active military base is the Marine Corps Logistic Base in Barstow, located approximately 7 miles east of the Project site.

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

Consistency. The Project site is not located within the sphere of influence of a city. The City of Barstow sphere of influence is located approximately 6 miles west of the Project site.

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

Consistency. Decommissioning of the site will occur in compliance with Development Code Section 84.29.070, 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

Conditional Use Permit (CUP)

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, an Initial Study/Mitigated Negative Declaration (MND) was prepared for the above referenced Project, and posted for public review and comment between July 29, 2021, and August 27, 2021, and re-circulated due to an error in posting, with a revised comment period beginning September 23, 2021, ending on October 22, 2021. It has been determined that the project will 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 pursuant to 14 Cal. Code Regs., § 15073.5(c), recirculation of the MND is not required as a result of modifying the mitigation measures identified in the staff report because the proposed changes are equal or more effective than the original mitigation and will create no more adverse effect of its own that would have the original measure. 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 E

Conditions of Approval

CONDITIONS OF APPROVAL
National Trails Solar 33 Power Facility
Conditional Use Permit

GENERAL REQUIREMENTS
Ongoing and Operational Conditions

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

1. Project Approval Description. A Conditional Use Permit (CUP) to construct and operate a 4.8-Megawatt community solar photovoltaic (PV) power generating facility with battery storage capabilities on 35 acres in the community of Daggett. Project No: P201800520/PROJ-2020-00145

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 a 35-acre on National Trails Hwy, north of I-40, Approx. 1 mile west of Hidden Springs Rd Daggett, CA.

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:

- a) 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
- b) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)

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. 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.
7. Continuous Effect/Revocation. All the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
9. Project Account. The Project trust account number is PROJ-2020-00145. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g., Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy, and operation of the approved use.
10. Condition Compliance. 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.
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

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 (MDAQMD), 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: Daggett Fire Department
13. 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 always define and maintain in good condition all markings required by the Fire Department, including “No Parking” designations and “Fire Lane” designations, as applicable.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
 - d. Maintain all construction tools and equipment in good operating order according to manufacturers' specifications.
 - e. Limit use of major excavating and earthmoving machinery to daytime hours.
 - f. To the extent feasible, schedule construction activity during normal working hours on weekdays when higher sound levels are typically present and are found acceptable. Some limited activities, such as concrete pours, will be required to occur continuously until completion.
 - g. Equip any internal combustion engine related to the job with a properly operating muffler that is free from rust, holes, and leaks.

- h. For construction devices that utilize internal combustion engines, ensure the engine's housing doors are kept closed, and install noise-insulating material mounted on the engine housing consistent with manufacturers' guidelines, if possible.
 - i. Limit possible evening shift work to low noise activities such as welding, wire pulling, and other similar activities, together with appropriate material handling equipment.
 - j. Utilize a complaint resolution procedure to address any noise complaints received from residents.
 - k. Post signage showing the overall construction schedule.
 - l. Deploy temporary sound barrier or other engineering solution when construction activities are located within 200 feet of a residence so that the noise level at the residents' property line is less than the federal transit administration threshold of 80 dBA. The sound barriers should be placed so that the construction equipment is blocked with a buffer of approximately 20 feet from the equipment to edges of the barrier. This reduction in noise can also be accomplished using a comparable engineering solution to minimize noise.
21. Construction Equipment. All off-road construction equipment shall comply with the EPA's Tier 4 exhaust emission standards.

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

22. 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.
23. 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

24. 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.
25. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
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) 442-228

28. Noise. 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. Septic System Maintenance. 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. Refuse Storage/Removal. 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.

DAGGETT FIRE DEPARTMENT – (760) 254-5474

31. Jurisdiction. The above referenced project is under the jurisdiction of the Daggett CSD Fire Department. Prior to any construction occurring on any parcel, the developer shall contact the Daggett 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 Daggett Fire Department.
32. If applicable, the applicant shall conduct informational meetings and training to Daggett Fire staff regarding the battery storage facilities design, fire suppression mechanisms and fire protection procedures.

PRIOR TO ISSUANCE OF LAND DISTURBANCE OR GRADING PERMITS

The Following Shall Be Completed:

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

33. 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 PM_{2.5}. The plan shall be incorporated into all contracts and contract specifications for construction work.
34. 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.
35. AQ-1: Dust Control Plan (DCP). *Prior to the issuance of grading or building permits, the project applicant shall develop a Dust Control Plan (DCP) per the requirements of MDAQMD Rule 403.2. The DCP shall comply with MDAQMD Rules 403 and 403.2 to control fugitive dust, including PM₁₀, by addressing objectives, key contacts, roles and responsibilities, dust sources, and control measures. The DCP will address sources as well as mitigation measures including but not limited to those identified in the Mitigated Negative Declaration (MND) for the Project.*
36. AQ-2: Signage. *Signage, compliant with MDAQMD specifications, shall be erected prior to the commencement of construction which provides the public with contact information regarding non-compliance conditions*

Mitigation Measures are in Italics

37. *AQ-3: Watering. Water truck shall be utilized to maintain moist disturbed areas and actively spread water during visible dusting episodes to minimize fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.*
38. *AQ-4: Fencing. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.*
39. *AQ-5: Road Maintenance. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.*
40. *BIO-1: Preconstruction surveys for burrowing owl, desert tortoise and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.*
- Appropriate survey methods and timeframes shall be established to ensure that chances of detecting the target species are maximized. In the event that listed species, such as desert tortoise, are encountered, authorization from the CDFW and USFWS must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until the young have fledged.*
 - Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.*
41. *BIO-2: Focused Plant Survey. A focused plant survey is recommended for all special status plant species that have the potential to occur of the site to be performed during the blooming season (April – June) to determine the potential environmental effects of the proposed project on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife.*
42. *BIO-3: CDFW and USFWS Notification. If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) shall be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.*
43. *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 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;*
 - Animals 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.*
44. *CUL-1: 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, 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.*
45. *Cul-1 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.*
46. *CUL-2: 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.*
47. *Cul-2 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.*

48. *TCR-1: 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.*
49. *TCR-2: Tribal Cultural Resource Mitigation. All 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.*
50. *HYD-1: Construction. Prior to issuance of a grading permit, the project proponent shall submit a Storm Water 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:*
- *Stockpiling and disposing of demolition debris, concrete, and soil properly;*
 - *Installation of a stabilized construction entrance/exit and stabilization of disturbed areas;*
 - *Protecting existing natural drainage features and stabilizing disturbed areas;*
 - *Implementing erosion controls;*
 - *Properly managing construction materials; and*
 - *Managing waste, aggressively controlling litter, and implementing sediment controls.*
51. *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 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.*
52. *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.

53. 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 [PM_{10} and $PM_{2.5}$ (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dusts, 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 PM_{10} 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.

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

54. 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.

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

55. **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.
56. **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

57. **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.
58. **Drainage Easements.** Adequate San Bernardino County Drainage Easements (minimum fifteen (15) wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.
59. **On-site Drainage Easement.** On-site flows shall be directed within a drainage easement.
60. **FEMA Flood Zone.** The project is located within Flood Zone D according to FEMA Panel Number 06071C4600H 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.
61. **Topo Map.** A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
62. **Grading Plans.** Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
63. **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
64. **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.
65. **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.

66. Streambed Alteration Agreement. California Department of Fish & Wildlife (CDFW) must be notified per Fish & Game Code (FGC) 1602. A streambed alteration agreement shall be provided prior to Grading permit issuance. Link to CDFW website at <https://www.wildlife.ca.gov/Conservation/LSA>.

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

67. 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 ensure 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 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 Traffic Division at (909) 387-8186.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The following shall be completed:

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

68. 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).
69. 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.

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

70. 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

71. 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.
72. 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 – Land Development Division – Roads Section (909) 387-8311

73. 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.

National Trails Highway (Major Highway – 104')

- Road Dedication. A 2 foot grant of easement on the Northerly side of National Trails Highway is required to provide a half-width right-of-way of 52.

- Street Improvements. Design match up paving 40 feet from centerline on both sides, north and south of the centerline of the road.

Northerly Property Line (Section Line – 88')

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

74. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
75. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. 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. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
76. 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) 387-8046 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
77. 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) 387-8046 as well as other agencies prior to work within their jurisdiction.
78. 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.
79. 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.
80. 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.
81. 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.

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

82. 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.

DAGGETT FIRE (760) 267-1471

83. Perimeter Roads. Interior perimeter roads surrounding the facility shall be 20 feet wide.
84. Interior Roads. Interior roads between arrays shall be 20 feet wide and located no further than 600 feet apart. Dead end roads shall not exceed 150 feet without an approved fire department turn around.
85. Combustible Vegetation. Combustible vegetation shall be removed as follows:
- 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.
 - 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. County Ordinance# 3586 [F52]
86. Building Plans. Building Plans shall be submitted to the Fire Department for review and approval. [F42] Please contact Daggett Fire for Building Plan review requirements.

CALTRANS – (909) 383-4526

87. The fence around the project shall be placed before commencing construction to help block the heliostats from view of the motorist and reduce any reflections onto Interstate 40.
88. A Traffic handling plan is required to be reviewed to see the traffic impacts on Interstate 40 and local roads during construction.
89. Site grading and/or drainage improvements should avoid adverse impacts to I-40 right-of-way. If/when grading plans/drainage studies are prepared, please forward copies to our office for review and comment.
90. If an encroachment into State Right-of-Way is undertaken at time of construction or future development, issuance of a Caltrans Encroachment Permit will be required. For information regarding the Encroachment Permit application and submittal requirements, contact: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526

Any required approval from California Public Utilities commission, Bureau of Land Management, or any regulatory agency, if any involved, must be obtained prior to proceeding with Encroachment Process.

DEPARTMENT OF PUBLIC WORKS-TRAFFIC DIVISION – (909) 387-8186

91. 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 ensure 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.

PRIOR TO ISSUANCE OF FINAL INSPECTION/OCCUPANCY

The following shall be completed:

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

92. 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

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

DAGGETT FIRE (760) 267-1471

95. Knox Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4 [F85]
96. Inspection by Fire Department. Permission to occupy or use the building (Certification 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". [F03]. Please contact Daggett Fire Department for inspection requirements.

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

97. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits or apply for an exemption from hazardous material permitting requirements: Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. 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/>.
98. If applicable, 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 (SPCC) Plan in accordance with 40 CFR 112.3 and CHSC 25270.4.5(a). Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

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

99. 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

100. Improvements Installed. All required on-site improvements shall be installed per approved plans.
101. 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").

Mitigation Measures are in Italics

- 102. 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.
- 103. GHG-Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.
- 104. 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 to minimize the Project site’s contribution to visible fugitive dust beyond that observed at the upwind boundary.
- 105. 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 based on 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.

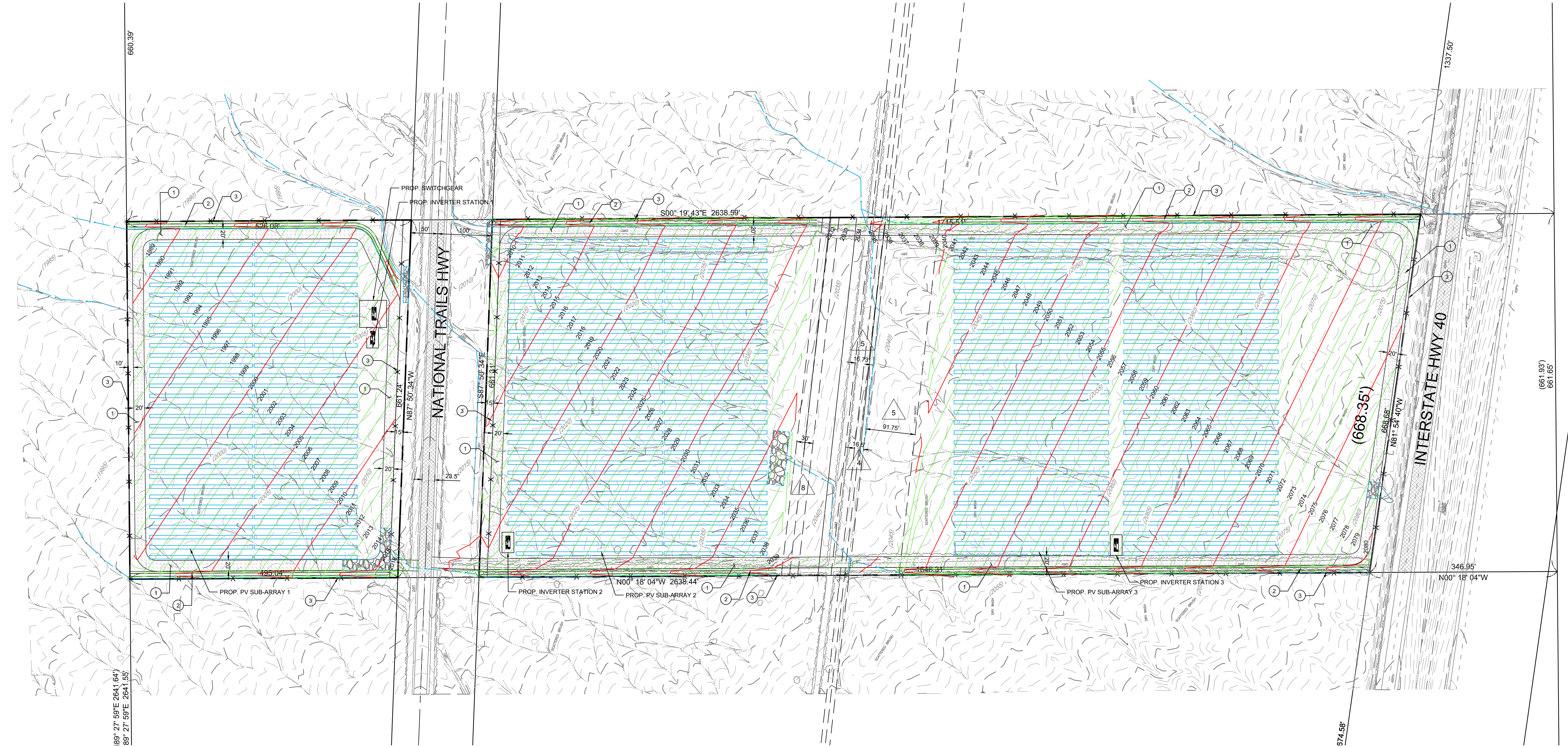
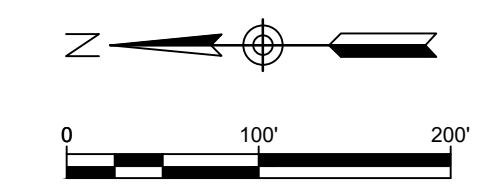
- 106. Removal Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for the closure costs and complete removal of the solar energy generating facility and other elements of the facility. The developer shall either:
 - a) Post 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.

107. 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-2020-00145.
108. 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 F

Site Plan



APPLICANT:
RALPH LAKS
4949 TOPANGA CANYON BLVD.
WOODLAND HILLS, CA 91364
PHONE : (732) 522-0730

PROPERTY OWNER:
THOMAS F. ADAMSON
22062 CALDERAS
MISSION VIEJO, CA 92691

ENGINEER:
LUDWIG ENGINEERING ASSOCIATES, INC.
109 E. 3RD ST
SAN BERNARDINO, CA 92410
PHONE: (909) 884-8217

ASSESSOR'S PARCEL NUMBER:
0416-041-52

SITE ADDRESS:
38630 COUNTY ROUTE 66 (NATIONAL TRAILS HIGHWAY), DAGGETT, CA 92327

LEGAL DESCRIPTION:
THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 9 NORTH, RANGE 1 EAST, SAN BERNARDINO BASE AND MERIDIAN,
EXCEPTING THEREFROM THOSE PORTIONS INCLUDED WITHIN THE BOUNDARIES OF THE STATE HIGHWAY, AND EXCEPTING THEREFROM THAT PORTION ALONG THE SOUTH LINE PREVIOUSLY DEEDED TO THE STATE OF CALIFORNIA, BY DEED RECORDED 10/6/64 IN BOOK 6245, PAGE 893, OF OFFICIAL RECORDS

GENERAL PLAN/ZONING:
EXISTING GENERAL PLAN/ZONING: RESOURCE CONSERVATION (RC)
PROPOSED GENERAL PLAN/ZONING: RESOURCE CONSERVATION (RC)

HAZARD OVERLAY:
NONE

UTILITY COMPANIES:
ELECTRIC:
SOUTHERN CALIFORNIA EDISON
12353 HESPERIA ROAD
VICTORVILLE, CA 92392
(760) 951-3258
WATER (HAULED):

DEVELOPMENT STANDARDS:
GROSS AREA: 35.53 AC
NET AREA: 33.25 AC
MINIMUM AREA: 10 AC
MINIMUM FRONTAGE: 100'
MINIMUM WIDTH: 300'
MINIMUM DEPTH: 300'
MIN. W TO D RATIO: 1:4

SETBACKS:
FRONT: 25'
SIDE: 15'
SIDE (STREET): 25'
REAR: 15'

EASEMENT NOTES

- 4 EASEMENT(S) GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION
PURPOSE: RIGHT OF WAY, GAS, TRANSMISSION LINE AND PRIVATE TELEPHONE AND TELEGRAPH LINES ON A SINGLE LINE OF POLES AND INCIDENTAL PURPOSES
RECORDING DATE: JULY 27, 1949
RECORDING NO.: BOOK 2440, PAGE 45, OFFICIAL RECORDS
- 5 EASEMENT(S) GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY, A CORPORATION
PURPOSE: RIGHT TO EXCAVATE FOR, INSTALL, REPLACE (OF THE INITIAL OR ANY OTHER SIZE), MAINTAIN AND USE SUCH PIPELINES AND INCIDENTAL PURPOSES
RECORDING DATE: MARCH 5, 1959
RECORDING NO.: BOOK 4752, PAGE 184, OFFICIAL RECORDS
- 8 EASEMENT(S) GRANTED TO MOJAVE PIPELINE COMPANY, A CORPORATION
PURPOSE: RIGHT OF WAY AND INCIDENTAL PURPOSES
RECORDING DATE: FEBRUARY 11, 1991
RECORDING NO.: INSTRUMENT NO. 91-49725 OF OFFICIAL RECORDS
- XX INDICATES PLOTTED EASEMENT PER TITLE REPORT FROM FIRST AMERICAN TITLE CO. NO. 5658897, DATED MARCH 6, 2018

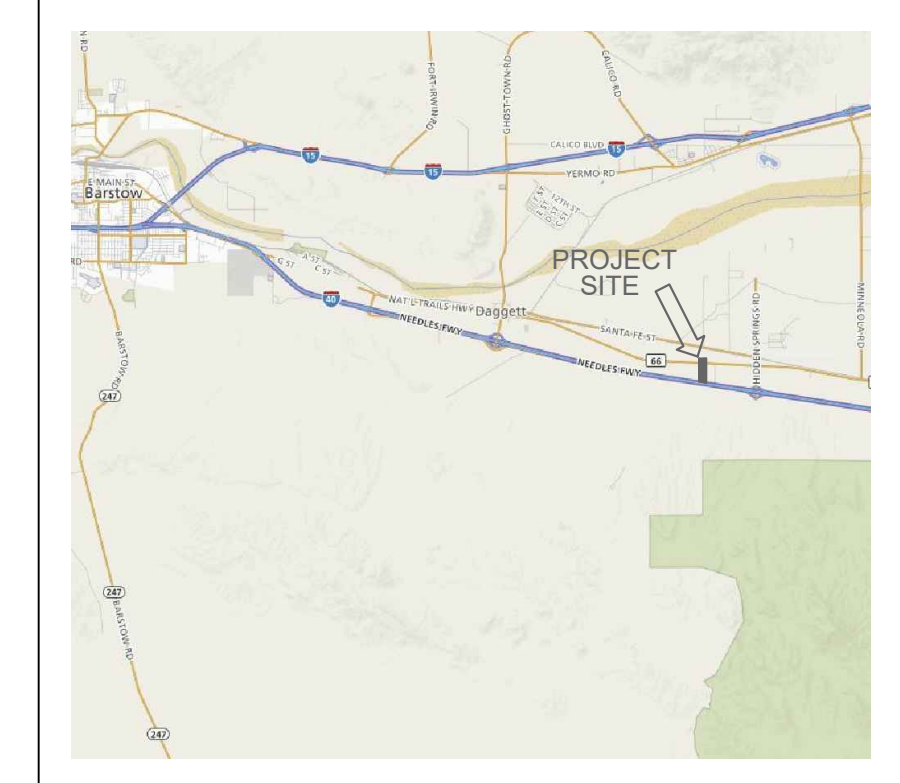
LEGEND

(720)	EXIST CONTOURS
(723.36)	EXIST ELEVATIONS
720	PROPOSED CONTOURS
720	PROPOSED ELEVATIONS
FL	EX. POWER POLE FLOWLINE
FS	FINISHED SURFACE FLOWLINE
GB	GRADE BREAK
HP	HIGH POINT
LP	LOW POINT
---	EX. PROPERTY LINE
---	EX. R/W LINE
---	EX. CENTERLINE
---	BUILDING SETBACK FLOWLINE
---	EX. PAVEMENT
---	PROP. COMPACTED EARTH ACCESS ROAD
---	PROP. GROUTED ROCK SPILLWAY

- GENERAL NOTES:**
- THERE ARE NO BUILDINGS WITHIN 100' OF PROPERTY
 - NO JOSHUA TREES ARE PRESENT ON THIS PROJECT SITE
 - BENCH MARK:
N3 EL-1979.47 ADJUSTED=-2.85 FROM HERE SURVEY
 - BASIS OF BEARING:
NORTH LINE OF THE NE QUARTER OF SEC. 25 T9N R1E N89-27'59"E PER RS 94/96.

- CONSTRUCTION NOTES:**
- CONSTRUCT COMPACTED EARTH DRIVEWAY, PER SOILS REPORT
 - CONSTRUCT EARTHEN BERM, 5' WIDE AND 2' TALL
 - CONSTRUCT 6" CHAIN-LINK FENCE

CUT/FILL VOLUMES	
CUT	15,896 CY
FILL	15,153 CY
NET	744 CY (CUT)



VICINITY MAP
SCALE: N.T.S.

PLOT DATE: February 7, 2020



Ludwig Engineering Associates, Inc.
Civil Engineering • Surveying • Planning
109 East Third Street
San Bernardino, CA 92410
Phone: 909-884-8217
Fax: 909-889-0153
15252 Seneca Rd.
Victorville, CA 92392
Phone: 760-951-7676
Fax: 760-241-0273
5890 Hwy. 95, Ste. 8
Fort Mohave, AZ 86405
Phone: 928-768-1857
Fax: 928-768-7086
2126 McCulloch Blvd., Ste. 8
Lake Havasu City, AZ 86403
Phone: 928-680-6060
Fax: 928-654-6539

DAGGETT, CA
SOLAR 33
SITE PLAN
CLIENT:
RALPH LAKS
4949 TOPANGA CANYON BLVD | WOODLAND HILLS, CA 91364
DESIGNED BY: JEC
DRAWN BY: JEC
CHECKED BY: WH

SCALE	1" = 100'
SHEET	1
OF	1
C-1	

REV.	DESCRIPTION	DATE	BY