

**Initial Study/Mitigated Negative Declaration
County of San Bernardino**

Terrible's Convenience Store and Fueling Station

**63851 Halloran Summit Road
Nipton, California**

Lead Agency:



County of San Bernardino Land Use Services
385 N. Arrowhead Ave.,
San Bernardino, CA 92415

Technical assistance provided by:

**LILBURN
CORPORATION**

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Lilburn Corporation
1905 Business Center Drive
San Bernardino, CA 92408

January 2025

TABLE OF CONTENTS

PROJECT LABEL	2
PROJECT CONTACT INFORMATION	2
INTRODUCTION.....	2
PROJECT SITE SUMMARY	2
DETAILED PROJECT DESCRIPTION.....	8
EVALUATION FORMAT	9
I. AESTHETICS.....	11
II. AGRICULTURE AND FORESTRY RESOURCES.....	13
III. AIR QUALITY	16
IV. BIOLOGICAL RESOURCES	24
V. CULTURAL RESOURCES	32
VI. ENERGY.....	37
VII. GEOLOGY AND SOILS.....	44
VIII. GREENHOUSE GAS EMISSIONS	49
IX. HAZARDS AND HAZARDOUS MATERIALS	53
X. HYDROLOGY AND WATER QUALITY	56
XI. LAND USE AND PLANNING	60
XII. MINERAL RESOURCES.....	61
XIII. NOISE.....	62
XIV. POPULATION AND HOUSING	64
XV. PUBLIC SERVICES.....	65
XVI. RECREATION.....	68
XVII. TRANSPORTATION	69
XVIII. TRIBAL CULTURAL RESOURCES	72
XIX. UTILITIES AND SERVICE SYSTEMS.....	76
XX. WILDFIRE.....	79
MANDATORY FINDINGS OF SIGNIFICANCE.....	81
SUMMARY OF MITIGATION MEASURES	83
REFERENCES.....	85

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

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

PROJECT LABEL

APNs:	0570-061-26	USGS Quad:	Solomons Knob, Quadrangle
Applicant:	ETT CA, LLC 5195 S. Las Vegas Blvd. Las Vegas, NV 89119	T, R, Section:	T15N, R11E, Sec. 10
Location	63851 Halloran Summit Road Nipton, California, San Bernardino County 92316		
Project No:	PROJ-2023-00036	Community	Nipton
Rep	Hollen Herbst hherbst@terribles.com	LUC: Zone:	Commercial (C) Highway Commercial (CH)
Proposal:	Minor Use Permit for the development of an auto/truck fueling station with a 7,433 sq. ft. convenience store and three detached fuel canopies on approximately 9.18 acres.	Overlays:	None

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: Delanie Garlick
Phone No: (916) 903-2983 **Fax No:** (909) 387-3223
E-mail: Delanie.garlick@weareharris.com

INTRODUCTION

ETT CA, LLC (applicant) has submitted an application to the San Bernardino County Land Use Services Department-Planning Division for a Minor Use Permit for the development and operation of an auto/truck fueling station with a 7,433 sq. ft. convenience store and three detached fuel canopies each with underground storage tank on approximately 9.18 acres located at 63851 Halloran Summit Road, Nipton, CA, in unincorporated San Bernardino County. Specifically, the Project Site is on the southside of Interstate 15 at Halloran Summit Rd. (see Figure 1, Regional Vicinity Map).

PROJECT SITE SUMMARY

The Project Site is located approximately 18 miles northeast of the Town of Baker, California, and 75 miles southwest of the City of Las Vegas, Nevada along heavily traveled Interstate 15 (I-15), which connects Las Vegas to southern California. The Project site is located off the Halloran Summit Road exit (Yucca Grove) of I-15 (see Figure 2 Vicinity Map). South of I-15 surrounding the Highway Commercial (CH) zone where the Project Site is located lies the Mojave National

Preserve/Mojave Wilderness, zoned Resource Conservation (RC), managed by the National Park Service (NPS). The north side of I-15 surrounding the CH zone is the Bureau of Land Management (BLM) Shadow Valley ACEC (area of critical environmental concern) also within the county designated RC zone (see Figure 1 Regional Vicinity Map). The Project Site is located in Section 10, Township 15 North, Range 11 East (T15N, R11E), on the U.S. Geological Survey (USGS) Solomons Knob, 7.5-minute topographic quadrangle at approximately 35° 24' 4.22" N Latitude and 115° 47' 23.74" W Longitude (See Figure 2 Project Vicinity - Aerial View, and Figure 3 Project Site - USGS View).

The 9.18-acre site was previously developed and currently contains an abandoned commercial structure, gasoline service station, residential structure asphalt paved parking lot, telecommunications tower, and three mobile homes. Three underground storage tank (UST) systems abandoned in place on the western portion of the Property, an in-ground automobile lift, and an above ground storage tank (AST) associated with the telecommunications tower compound on the northeastern portion of the Property are also present. Project implementation will require the demolition of the remaining structures (including USTs) except for the communications tower which will remain. The Project Site has been disturbed and graded to accommodate the former development thus there is an average slope from west to east at approximately 2.1%. Elevations range from approximately 4,117 feet to 4,130 feet. The Project Site is located within the Commercial (C) Land Use Category according to the San Bernardino County Countywide Plan/Policy Plan Land Use Element, and zoned Highway Commercial (CH). North, east, and west of the Project site are vacant parcels also in the CH zone, and south of the site is vacant land zoned RC.¹

Table 1: Surrounding Land Use and Zoning

AREA	Existing Land Use	Land Use Category	Zoning
Site	Former Service Station (abandoned)	Commercial (C)	Highway Commercial (CH)
North	Vacant land (BLM)	Commercial (C)	Highway Commercial (CH)
South	Vacant land (BLM, Mojave National Preserve)	Open Space (OS)	Resource Conservation (RC)
East	Vacant land (private)	Commercial (C)	Highway Commercial (CH)
West	Vacant land (BLM)	Commercial (C)	Highway Commercial (CH)

ADDITIONAL APPROVAL REQUIRED BY OTHER AGENCIES

Federal: None

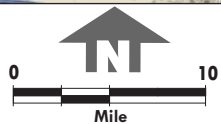
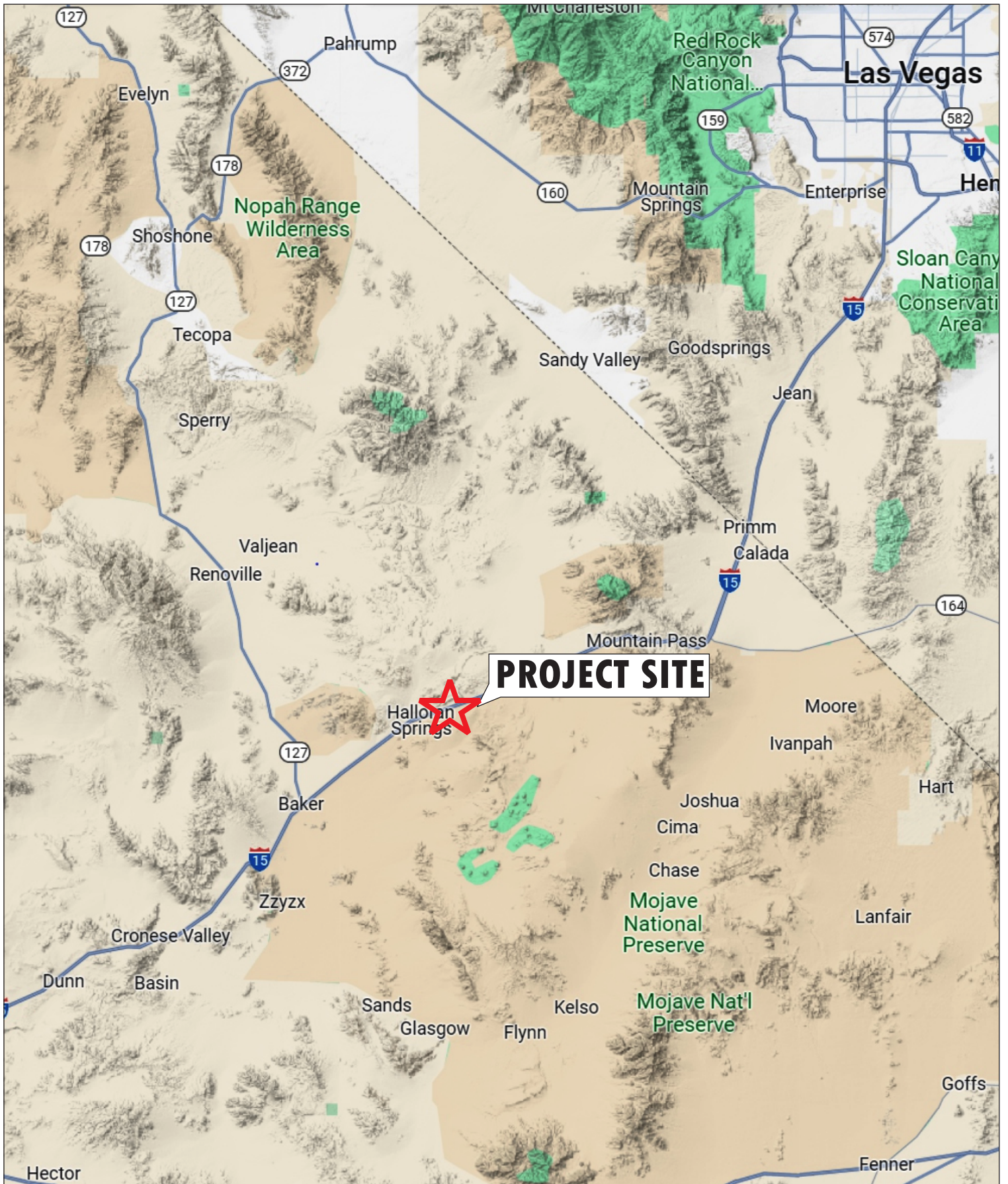
State of California: Caltrans

County of San Bernardino: Land Use Services – Planning/Building and Safety/Land Development, County Fire, Environmental Health Services, Public Works – Traffic/Solid Waste Management/Flood Control, and Special Districts.

Regional: Mojave Desert Air Quality Management District

Local: None

¹ San Bernardino County Countywide Plan/Policy Plan, Land Use Element Map *LU-1-Land Use*



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REGIONAL VICINITY

**TERRIBLE HERBST TRAVEL CENTER
HALLORAN SUMMIT**
County of San Bernardino, California

FIGURE 1



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VICINITY MAP
TERRIBLE HERBST TRAVEL CENTER
HALLORAN SUMMIT
County of San Bernardino, California

FIGURE 2

PROJECT SCOPE:

THIS IS FOR A "MUP" APPLICATION: PRUJ-2023-00036
 THERE ARE NO INDOOR SEAT. THERE IS SPACE FOR ABOUT 16 SEATS & TABLES OUTDOORS
 THIS PROJECT WILL OPERATE 24/7 - 365
 THERE WILL BE OFF-SALE OF BEER AND WINE
 LOTTERY TICKETS WILL BE SOLD
 THERE ARE 8 MPD FOR AUTO FUELING, 16 POSITIONS
 THERE WILL BE 6 LANES OF TRUCK FUELING AND 24 TRUCK PARKING STALLS
 THE CONVENIENCE STORE IS 7,433 SF.

NOTES:

1. THERE ARE NO COUNTY WATER OR SEWER SERVICES TO THIS SITE. WELL WATER WILL BE USED FOR THE BUILDINGS AND WATER WILL BE STORED FOR THE FIRE DEPARTMENT IN 4 210,000 GALLON TANKS. THERE WILL BE AN ON-SITE SEPTIC SYSTEM.
2. ALL WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL
 - 2.1. ARE CONTINUOUSLY ACCESSIBLE
 - 2.2. HAVE A MAXIMUM 1/2" CHANGE IN ELEVATION
 - 2.3. ARE MINIMUM 48" IN WIDTH
 - 2.4. HAVE A MAXIMUM 2% CROSS SLOPE
- 2.5. SHALL HAVE RAMPS COMPLYING WITH 2022 CBC, SECTION 11B-405 OR 11B-406 AS APPROPRIATE WHERE THERE IS A CHANGE IN ELEVATION AT A SLOP EXCEEDING 5%.
3. WHERE AN ACCESSIBLE WALKWAY CROSSES OR ADJOINS A VEHICULAR WAY AND THE WALKING SURFACES ARE NOT SEPARATED BY CURBS, RAILINGS OR OTHER ELEMENTS BETWEEN THE PEDESTRIAN AREAS AND VEHICULAR AREAS SHALL BE DEFINED BY CONTINUOUS DETECTABLE WARNING WHICH IS 36" WIDE, COMPLYING TO 2022 CBC, SECTION 11B-705.1.2.5

DEVELOPER:

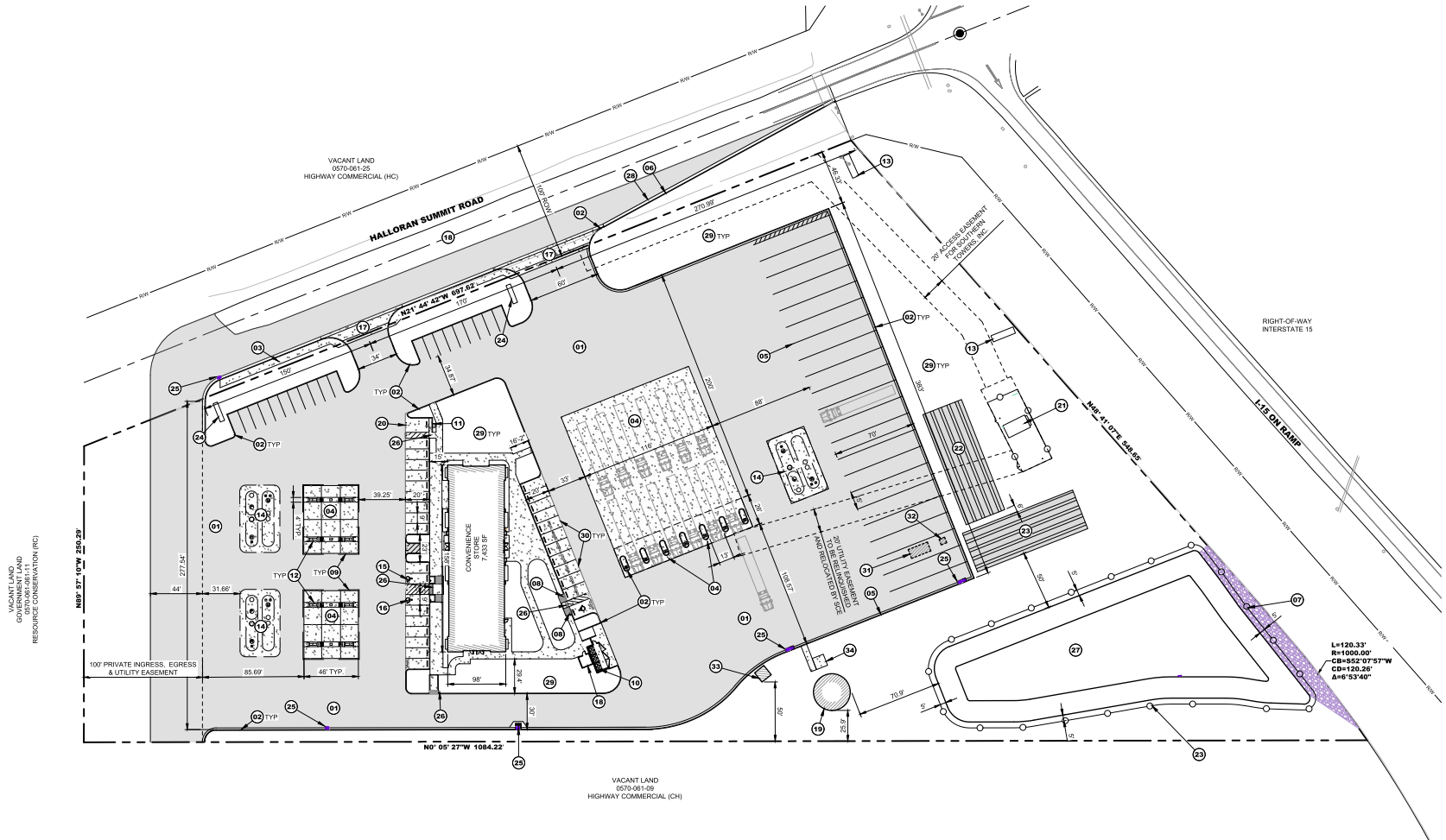
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CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

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

On May 31, 2024 the County of San Bernardino mailed notification pursuant to AB52 to the following tribes: Twenty-Nine Palms Band of Mission Indians, Colorado River Indian Tribes, Fort Mohave Indian Tribe, Morongo Band of Mission Indians, San Manuel Band of Mission Indians, Chemehuevi Indian Tribe, Kern Valley Indian Community, and Fort Yuma Quechen Tribe. Requests for consultations were due to the County by June 30, 2024. The table below shows a summary of comments and responses.

Table 2: AB-52 Consultation Summary

Tribe	Comment Letter Sent	Summary of Response	Conclusion
Twentynine Palms	5/31/24	No response	-
Colorado River Indian Tribes	5/31/24	No response	-
Fort Mohave Indian Tribe	5/31/24	No response	-
Morongo Band of Mission Indians	5/31/24	Project is not in ancestral territory	Consultation not requested
Yuhaaviatam of San Manuel Nation	5/31/24	No response	-
Chemehuevi Indian Tribe	5/31/24	No response	-
Kern Valley Indian Community	5/31/24	No response	-
Fort Yuma Quechen Tribe	5/31/24	No response	-

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.

DETAILED PROJECT DESCRIPTION

Minor Use Permit (MUP): The Proposed Project consists of a Minor Use Permit for the development and operation of an auto/truck fueling station with a 7,433 square foot convenience store and three detached fuel canopies with underground fuel storage tanks on approximately 9.18 acres located at 63851 Halloran Summit Road, Nipton, CA, in unincorporated San Bernardino County. Specifically, the site is located at the Halloran Summit exit off Interstate 15 approximately eighteen (18) miles northeast of the town of Baker. There will be eight (8) conventional fuel pumps with 16 fueling positions and six (6) diesel fueling lanes/fueling positions for a total of 22 fueling positions. The Project will include paved parking for approximately fifty (50) automobiles and designated truck parking for up to twenty-two (22) trucks and seven (7) spaces for electric vehicle charging, and one (1) clean air van pool space. The Proposal also includes three (3) handicapped accessible spaces in compliance with the Americans with Disabilities Act (ADA) (see Figure 3, Site Plan). It is anticipated that there will be up to four (4) employees onsite at any given time. Hours of operation are anticipated to be 24 hours a day seven days a week. The service station will provide food, fuel, and rest for travelers westbound on Interstate 15 on route to Southern California, or eastbound from Southern California to cities such as Las Vegas, NV and beyond.

Project Construction: Onsite construction activities would consist of demolition of all remaining structures onsite (except for the communications tower), including a commercial structure, 3 fuel pumps, residential structure, asphalt paved parking lot, three mobile homes and removal of the USTs and inground automobile hydraulic lift. Construction of the 7,433 square foot convenience store, detached fuel canopies, and installation of new USTs would follow. Required offsite street improvements will be completed per San Bernardino County standards which may include dedication right of way buildout, curb and gutter and sidewalk, any drainage features and landscaping. Any existing utilities that would conflict with the required street improvements will be relocated at the time of construction under a separate permit.

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 in the required Mitigation Monitoring and Reporting Program.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact requiring mitigation to be reduced to a level that is less than significant as indicated in the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agricultural / Forest Resources	<input 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 checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards / Hazardous Materials
<input 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 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

LEAD AGENCY DETERMINATION

On the basis of this initial evaluation, the following finding is made:

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

 Signature: Delanie Garlick (Planner)

 Date

 Signature: (Supervising Planner)

 Date

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) Substantially degrade an existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) 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 would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Check if project is located within a view-shed of any Scenic Route listed in the General Plan):

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; Policy Plan Natural Resources Map, *NR-3 Scenic Routes & Highways*

Impact Analysis

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

Less than Significant Impact. The Project Site consists of one parcel that would be developed with a service (fueling) station and convenience store located at 63851 Halloran Summit Road, Nipton, CA. The San Bernardino County Countywide Plan/Policy Plan has not designated this section of I-15 as a scenic highway according to Natural Resources Policy Map *NR-3 Scenic Routes & Highways*. The Proposed Project includes the construction of a one-story convenience store of approximately 7,433 square feet at a max height of approximately 26-30 feet, and three fuel canopies at a max height of 20 feet. No significant adverse impacts are identified or anticipated, and no mitigation measures are required. Impacts would be less than significant.

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

Less than Significant Impact. Open desert surrounds the site which is located off of the Halloran Summit Road exit on the eastbound side of Interstate 15 about 75 miles west of Las Vegas. This portion of Interstate 15 is not a designated Scenic Highway. Further, there are no

protected trees, rock outcroppings, or historic buildings on the Project Site, or within the immediate vicinity of the Project area. Impacts would be less than significant. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

Less than Significant Impact. The Project Site occurs in a Highway Commercial (CH) zone according to San Bernardino County zoning designations. Thus, the Proposed Project is compatible with the San Bernardino County Countywide Plan/Policy Plan 2020, and Development Code. Currently the nearest convenience store/fueling station heading east from the Town of Baker is off the Cima Road exit along I-15, which is approximately 25 miles east and the last opportunity for fuel, food and rest before the California-Nevada Stateline. The Proposed Project would be located off of the Halloran Summit Road exit of the eastbound I-15 in between Baker and the Cima Road exit. The proposed convenience store and fueling station would be a necessary added convenience that would allow travelers in both directions an opportunity to cross that portion of the open desert without concern for being stranded without food or fuel. Proposed improvements would not result in changes to the Project Site that would substantially degrade the existing visual character or quality of public views. Less than significant impacts can be expected.

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

Less than Significant Impact. The Proposed Project will be bound on the north by Interstate 15 but otherwise surrounded by vacant desert land in all directions. The Project would involve the installation of light fixtures with energy efficient LED light poles within the contractor storage yard and would comply with all light/glare ordinances including the San Bernardino Development Code Chapter 83.07: *Light Trespass*. The Proposed Project would create a new source of substantial light compared to the existing conditions and would contribute to the convenience and safety of travelers through the area. Impacts would be less than significant; thus, no mitigation measures are required.

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

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

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

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; Policy Plan Natural Resources Element, Map *NR-5 Agricultural Resources*; California Department of Conservation, California Important Farmland Finder

Impact Analysis

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

No Impact. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the Project Site as "Area Not Mapped" in its California Important Farmland Finder.² The Project area includes low density rural developments, open desert areas not suitable for agricultural use. No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or within the immediate vicinity. The Proposed Project would not convert farmland to non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. According to San Bernardino County's Interactive Agricultural Resources Map, the Project Site is not under or adjacent to any lands under a Williamson Act Contract. The subject parcel is currently designated as Highway Commercial (CH). The Proposed Project is consistent with the San Bernardino County Countywide Plan/Policy Plan 2020 and San Bernardino County Development Code and would not conflict with existing zoning for agricultural uses or lands under a Williamson Act Contract. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. The Project Site has a land use designation of Commercial (C), and zoning designation Highway Commercial (CH). Implementation of the Proposed Project would not conflict with existing zoning for, or cause rezoning of, forestland, timberland, or timberland zoned for Timberland Production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. Forestland is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The Project Site is located in the open desert along Interstate 15 and does not support forestland. Implementation of the Proposed Project would not result in loss of forestland or conversion of forestland to non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Proposed Project would not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to

² <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed June 24, 2024

non-agricultural use. The proposal will be in compliance with the San Bernardino County Countywide Plan/Policy Plan and San Bernardino County Development Code and not involved in the conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Discuss conformity with the South Coast Air Quality Management Plan, if applicable):

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; Mojave Desert Air Quality Management Plan (MDAQMD); CalEEMod 2022, AQ/GHG – *Terrible Herbst TIS-11 Pump Detailed Report, and Terrible Herbst TIS-3 Pump Detailed Report*, July 18, 2024 (Appendix A); *Terrible Herbst Travel Center Transportation Impact Study*, January 26, 2024, Greenlight Traffic Engineering (Appendix F).

Impact Analysis

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

Less than Significant Impact. The Project Site is in San Bernardino County within the Mojave Desert Air Basin (MDAB). The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. Many of the lower mountains throughout the vast terrain rise from 1,000 to 4,000 feet above the valley floor. Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions and the blocking nature of the Sierra Nevada Mountains to the north; air masses pushed onshore in southern California by differential heating are channeled through the MDAB. The MDAB is separated from the southern California coastal and central California valley regions by mountains (highest elevation approximately 10,000 feet), whose passes form the main channels for these air masses. The MDAB is bordered in the southwest by the San Bernardino Mountains, separated from the San Gabriel Mountains by the Cajon Pass (4,200 feet). A lesser channel lies between the San Bernardino Mountains and the Little San Bernardino Mountains (the Morongo Valley).

The U.S. Environmental Protection Agency (USEPA), under the federal Clean Air Act (CAA), establishes maximum ambient concentrations for seven criteria air pollutants (CAPs). These maximum concentrations are known as the National Ambient Air Quality Standards (NAAQSs).

The seven CAPs are ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), respirable particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and lead (Pb).

For areas within the State that have not attained air quality standards, the California Air Resources Board (CARB) works with local air districts to develop and implement attainment plans to obtain compliance with both federal and State air quality standards. The local air district with jurisdiction over the Project Site is the Mojave Desert Air Quality Management District (MDAQMD).

The MDAQMD and the Southern California Association of Governments (SCAG) are responsible for formulating and implementing the air quality attainment plan (AQAP) for the MDAB. Regional AQAPs were adopted in 1991, 1994, and 1997. The following the State Implementation Plan (SIP) and AQAP are the currently approved plans for the Basin region:

- 1997 SIP for O₃, PM₁₀, and NO₂
- 1995 Mojave Desert Planning Area Federal PM10 Attainment Plan; no formal action by the USEPA.

The MDAQMD completed the 2004 Ozone Attainment Plan (State and federal) in April 2004, which was approved by the USEPA. The most recent update to the Federal Ozone Plan took place in January 2023. On January 23, 2023, the 70-ppb federal 8-hour ozone standard was adopted. According to the MDAQMD, a project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and it is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan).

The federal Clean Air Act and California Clean Air Act were established in an effort to assure that acceptable levels of air quality are maintained. These levels are based upon health-related exposure limits and are referred to as National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The ambient air quality standards establish maximum allowable concentrations of specific pollutants in the atmosphere and characterize the amount of exposure deemed safe for the public. Areas that meet the standards are designated attainment and if found to be in violation of primary standards are designated as nonattainment areas.

The EPA and the CARB have designated portions of the MDAQMD as nonattainment for a variety of pollutants, and some of those designations have an associated classification. **Table III-1** lists these designations and classifications. The MDAQMD has adopted attainment plans for a variety of nonattainment pollutants.

The Proposed Project includes development and operation of an auto/truck fueling station with a 7,433 square foot convenience store and three detached fuel canopies with underground fuel storage tanks on approximately 9.18 acres located at 63851 Halloran Summit Road Nipton, CA, in unincorporated San Bernardino County. Specifically, the site is located at the Halloran Summit exit on Interstate 15 approximately eighteen (18) miles northeast of the town of Baker. There will be eight (8) conventional fuel pumps with 16 fueling positions and six (6) diesel fueling lanes/positions. Per the San Bernardino County Policy Plan 2020 land use and zoning map the current land use for the parcel is Commercial (C) and the current zoning is Highway Commercial

(CH). The Proposed Project would be an allowable use under the current land use and zoning designations for the parcel.

**Table III-1:
 State and Federal Air Quality
 Designations and Classifications**

Ambient Air Quality Standard	Status
Eight-hour Ozone (Federal 70 ppb (2015))	Expected Non-attainment; to be determined.
Ozone (State)	Non-attainment; classified Moderate
PM ₁₀ (24-hour Federal)	Non-attainment; classified Moderate (portion of MDAQMD in Riverside County is unclassifiable/attainment)
PM _{2.5} (Annual Federal)	Unclassified/attainment
PM _{2.5} (24-hour Federal)	Unclassified/attainment
PM _{2.5} (State)	Non-attainment (portion of MDAQMD outside of Western Mojave Desert Ozone Non-Attainment Area is unclassified/attainment)
PM ₁₀ (State)	Non-attainment
Carbon Monoxide (State and Federal)	Unclassifiable/Attainment
Nitrogen Dioxide (State and Federal)	Unclassifiable/Attainment
Sulfur Dioxide (State and Federal)	Attainment/unclassified
Lead (State and Federal)	Unclassifiable/Attainment
Particulate Sulfate (State)	Attainment
Hydrogen Sulfide (State)	Unclassified (Searles Valley Planning Area is non-attainment)
Visibility Reducing Particles (State)	Unclassified

The MDAQMD acknowledges that strict consistency with all aspects of the Attainment Plan is not required in order to make a finding of no conflict. Rather, a project is considered to be consistent with the Attainment Plan if it furthers one or more policies and does not obstruct other policies. The Project Site was previously developed with a similar use, and the Proposed Project is consistent with the current Policy Plan Designation and Zoning. The construction of the Proposed service center would incorporate contemporary energy-efficient technologies and regulatory/operational programs required per Title 24, CALGreen and County standards.

Generally, compliance with MDAQMD emissions reductions and control requirements also act to reduce project air pollutant emissions. In combination, project emissions-reducing design features and regulatory/operational programs are consistent with and support overarching Attainment Plan air pollution reduction strategies. Project support of these strategies promotes timely attainment of Attainment Plan air quality standards and would bring the project into conformance with the Attainment Plan. As shown below, the Proposed Project's emissions do not exceed any MDAQMD thresholds during either short-term construction or long-term operations. Therefore, the Proposed Project is not anticipated to exceed the Attainment Plan assumptions for the Project Site and is found to be consistent with the Attainment Plan for the second criterion. Based on the above, the

Proposed Project would not conflict with implementation of the MDAQMD Attainment Plans, impacts are considered to be less than significant. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant Impact. The Proposed Project’s construction and operational emissions were screened using California Emissions Estimator Model (CalEEMod) version 2022 (see Appendix A). CalEEMod was used to estimate the on-site and off-site construction emissions. The emissions incorporate Rule 402 and 403 by default as required during construction.

Construction Emissions

Construction activities associated with the Proposed Project would have the potential to generate air emissions and toxic air contaminant emissions. The Proposed Project has been anticipated in the modeling to start construction no sooner than Spring 2025 and be operational in 2026. Demolition activities associated with existing improvements on-site were included in the modeling. The resulting maximum emissions generated by construction of the Proposed Project are shown in **Table III-2**, below.

**Table III-2:
 Construction Emissions Summary
 (Pounds per Day)**

Equipment	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
<i>Summer-Daily Max</i>						
2025	1.16	10.6	13.5	0.02	0.53	0.42
<i>Winter-Daily Max</i>						
2025	3.39	31.7	31.2	0.05	9.26	5.25
2026	7.44	9.97	13.3	0.02	0.52	0.37
MDAQMD Threshold (lbs/day) ³	137	137	548	137	82	65
Significant	No	No	No	No	No	No

Source: CalEEMod 2022.

As shown in **Table III-2**, the anticipated construction emissions are less than the MDAQMD thresholds and would be considered less than significant. The Proposed Project shall comply with MDAQMD Rules 402 and 403, as listed below.

Compliance with MDAQMD Rules 402 and 403

Although the Proposed Project does not exceed SCAQMD thresholds for construction emissions, the Project Proponent would be required to comply with all applicable SCAQMD rules and regulations as the SCAB is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5}).

The Project Proponent would be required to comply with Rules 402 nuisance, and 403 fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the AQMP, which identifies Best Available Control Technologies (BACTs) for area sources and point sources. Although the Proposed Project does not exceed

³ MDAQMD CEQA Guidelines. [Rules & Regulations | Mojave Desert Air Quality Management District \(ca.gov\)](https://www.ca.gov). Accessed on July 22, 2024

MDAQMD thresholds, the Applicant is required to comply with applicable MDAQMD Rules 402 for nuisance and 403 for fugitive dust control. This would include, but not be limited to the following BACMs and BACTs:

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

Although the Proposed Project would not exceed MDAQMD thresholds for exhaust emissions during operations, the Applicant would be required to implement the following conditions as required by MDAQMD:

- a) All equipment must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. The Project Proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.
- b) The operator shall comply with all existing and future CARB and SCAQMD regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

Operational Emissions

The operational mobile source emissions were calculated using the Transportation Impact Study prepared by Greenlight Traffic Engineering, dated January 26, 2024 (Appendix F). The study determined that the Proposed Project would generate a total of approximately 6,959 total daily trips, with approximately 531 during AM and PM peak hours (see **Table III-3**).

The site-generated trips were distributed across the study area roadway network using the percentages shown in **Table III-4**.

Emissions associated with the Proposed Project's estimated total daily trips were modeled to represent summer and winter operational emissions, respectively. Based on the fact that the Project Site was previously developed as a fueling station, the Delta or difference between the former (3-pump) facility with six fueling positions and the proposed (11-pump) facility with 22 fueling positions was used to result in the total lbs/day calculations below. The former service station (3-pumps) is considered in **Table III-5** (summer operations) and **Table III-6** (winter operations). **Table III-7** and **Table III-8** represent the summer and winter operations respectively

for the proposed 11 pump fueling station. Operational emissions are categorized as energy (generation and distribution of energy to the end use), area (operational use of the project), and mobile (vehicle trips). Operational emissions were estimated using the CalEEMod version 2022.

Table III-3: Project Trip Generation

Land Use	Size	Unit	AM Peak Hour			PM Peak Hour			Daily Volume
			In	Out	Total	In	Out	Total	
C-Store / Gas Station	16	Fueling Positions	215	215	430	215	215	430	5,532
Truck Stop	6	Fueling Positions	49	44	93	49	44	93	1,344
EV Charging Station	2	Charging Stations	4	4	8	4	4	8	80
Total New Trips Ends			263	263	531	268	263	531	6,959

Table III-4: Project Trip Distribution

Roadway	Segment	From Site	To Site
I-15	West of Halloran Summit Road	50%	50%
I-15	East of Halloran Summit Road	50%	50%

**Table III-5:
 Former Project 3-Pumps
 Summer Operational Emissions Summary
 (Pounds per Day)**

Source	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area	0.53	0.01	0.72	0.005	0.005	0.005
Energy	0.0	0.08	0.06	0.005	0.01	0.01
Mobile	5.4	6.34	60.2	0.14	12.4	3.23
Totals (lbs./day)	5.93	6.42	61.0	0.15	12.4	3.24
MDAQMD Threshold	137	137	548	137	82	65
Significance	No	No	No	No	No	No

Source: CalEEMod.2022.1.1.26 Summer Emissions.

**Table III-6:
 Former Project 3-Pumps
 Winter Operational Emissions Summary
 (Pounds per Day)**

Source	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area	0.41	0.0	0.0	0.0	0.0	0.0
Energy	0.005	0.08	0.06	0.06	0.01	0.01
Mobile	4.81	6.85	45.3	0.13	12.4	3.23
Totals (lbs./day)	5.22	6.93	45.4	0.19	12.5	3.23
MDAQMD Threshold	137	137	548	137	82	65
Significance	No	No	No	No	No	No

Source: CalEEMod.2022.1.1.26 Winter Emissions.

**Table III-7:
 Proposed Project 11-Pumps
 Summer Operational Emissions Summary
 (Pounds per Day)**

Source	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area	0.53	0.01	0.72	0.005	0.005	0.005
Energy	0.005	0.08	0.06	0.005	0.01	0.01
Mobile	38.4	45.0	428	1.03	88.3	22.9
Totals (lbs./day)	38.9	45.1	429	1.03	88.3	22.9
Less Prior Use	5.93	6.42	61.0	0.15	12.4	3.24
Proposed Project Delta	32.97	38.68	368	0.88	75.9	19.66
MDAQMD Threshold	137	137	548	137	82	65
Significance	No	No	No	No	No	No

Source: CalEEMod.2022.1.1.26 Summer Emissions.

**Table III-8:
 Proposed Project 11-Pumps
 Winter Operational Emissions Summary
 (Pounds per Day)**

Source	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Area	0.41	0.0	0.00	0.0	0.0	0.0
Energy	0.005	0.08	0.06	0.005	0.01	0.01
Mobile	34.2	48.7	322	0.94	88.3	22.9
Totals (lbs./day)	34.6	48.8	322	0.94	88.3	22.9
Less Prior Use	5.22	6.93	45.4	0.19	12.5	3.23
Proposed Project Delta	29.38	41.87	276.6	0.75	75.8	19.67
MDAQMD Threshold	137	137	548	137	82	65
Significance	No	No	No	No	No	No

Source: CalEEMod.2022.1.1.26 Winter Emissions.

As shown for the Proposed Project with 11 fueling pumps (8 two-sided auto fueling stations and 6 one-sided stations for truck refueling, 22 total stations), both summer and winter season operational emissions are below MDAQMD thresholds. The Proposed Project does not exceed applicable MDAQMD regional thresholds either during construction or operational activities. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

Less than Significant Impact. The Proposed Project operational-sourced emissions would not exceed applicable regional thresholds of significance established by the MDAQMD. Additionally, Project-related trips will not cause or result in CO concentrations exceeding applicable state and/or federal standards (CO “hotspots”). There are no sensitive receptors within several miles of the Project Site. Project operational-source emissions would therefore not adversely affect sensitive receptors within the vicinity of the project. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

Less than Significant Impact. The Proposed Project would allow the operation of a travel fueling center and convenience store. Site improvements include the demolition of structures related to a former use which includes an abandoned commercial structure, gasoline service station, residential structure, asphalt paved parking lot, and three mobile homes. The Project including operation is not associated with the emission of objectionable odors. Potential odor sources associated with the Proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities as well as the temporary storage of domestic solid waste and gasoline associated with the Proposed Project's long-term operational uses. Standard construction requirements would minimize odor impacts resulting from construction activity. Any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. Project-generated refuse would continue to be stored in covered containers and removed at regular intervals in compliance with San Bernardino County Development Code Division 3 Development Standards and solid waste regulations to prevent occurrences of public nuisances. There would be no residential uses or other sensitive receptors that could be adversely affected by operational odors in the vicinity of the Project Site. Therefore, odors associated with the Proposed Project would be less than significant. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

IV. BIOLOGICAL RESOURCES

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

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

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; *General Biological Resources Assessment*, July 18, 2024, RCA Associates, Inc. (Appendix B); *Joshua Trees at Halloran Summit*, February 9, 2024, Horrocks Engineers, Inc. (Appendix B-1)

Regulatory Framework

Federal Endangered Species Act

Administered by the United States Fish and Wildlife Service (USFWS), the federal Endangered Species Act (ESA) provides the legal framework for the listing and protection of species (and their

habitats) that are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a 'take' under the ESA. Section 9(a) of the ESA defines take as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." 'Harm' and 'harass' are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species' behavioral patterns.

The USFWS identifies critical habitat for endangered and threatened species. Critical habitat is defined as areas of land that are considered necessary for endangered or threatened species to recover. The goal is to restore healthy populations of listed species within their native habitat so they can be removed from the list of threatened or endangered species. Once an area is designated as critical habitat pursuant to the federal ESA, all federal agencies must consult with the USFWS to ensure that any action they authorize, fund, or carry out is not likely to result in destruction or adverse modification of the critical habitat. There is no critical habitat designated in the Study Area.

Sections 7 and 10(a) of the federal ESA regulate actions that could jeopardize endangered or threatened species. Section 7 describes a process of federal interagency consultation for use when federal actions may adversely affect listed species. A biological assessment is required for any major construction activity if it may affect listed species. In this case, take can be authorized via a letter of biological opinion issued by the USFWS for non-marine related listed species issues. A Section 7 consultation (formal or informal) is required when there is a nexus between endangered species' use of the site and impacts to U.S. Army Corps of Engineers (Army Corps) jurisdictional areas. Section 10(a) allows issuance of permits for incidental take of endangered or threatened species with preparation of a Habitat Conservation Plan (HCP). The term "incidental" applies if the taking of a listed species is incidental to, and not the purpose of, an otherwise lawful activity. An HCP demonstrating how the taking would be minimized and how steps taken would ensure the species' survival must be submitted for issuance of Section 10(a) permits.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 U.S. Code Sections 703-711) includes provisions for protection of migratory birds, including the non-permitted take of migratory birds. The MBTA regulates or prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50 Code of Federal Regulations Section 10.13. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many others (including those that are not sensitive). Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a "take." The MBTA is an international treaty for the conservation and management of bird species that migrate through more than one country and is enforced in the United States by the USFWS. In 1962 it was updated to address how Native American tribes can collect feathers from protected birds for religious ceremonies (a practice otherwise banned by the MBTA). As a general/standard condition, the project must comply with the MBTA.

California Endangered Species Act

The California ESA is like the federal ESA in that it contains a process for listing of species and regulating potential impacts to listed species. California ESA Section 2081 authorizes the CDFW to enter into a memorandum of agreement for the take of listed species for scientific, educational, or management purposes.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) enacted a process by which plants are listed as rare or endangered. The NPPA regulates collection, transport, and commerce in listed plants. The California ESA follows the NPPA and covers both plants and animals designated as endangered or threatened with extinction. Plants listed as rare under NPPA were also designated rare under the California ESA.

California Fish and Wildlife Code 1600-1616

California Fish and Game Code Sections 1600 through 1616 require a CDFW agreement for projects affecting riparian and wetland habitats through issuance of a Streambed Alteration Agreement (SAA).

Pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA.

California Fish and Wildlife Code 3503.5

Under the California Fish and Wildlife Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles, and falcons) or Strigiformes (owls). Take would include the disturbance of an active nest resulting in the abandonment or loss of young.

California Natural Communities Conservation Planning Act

The California Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit. The following plants are under the protection of the California Desert Native Plants Act:

- Dalea spinosa (smoketree)
- All species of the genus Prosopis (mesquites)
- All species of the family Agavaceae (century plants, nolinias, yuccas)
- Creosote Rings, ten feet in diameter or greater
- All Joshua Trees

The Project would be required to comply with the San Bernardino County Desert Native Plant Protection Ordinance. The removal of any trees listed under Section 88.01.060 would be required to comply with Section 88.01.050, which requires the Project applicant to apply for a tree or Plant Removal Permit prior to removal from the Project site.

Impact Analysis

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans,*

policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated. A Biological Resources Assessment, Jurisdictional Delineation (BRA) was prepared for the Proposed Project by RCA Associates, Inc. dated July 18, 2024 (see Appendix B). RCA Associates, Inc. (RCA) conducted a background data search for information on plant and wildlife species known occurrences within the vicinity of the Project Site. The BRA is designed to address the potential effects of the Proposed Project on designated critical habitats and/or any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA), as well as species designated as sensitive by the California Department of Fish and Wildlife (CDFW) or the California Native Plant Society (CNPS). The data review described in the BRA includes biological text on general and specific biological resources, and resources considered to be sensitive by various wildlife agencies, local government agencies and interest groups.

Following the data review, surveys were performed on July 2, 2024, during which the biological resources on the Project Site and in the surrounding areas were documented by biologists from RCA, Inc. As part of surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas. See recommended mitigation measures below.

Jurisdictional Features: The following sources were reviewed to determine the potential presence of jurisdictional streams/drainages, wetlands, and their location within the watersheds associated with the Project Site, and other features that might contribute to federal or state jurisdictional authority located within watersheds associated with the Project Site:

- National Wetlands Inventory (NWI) maps.⁴ The NWI database indicates potential wetland areas based on changes in vegetation patterns as observed from satellite imagery. This database is used as a preliminary indicator of wetland habitats because the satellite data are not precise.;
- USGS National Hydrography Dataset (NHD) provides the locations of blue-line streams as mapped on 7.5-Minute Topographic Map coverage;
- Aerial Imagery (Google Earth);
- USGS 7.5-Minute Topographic Maps; and
- Natural Resources conservation Service (NRCS) Soil Survey.

All areas with potential depressions or drainages were evaluated to determine if they may be considered jurisdictional waters, including jurisdictional wetlands. The Project Site does not contain any potential channel. It is the opinion of RCA Associates, Inc., that a comprehensive jurisdictional delineation will not be necessary in the future.

⁴ USFWS 2018b

Therefore, no permit, certification, or agreement is required from the Army Corps, Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW), respectively. There will be no impact.

Burrowing Owl: Burrowing owls do not inhabit the Project Site and are not expected to be impacted given the absence of any potential or active burrows. A preconstruction burrowing owl survey as discussed in mitigation measure **BIO-1**, may be required by CDFW to determine if any owls have moved on to the Project Site since the July 2, 2024, surveys.

Desert Tortoise: The Project Site is located within the documented tortoise habitat according to CNDDB. The property supports minimally suitable habitat for the desert tortoise; however, no tortoises or tortoise sign (burrows, scats, etc.) were observed anywhere within the property boundaries or in the zone of influence during the July 2, 2024 surveys. Based on the results of the survey, lack of suitable burrow and signs, and the interstate north of the Project Site acting as a barrier, tortoises are not expected to move onto the property in the near future.

Species of Concern: Species of concern have been documented in the region however only the Townsend big-eared bat, and Bendire's thrasher could potentially occur on the Project Site.

- Townsend big-eared bat has been observed in the region once, but not since 1969 and two miles southwest of the Project Site. This species is not expected to occur on the Project Site in the near future based on no recent observations of the species in the area.
- The Bendire's thrasher is a migratory bird that was observed within a mile of the Project Site to the southwest in 1977. Although marginal habitat is present none were observed or identified via call or song during the 2024 field survey.

The Project Site is heavily disturbed and was frequently used by pedestrians and vehicles in the past. Therefore, no further surveys or mitigation measures are required or recommended.

Vegetation: A third of the site has been previously developed but has since degraded. The Project Site supports a disturbed desert scrub plant community that is dominated by ruderal vegetation and non-native grasses. Species present include Eastern Joshua Tree (*Yucca jaegeriana*), common fiddleneck (*Amsinckia intermedia*), rubber rabbitbrush (*Ericameria nauseosa*), California buckwheat (*Eriogonum fasciculatum*), chamiso (*Atriplex canescens*), bladder sage (*Scutellaria mexicana*), and Indian rice grass (*Oryzopsis hymenoides*).

Joshua Trees: The Project Site is a single 9.18-acre parcel at the southeast corner of Interstate 15 and Halloran Summit Road. A cell phone tower, located near the highway right-of-way, and abandoned buildings of a former truck stop currently occupy the parcel. The native vegetation has been disturbed during historical use of the parcel, but 42 Eastern Joshua trees currently grow there. This species, *Yucca jaegeriana*, is similar in appearance and basic biology to the closely related Western Joshua tree, *Yucca brevifolia*. The treatment and disposition of the latter is highly regulated by the *Western Joshua Tree Conservation Act* (WJTCA).

The Joshua trees on the Project Site are Eastern Joshua trees (*Yucca jaegeriana*). As such, they are not subject to the constraints of the WJTCA, nor to either federal or California endangered species laws or regulations. This site being outside the natural range of the

Western Joshua tree according to official maps, and this site having been officially declared to be within the natural habitat range for only the Eastern Joshua tree, and no Western Joshua trees were discovered on the Project Site, it can be concluded that this Project Site, having a complete absence of the regulated species in question, completely avoids any and all *take* of the Western Joshua tree.

However, Eastern Joshua trees are protected under the San Bernardino County Desert Native Plant Protection Ordinance. According to the San Bernardino Development Code *Section 88.01.060 Desert Native Plant Protection* the removal of any Eastern Joshua trees would be required to comply with *Section 88.01.050 Native Tree or Plant Removal Permits*, which requires the applicant to obtain a Tree or Plant Removal Permit prior to the removal of any Eastern Joshua trees from the Project Site. With implementation of recommended mitigation, there would be a less than significant impact.

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

No Impact. Based on the site visit conducted on July 2, 2024, no riparian habitat was observed on-site. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. The Proposed Project would have no impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA). The Army Corps has the authority to permit the discharge of dredged or fill material in Waters of the U.S. (WOUS) under Section 404 of the CWA. The USACE has the authority to permit the discharge of dredged or fill material in Waters of the U.S. (WOUS) under Section 404 of the CWA. While the Regional Water Quality Board has authority over the discharge of dredged or fill material in Waters of the State under Section 401 of the CWA as well as the Porter-Cologne Water Quality Control Act. The Project area was surveyed with 100 percent visual coverage and no drainage features were present on Project Site that met the definition for Waters of the U.S (WOUS) or Waters of the State (WOS). As such, the subject parcel does not contain any wetlands, WOUS or WOS. No impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors provide opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. Wildlife corridors allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

Moreover, the Project Site is previously disturbed and currently occupied with abandoned concrete pads and buildings. Further Interstate 15 bounds the site to the north. The Project Site and its immediate vicinity are not suitable for facilitating the movement of fish or wildlife. Therefore, implementation of the Proposed Project is not expected to disrupt or have any adverse effects on any migratory corridors or linkages that may occur in the general vicinity of the Project Site. No impacts are identified or anticipated, and no mitigation measures are required.

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

Less than Significant Impact with Mitigation Incorporated. As stated above, Eastern Joshua trees are protected under the San Bernardino County Desert Native Plant Protection Ordinance. According to the San Bernardino Development Code *Section 88.01.060 Desert Native Plant Protection* the removal of any Eastern Joshua trees would be required to comply with *Section 88.01.050 Native Tree or Plant Removal Permits*, which requires the applicant to obtain a Tree or Plant Removal Permit prior to the removal of any Eastern Joshua trees from the Project Site. With implementation of recommended mitigation, the Project will not 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?*

No Impact. According to the BRA, the Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as identified in the California Department of Fish and Wildlife's California Natural Community Conservation Plans Map (April 2019).⁵ No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

BIO-1: Pre-construction surveys for burrowing owls, desert tortoise, 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.

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

⁵ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed March 7, 2024.

biologist has determined the young birds have successfully fledged and the nest is inactive.

BIO-2: Per the San Bernardino County Development Code *Section 88.01.060 Desert Native Plant Protection* the removal of any Eastern Joshua trees would be required to comply with *Section 88.01.050 Native Tree or Plant Removal Permits*. Applicant shall obtain a Tree or Plant Removal Permit prior to the removal of any Eastern Joshua trees from the Project Site.

Possible significant adverse impacts have been identified and may occur therefore compliance with Mitigation Measure BIO-1 and BIO-2 would reduce possible impacts to a less than significant level.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; *Cultural Resources Study for the High Desert Gas Station Project*, July 24, 2024, BFSA Environmental Services, a Perennial Company. (Appendix C)

Impact Analysis

BFSA Environmental prepared the *Cultural Resources Study for the High Desert Gas Station Project*. The Proposed Project includes a Minor Use Permit (MUP) for an auto/truck fueling facility with convenience store on 9.1 acres at 63851 Halloran Summit Road Nipton, CA. APN: 0570-061-26.

The purpose of this investigation was to locate and record any cultural resources within the Project Site and subsequently evaluate any resources as part of the County of San Bernardino environmental review process conducted in compliance with the California Environmental Quality Act (CEQA). The archaeological investigation includes an archaeological records search conducted at the South-Central Coastal Information Center (SCCIC) at California State University, Fullerton (CSU Fullerton) in order to assess previous archaeological studies and identify any previously recorded archaeological sites within the Project Site or in the immediate vicinity. The records search identified 13 previously recorded resources within a one-mile radius of the Project Site. Of the previously recorded resources, one (Site P2271-2H) intersects the subject property. Site P2271-2H consists of the 1930s Yucca Grove townsite and ore processing center for the Telegraph Mine. One previous study which included a portion of the subject property did not identify any remnants of Site P2271-2H within the project area. A review of historic aerial photographs did not show any remnants of the townsite within or adjacent to the subject property. Resource importance is assigned to districts, sites, buildings, structures, and objects that possess exceptional value or quality illustrating or interpreting the heritage of San Bernardino County in history, architecture, archaeology, engineering, and culture. A number of criteria are used in demonstrating resource importance. Specifically, the criteria outlined in CEQA provide the guidance for making such a determination. The following sections detail the criteria that a resource must meet in order to be determined important.

California Environmental Quality Act (CEQA)

According to CEQA (§ 15064.5a), the term “historical resource” includes the following:

1. A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the CRHR (Public Resources Code SS5024.1, Title 14 CCR [California Code of Regulations]. Section 4850 et seq.).
 2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
 3. Any object, building, structure, site, area, place, record, or manuscript, which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the CRHR (Public Resources Code SS5024.1, Title 14, Section 4852) including the following:
 - a) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - b) Is associated with the lives of persons important in our past;
 - c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d) Has yielded, or may be likely to yield, information important in prehistory or history.
 4. The fact that a resource is not listed in, or determined eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1[k] of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Section 5020.1(j) or 5024.1.
- a) *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Less than Significant Impact. The Cultural Resources Investigation dated July 24, 2024 prepared for the Proposed Project is included as Appendix C and summarized herein). The purpose of the assessment was to identify and document any cultural resources that may potentially occur within the Project Site. The investigation was completed for compliance with the California Environmental Quality Act (CEQA), as amended and the San Bernardino County policies and guidelines. Historic land use data was compiled by BFA through institutional records search, archival research, an intensive cultural resource survey of the entire approximately 9-acre Project Site, and the preparation of a technical report.

According to CEQA (§ 15064.5b), a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. CEQA defines a substantial adverse change as:

1. Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.
2. The significance of an historical resource is materially impaired when a project:
 - a) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the CRHR; or
 - b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or,
 - c) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources (CRHR) as determined by a lead agency for purposes of CEQA.

The Cultural Resources Study (Appendix C) identified the remnants of the former service station as Site Temp-1. The 1953 aerial photograph depicts the property as vacant. On the northern side of Interstate 15, there appears to be clearing and development that possibly reflect remnants of the Yucca Grove townsite (Site P2271-2H). By 1978, the subject property contains a steel gas and service station building along with associated infrastructure, an ancillary storage structure, and a residence (Site Temp-1). These structures all appear to be associated with the use of the property as a gas and service station and are focused in the northern half of the parcel. Assessor's information for the property obtained from the County of San Bernardino Parcel Information Management System (PIMS) indicates the steel gas station and service station structure within the property was constructed in 1961. The San Bernardino PIMS information also lists one residential structure constructed in 1991 within the property. It is unlikely this listing is for the residence visible on the 1978 aerial photograph. However, between 1983 and 1994, one additional ancillary structure, possibly another residence, was added to the eastern portion of the property and was later removed between 2016 and 2020. Between 1994 and 2005, a cellphone tower and associated infrastructure were added to the northern portion of the project. Based on the latest available aerial photograph from 2023 and the June 26, 2024, survey, the property still contains the steel gas and service station building along with associated infrastructure, the ancillary storage structure, the residence, and the cellphone tower and associated infrastructure.

Based on the Cultural Resources Study, Site Temp-1 consists of the gas and service station building, the ancillary storage structure, the former residence, and associated infrastructures including a neon sign for the Hilltop Mart and a covered fuel pump. BFSA concluded that none of the structures associated with Site Temp-1 embody the distinctive characteristics of a type,

period, region, or method of construction, represent the work of an important creative individual, or possess high artistic values. Finally, vandalism and years of neglect have left all the building in a state of disrepair. As such, Site Temp-1 does not possess integrity and is, therefore, not eligible for registration with the CRHR. The Proposed Project would not result in a substantial adverse change in the significance of a historical resource, and impacts would be less than significant.

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

Less than Significant Impact with Mitigation Incorporated.

Sources identified in the Cultural Resources Study (Appendix C) did not indicate the presence of any archaeological resources within the project.

Sacred Lands File Search (SLF)

BFSA also requested a SLF search from the NAHC to search for the presence of any recorded Native American sacred sites or locations of religious or ceremonial importance within the project vicinity. This request is not part of Assembly Bill 52 Native American consultation. The SLF search was returned with negative results.

Based upon the findings presented within the Cultural Resources Study and no archaeological sites or artifacts identified during the survey of the subject property, no further archaeological studies are necessary as part of the CEQA review process. However, in the event that any historic or prehistoric cultural or archaeological resources are inadvertently discovered, all construction work in the immediate vicinity of the discovery shall stop and a qualified archaeologist shall be consulted to determine if further mitigation measures are warranted. Mitigation measure **CUL-1** would reduce impacts to a less than significant level.

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

Less than Significant Impact with Mitigation Incorporated. Construction and demolition activities could potentially disturb human remains interred outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during earthmoving activities associated with Project construction. If human remains are discovered during construction activities, the Project proponent would be required to comply with the applicable provisions of California Health and Safety Code § 7050.5 as well as Public Resources Code § 5097, et. seq., which requires that if the coroner determines the remains to be of Native American origin, he or she will notify the Native American Heritage Commission, who will then identify the most likely descendants to be consulted regarding treatment and/or reburial of the remains. Mandatory compliance with these provisions of California state law would ensure that impacts to human remains, if unearthed during construction activities, would be appropriately treated. Therefore, no significant adverse impacts are identified or are anticipated. However, if human remains are inadvertently discovered, Mitigation measure **CUL-2** would reduce impacts to a less than significant level.

Mitigation Measures:

CUL-1: If cultural/historical/archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to

evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted and will be reported to the County.

CUL-2: Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be called and informed of the discovery. The coroner will determine if the bones are historic/archaeological or a modern legal case. The coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section 5097.98.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless of if the remains are modern or archaeological.

Possible significant adverse impacts have been identified or anticipated and therefore Mitigation Measures CUL-1 and CUL-2 are required to reduce impacts resulting from inadvertent discoveries to a less than significant level.

VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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/Policy Plan 2020; California Energy Commission, [Home Page-California Energy Commission](#), accessed 6/18/2024

Regulatory Framework

Building Energy Conservation Standards

The California Energy Conservation and Development Commission (California Energy Commission) adopted Title 24, Part 6, of the California Code of Regulations, Energy Conservation Standards for new residential and nonresidential buildings. Title 24 ensures building designs conserve energy. The requirements allow for the opportunities to incorporate updates of new energy efficiency technologies and methods into new developments. In June 2015, the California Energy Commission (CEC) updated the 2016 Building Energy Efficiency Standards. Under the 2016 Standards, residential buildings are approximately 28 percent more energy efficient than the previous 2013 Energy Efficiency Standards. The 2016 Standards improved upon the previous 2013 Standards for new construction of and additions and alterations to residential and nonresidential buildings. The CEC updated the 2019 Building Energy Efficiency Standards in May 2018. The 2019 Title 24 standards state that residential buildings are anticipated to be approximately 7 percent more energy efficient. When the required rooftop solar is factored in for low-rise residential construction, residential buildings that meet the 2019 Title 24 standards would use approximately 53 percent less energy than residential units built to meet the 2016 standards.⁶

Senate Bill 350

Senate Bill (SB) 350 was signed into law in October 2015. SB 350 establishes new clean energy, clean air and greenhouse gas reduction goals for 2030. SB 350 also establishes tiered increases to the Renewable Portfolio Standard: 40 percent by 2024, 45 percent by 2027, and 50 percent by 2030.⁷

Senate Bill 100

Senate Bill 100 (SB 100) was signed into law in September 2018 and increased the required Renewable Portfolio Standards. SB 100 requires the total kilowatt-hours of energy sold by electricity retailers to their end-use customers must consist of at least 50 percent renewable

⁶ [Building Energy Efficiency Standards | California Energy Commission](#)

⁷ [Clean Energy and Pollution Reduction Act - SB 350 \(ca.gov\)](#)

resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also includes a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.⁸

Impact Analysis

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

Less Than Significant Impact.

The Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation. Electricity used for the Project during construction and operations would be provided by Southern California Edison, which serves more than 15 million customers. SCE derives electricity from varied energy resources including fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. Natural gas would be provided to the Project by Southern California Gas (SoCalGas). Project-related vehicle trip energy consumption will be predominantly gasoline and diesel fuel. Gasoline (and other vehicle fuels) are commercially provided commodities and would be available to the Project patrons and employees via commercial outlets.

Construction

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

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

⁸ [SB 100 Joint Agency Report \(ca.gov\)](https://www.ca.gov)

Fuel

During construction of the Proposed Project, transportation energy consumption is dependent on the type of vehicles used, number of vehicle trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Temporary transportation fuel use, such as gasoline and diesel, during construction would result from the use of delivery vehicles and trucks, construction equipment, and construction employee vehicles. Additionally, most construction equipment during grading would be powered by gas or diesel. Based on output from CalEEMod, the Proposed Project construction activities would consume an estimated 30,538.30 gallons of diesel fuel for operation of heavy-duty equipment. **Tables VI-1** through **VI-3** show the modeled fuel consumption for all construction activities.

As shown in **Table VI-2**, all construction worker trips are estimated to be 1,572.25 gallons of fuel will be consumed. Fuel consumption from construction vendor (material deliver) trips is 7,590.0 gallons, as shown in **Table VI-3**. Construction worker and vendor fuel consumption are based on CalEEMod's default data for vehicles miles traveled (VMT). Construction would represent a "single event" diesel and gasoline fuel demand and would not require continuous or permanent commitment of these fuel resources. Impacts related to transportation energy use during construction would be temporary and would not require the use of additional use of energy supplies or the construction of new infrastructure.

Operations

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

Energy use in buildings is divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building such as in plug-in appliances. In California, the California Building Standards Code Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting. Non-building energy use, or "plug-in" energy use can be further subdivided by specific end-use (refrigeration, cooking, appliances, etc.). The Proposed Project is required to comply with Title 24 standards, which require that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials.

The Proposed Project has been designed to comply with the 2019 Building Energy Efficiency Standards. The County of San Bernardino would review and verify that the Proposed Project plans would be in compliance with the most current version of the Building and Energy Efficiency Standards. The Proposed Project would also be required adhere to CALGreen, which establishes planning and design standards for sustainable developments and energy efficiency.

Table VI-1 Construction Equipment Fuel Consumption Estimates

CONSTRUCTION EQUIPMENT							
Construction Equipment	#	Hours per Day	Horse power	Load Factor	Construction Phase	Fuel Used (gallons)	Total Gallons
Concrete/Industrial Saws	1	8	33	0.73	Demo	226.64	226.64
Excavators	3	8	36	0.38	Demo	128.70	386.10
Rubber Tired Dozer	2	8	367	0.4	Demo	1242.52	2485.03
Rubber Tired Dozer	3	8	367	0.4	Site Prep	310.63	931.89
Tractors/Loaders/Backhoes	4	8	84	0.37	Site Prep	73.10	292.40
Graders	1	8	148	0.41	Grading	205.44	205.44
Excavators	1	8	36	0.38	Grading	51.48	51.48
Rubber Tired Dozer	1	8	367	0.4	Grading	497.01	497.01
Tractors/Loaders/Backhoes	3	8	84	0.37	Grading	116.96	350.88
Cranes	1	7	367	0.29	Building Con.	9064.54	9064.54
Forklifts	3	8	82	0.2	Building Con.	1774.35	5323.05
Generator Sets	1	8	14	0.74	Building Con.	1120.87	1120.87
Tractors/Loaders/Backhoes	3	7	84	0.37	Building Con.	2942.28	8826.84
Welders	1	8	46	0.45	Building Con.	2239.57	2239.57
Pavers	1	8	81	0.42	Paving	288.05	288.05
Paving Equipment	2	8	89	0.36	Paving	271.29	542.58
Rollers	2	8	36	0.38	Paving	115.83	231.66
Cement and Motor Mixers	2	6	10	0.56	Paving	35.56	71.12
Tractors/Loaders/Backhoes	1	8	84	0.37	Paving	263.16	263.16
Air Compressors	1	6	78	0.48	Architectural Coat.	237.76	237.76
Total Fuel Used						19607.88	30538.30 (Gallons)

Source: CalEEMod 2022.1.0 output-based construction schedule
 Compression-Ignition Engine Brake-Specific Fuel Consumption (BSFC) Factors [1]:
 HP: 0 to 100 – 0.059 / HP: Greater than 100 – 0.0529
 Values above are expressed in gallons per horsepower-hour/BSFC.

Table VI-2 Construction Worker Fuel Consumption Estimates

WORKER TRIPS					
Construction Phase	MPG [2]	Trips	Trip Length (miles)	Fuel Used (gallons)	Total Gallons
Demolition	24.0	27	20	22.50	450.00
Site Preparation Phase	24.0	18	19	14.25	71.25
Grading	24.0	15	19	11.88	95.00
Building Construction Phase	24.0	6	19	4.75	1092.50
Paving Phase	24.0	20	19	15.83	285.00
Architectural Coating	24.0	2	19	1.58	28.50
Total				48.29	1572.25

Table VI-3 Construction Vendor Fuel Consumption Estimates

VENDOR TRIPS					
Construction Phase	MPG [2]	Trips	Trip Length (miles)	Fuel Used (gallons)	Total Gallons
Demolition	7.4	0	5.4	0.00	0.00
Site Preparation Phase	7.4	0	5.4	0.00	0.00
Grading	7.4	0	5.4	0.00	0.00
Building Construction Phase	7.4	3	11	33.00	7590.00
Paving Phase	7.4	0	5.4	0.00	0.00
Architectural Coating	7.4	0	5.4	0.00	0.00
Total				33.00	7590.00

Construction Phase	Days of Operation
Demolition	20
Site Preparation	5
Grading	8
Building Construction	230
Paving	18
Architectural Coating	18

Total Gasoline Consumption (gallons)	9162.25
Total Diesel Consumption (gallons)	30538.30

Sources:

[1] United States Environmental Protection Agency. 2018. Exhaust and Crankcase Emission Factors for Nonrod Compression-Ignition Engines in MOVES2014b. July 2018. Available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100UXEN.pdf>.

[2] United States Department of Transportation, Bureau of Transportation Statistics. 2018. *National Transportation Statistics 2018*. Available at: <https://www.bts.gov/sites/bts.dot.gov/files/docs/browse-statistical-products-and-data/national-transportation-statistics/223001/ntentire2018q4.pdf>.

During operations of the Proposed Project, fuel consumption would be from customer visits, trips by maintenance staff, employee vehicle trips and delivery trucks. As a worst-case analysis, half the miles were modeled with an automobile fuel efficiency of 24 miles per gallon and half were modeled at 7 miles per gallon.⁹ As shown on **Table VI-4**, the Proposed Project would result in an estimated 1,699,493.37 total gallons of fuel consumption per year based on 18,419,925 total miles driven.

⁹ United States Department of Transportation, Bureau of Transportation Statistics. 2018. National Transportation Statistics 2018.

Table VI-4 Operational Fuel Consumption

Operational Trips			
Use	Annual Miles	MPG	Total Gallons (50%)
Con. Market with Gas Pumps	9,209,962.50	24	383,748.44
Parking Lot	0.00	0	0.00
		Total	383,748.44
Use	Annual Miles	MPG	Total Gallons (50%)
Con. Market with Gas Pumps	9,209,962.50	7	1,315,708.93
Parking Lot	0.0	0	0.00
		Grand Total	1,315,708.93

In 2022, San Bernardino County consumed approximately 915 million gallons of gasoline and 258 million gallons of diesel.¹⁰ The increase in fuel demand from the Proposed Project would represent a 0.186% of the overall 2022 County fuel consumption.

The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of fuel resources, during project construction or operation. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Electricity

Southern California Edison (SCE) provides electricity to the Project Site. Currently, the Project Site is vacant and does not use electricity. Therefore, development of the Proposed Project would cause a permanent increase in demand for electricity when compared to existing conditions. The estimated electricity demand for the Proposed Project was estimated from CalEEMod modeling output to be approximately 708,962 kWh per year. Electricity consumption by planning area for a commercial use as determined by SCE consumed 36,069 Millions of kWh (GWh) in the year 2022.¹¹ The Proposed Project is estimated to consume 0.708 GWh annually. The increase in electricity demand from the Proposed Project would represent 0.001965 percent of the overall SCE commercial consumption. Therefore, projected electrical demand would not significantly impact SCE’s level of service.

Natural Gas

The estimated natural gas demand for the Proposed Project was estimated from CalEEMod modeling output to be approximately 280,967 kBtu per year which is 2,809.67 (therms) per year or 0.0003141% of the natural gas consumption by planning area for a commercial use

¹⁰ California Energy Commission. <https://www.energy.ca.gov/media/3874>. Accessed August 7, 2024.

¹¹ California Energy Commission. 2022 Electricity Consumption by Planning Area. Accessed May 22, 2024.

determined by SCE. The increase in natural gas demand from the Proposed Project would not significantly impact SCE's level of service.

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

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

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

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury 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 type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite 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 risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Check if project is located in the Geologic Hazards or Paleontological Resources Overlay District):

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; *Geotechnical Investigation*, April 29, 2024, GeoTek, Inc. (Appendix D); *Preliminary Drainage Report, Terrible Herbst Travel Center*, January 19, 2024, Horrocks; (Appendix E); Policy Plan Hazards Element, Map HZ-1 *Earthquake Fault Zones*, and Map HZ-2 *Liquefaction and Landslides*, Map HZ-11 *Wind Erosion Hazards*; *Paleontological Assessment for the High Desert Gas Station Project*, July 25, 2024, BFSA Environmental Services, a Perennial Company. (Appendix C-1)

Impact Analysis

- a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
- i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
 - ii. *Strong seismic ground shaking?*
 - iii. *Seismic related ground failure, including liquefaction?*
 - iv. *Landslides?*
- i) **Less than Significant Impact.** According to the Countywide Plan Policy Maps, Hazards Map HZ-1 – Earthquake Fault Zones,¹² the nearest Alquist Priolo (AP) Earthquake Fault Trace to the Project Site is shown below in **Table VII-1**:

Table VII-1: Distance of the Nearest AP Zones to the Project Site

Alquist Priolo Fault Trace	Distance to Project Site (miles)	Direction
Garlock Fault Zone	38	Northwest
Southern Death Valley Fault Zone	42	Northwest
Manix Fault Zone	50	Southwest

The Proposed Project does not contain habitable structures, however, does propose structures the public will patronize on site namely the convenience store and fuel canopies. Given the distance to the nearest earthquake zone threat and adherence to San Bernardino County Development Code and California Building Code it is anticipated that the Proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death following rupture of a known earthquake fault. Therefore, less than significant adverse impacts can be anticipated, and no mitigation measures are required.

- ii) **Less Than Significant Impact.** As is the case with all of Southern California, moderate seismic shaking of the site can be expected to occur during the lifetime of the Project. Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. The Project Site is more than 35 miles away from the nearest Fault Zone as demonstrated in **Table VII-1**, and while that doesn't eliminate the threat of experiencing moderate shaking during an event, with adherence to the San Bernardino County Development Code and California Building Code it is anticipated that the Proposed Project would not expose people or structures to potential substantial adverse effects. As such, less than significant adverse impacts are anticipated, and no mitigation measures are required.

¹² San Bernardino County Policy Plan, Hazards Map HZ-1 – Earthquake Fault Zones

iii) **No Impact.** Liquefaction is a process in which cohesion-less, saturated, fine-grained sand and silt soils lose shear strength due to ground shaking and behave as fluid. The Project Site is not located in an area susceptible to liquefaction as demonstrated by San Bernardino County Policy Plan, Hazard Element Map *HZ-2 Liquefaction and Landslides*.¹³ Therefore, no impact is identified or anticipated, and no mitigation measures are required.

iv) **No Impact.** Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The Project Site is neither located in an area with mapped existing landslides nor is it located in an area susceptible to landslides. The Project Site is not located in an area susceptible to landslides as demonstrated by San Bernardino County Policy Plan, Hazard Element Map *HZ-2 Liquefaction and Landslides*. Therefore, no impact is identified or anticipated, and no mitigation measures are required.

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

Less than Significant Impact. The Proposed Project is not within a High Erodibility Zone according to the County of San Bernardino General Plan Hazards Policy Map: *HZ-11 Wind Erosions Hazards*.¹⁴ The Project Site is formerly disturbed and contains some remaining concrete coverage. Any conversion to paved surfaces would generally help to reduce the potential for soil erosion from the site during operation. Therefore, compliance with any required permitting and/or site-specific SWPPP, associated BMPs, and MDAQMD Rule 403 (as described in section III-b of this document), would reduce the Project's impacts related to soil erosion to less than significant.

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 onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less than Significant Impact. The Proposed 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 based on the Project location and Policy Plan Hazards Element Policy Map: *HZ-2 Liquefaction and Landslides*. Therefore, a less than significant impact would occur.

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

Less than Significant Impact. Expansive soils contain certain kinds of clay particles that are capable of absorbing large quantities of water. Project Impacts due to expansive soils can be expected to be less than significant for this site based on the USDA Web Soil Survey.¹⁵ The Proposed Project does not include construction of habitable structures, but the Proposed Project would contain permanent facilities that would be patronized by the public. Substantial risks due to expansive soils would be less than significant. No mitigation measures are required.

¹³ San Bernardino County Policy Plan, Hazard Element Map *HZ-2 Liquefaction and Landslides*

¹⁴ San Bernardino County Policy Plan, Hazard Element Map *HZ-11 Wind Erosion Hazards*

¹⁵ [Web Soil Survey \(usda.gov\)](https://websoilsurvey.usda.gov)

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

Less than Significant Impact. As the use of a septic system is proposed, the Geotechnical Investigation (Appendix D) documented the appropriate percolation test procedure as determined per the Local Agency Management Program (LAMP) and the Percolation Testing and Reporting Standards for Onsite Wastewater Treatment Systems by the San Bernardino County Public Health department. Based on the site reconnaissance conducted by GeoTek, subsurface excavations, and review of published geologic maps, the area of the proposed on-site effluent disposal system is underlain by alluvium to the depths explored. In general, the alluvial materials typically consisted of slightly moist, medium to very dense sands with varying amounts of silt, clay and gravel and are considered to have “favorable” characteristics, in accordance with the current standards of the County of San Bernardino LAMP. Impacts are expected to be less than significant, and no mitigation measures are required.

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

Less than Significant Impact. Paleontological resources are the remains of prehistoric life that have been preserved in the geologic strata. These remains are called fossils and include bones, shells, teeth, and plant remains (including their impressions, casts, and molds) in the sedimentary matrix, as well as trace fossils such as footprints and burrows. Fossils are considered older than 5,000 years of age (Society of Vertebrate Paleontology [SVP] 2010) but may include younger remains (subfossils) when viewed in the context of local extinction of the organism or habitat, for example. Fossils are considered a nonrenewable resource under state and local guidelines.

As the lead agency, the County of San Bernardino has required the preparation of a paleontological assessment to evaluate the project’s potential to yield paleontological resources. The Paleontological Assessment for the project (Appendix C-1) included a review of paleontological literature and fossil locality records in the area, a review of the underlying geology, and recommendations to mitigate impacts to potential paleontological resources, if necessary.

The County of San Bernardino 2007 Development Code has developed criteria for applying guidelines to preserve and protect nonrenewable paleontological resources (County of San Bernardino 2019). In Chapter 82.20, the “Paleontologic Resources (PR) Overlay” of the Development Code, purpose, location requirements, development standards, and paleontologist qualifications are described in Sections 82.20.010 through 82.20.040, respectively.

A paleontological records search was performed for the Project Site by the San Bernardino County Museum (SBCM) and indicates the nearest fossil localities are about 4.75 miles to the north and consists of rodent bones derived from “brown to liver colored paleosols interbedded with a greenish-gray silty arkose.” East of the Project Site, along Interstate 15, late Pleistocene-aged freshwater mollusks and microfossils were found from fine-grained groundwater discharge deposits in the Valley Wells area off Cima Road.

Personnel from BFSA Environmental Services, a Perennial Company (BFSA), under the direction of Principal Investigator Todd A. Wirths, conducted a pedestrian survey of the Project Site on June 26, 2024. The field methodology employed included walking evenly spaced

survey transects set approximately five to 10 meters apart while visually inspecting the ground surface. All potentially sensitive areas where paleontological resources might be located were closely inspected.

The Project Site is characterized primarily as vacant desert terrain with vegetation consisting of Mojave and Creosote Bush scrub community plants including creosote bushes, yucca, and Eastern Joshua Trees. Within the northern half of the property, the dilapidated and abandoned remnants of the gas and service station building along with associated infrastructure, ancillary storage structure, and residence, were located. In addition, the northern half of the property is occupied by a cellular tower and associated infrastructure along with some remnant footings for an ancillary structure. Although the area surrounding the structures has been cleared of vegetation, the ground visibility in this area was limited due to the presence of gravel and hardscape. No paleontological resources, or evidence suggesting the presence of paleontological resources, were observed during the survey.

The geology at the Project Site includes Pleistocene-aged, coarse-grained alluvial deposits mapped at the surface, composed of poorly graded, silty and clayey sands with variable amounts of gravel, that lie beneath artificial fill deposits. While Pleistocene-aged alluvial deposits in the Mojave Desert and San Bernardino County are known to produce significant vertebrate fossils, none are known for several miles away. Typically, terrestrial fossils accumulate in water ways and topographic lows in fine-grained sediments; the coarse-grained nature of the sediments that occur at the Project Site usually have a low paleontological potential.

In conclusion, paleontological monitoring is not recommended for the project, based on the summary above. However, if paleontological resources are discovered during excavation activities, a qualified paleontologist should be consulted to determine the significance of the discovery. If the discovery is determined to be significant by the qualified paleontologist, paleontological monitoring would be required in general accordance with the County of San Bernardino. Impacts are expected to be less than significant.

Mitigation Measure:

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

VIII. GREENHOUSE GAS EMISSIONS

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

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; MDAQMD Off-road Model-Mobile Source Emissions Factors 2023; CalEEMod 2022, AQ/GHG – *Terrible Herbst TIS-11 Pump Detailed Report, and Terrible Herbst TIS-3 Pump Detailed Report*, July 18, 2024 (Appendix A); *Terrible Herbst Travel Center Transportation Impact Study*, January 26, 2024, Greenlight Traffic Engineering (Appendix F); *Terrible Herbst Travel Center Traffic Safety Analysis* January 26, 2024, Greenlight Traffic Engineering (Appendix F-1).

Background

According to CEQA Guidelines section 15064.4, when making a determination of the significance of greenhouse gas emissions, the “lead agency shall have discretion to determine, in the context of a particular project, whether to (1) quantify greenhouse gas emissions resulting from a project and/or (2) rely on a qualitative analysis or performance-based standards. Moreover, CEQA Guidelines section 15064.7(c) provides that “a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts” on the condition that “the decision of the lead agency to adopt such thresholds is supported by substantial evidence.”

San Bernardino County GHG Reduction Plan

In September 2011, the County adopted a Greenhouse Gas Emissions (GHG) Reduction Plan (September 2011) (GHG Plan). The GHG Plan presents a comprehensive set of actions to reduce the County’s internal and external GHG emissions to 15% below current levels (2007 levels) by 2020, consistent with the AB 32 Scoping Plan. GHG emissions impacts are assessed through the GHG Development Review Process (DRP) by applying appropriate reduction requirements as part of the discretionary approval of new development projects. Through its development review process, the County will implement CEQA requiring new development projects to quantify project GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of CO₂ equivalent (MTCO₂e) per year is used to identify projects that require the use of Screening Tables or a Project-specific technical analysis to quantify and mitigate project emissions.¹⁶ Note that the MDAQMD has an annual threshold of 100,000 tons of Carbon Dioxide equivalent (CO₂e) per year.

¹⁶ [GHG Reduction Plan Update-Greenhouse Gas Reduction Plan Update - Adopted 9-21-2021.pdf \(sbcounty.gov\)](#)

Impact Analysis

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

Less than Significant Impact with Mitigation Incorporated. Per CEQA guidelines, new project emissions are treated as standard emissions, and air quality impacts are evaluated for significance on an air basin or even at a neighborhood level. Greenhouse gas emissions are treated differently, in that the perspective is global, not local. Therefore, emissions for certain types of projects might not necessarily be considered as new emissions if the project is primarily population driven. Many gases make up the group of pollutants that are believed to contribute to global climate change. However, three gases are currently evaluated carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O).

Implementation of the Emissions Reduction Plan is achieved through the DRP by applying appropriate reduction requirements to projects, which reduce GHG emissions. All new developments are required to quantify the project's GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year is used to identify and mitigate Project emissions.

Greenhouse gas emissions were screened using CalEEMod version 2022. The emissions incorporate certain design reduction strategies. The CalEEMod outputs used to estimate construction and operational greenhouse gas emissions are referred to in **Table VIII-1** and **Table VIII-2** below.

Construction activity for the Proposed Project was modeled to occur during the first quarter of 2025 and be operational in 2026. Based on the project's CalEEMod (version 2022) results, construction activity for the project would generate an estimated 348.2 metric tons of CO_{2e} per year. Therefore, the Proposed Project's construction emissions would not exceed the 3,000 MTCO_{2e} annual screening threshold defined by MDAQMD.

Table VIII-1
Greenhouse Gas Construction Emissions
(Metric Tons Per Year)

Source/Phase	CO₂	CH₄	N₂O	Total
2025	321	0.01	0.01	323
2026	25.1	0.0	0.005	25.2
MDAQMD MTCO _{2e} Thresholds	100,000			
Total MTCO_{2e}	348.2			
Amortized over 30 years	11.6			
Significant	No			

The operational mobile emissions were calculated using a Transportation Impact Study Screening prepared by Greenlight Engineering, Inc. on January 18, 2024 (Appendix F), which determined that the Proposed Project would generate approximately 6,959 total daily trips, with approximately 531 during AM and PM peak hours.

**Table VIII-2
 Greenhouse Gas Operational Emissions
 (Metric Tons Per Year)**

Equipment	CO₂	CH₄[*]	N₂O
Mobile	6,718	0.32	0.35
Area	0.24	0.005	0.005
Energy	126	0.01	0.005
Total Per Year (MTCO ₂ e)	6,847	0.38	0.35
MTCO₂e per Year	7,553.6		
MDAQMD Threshold (MTCO ₂ e)	100,000		
County Threshold (MTCO ₂ e)	3,000		
Significant	Yes		

As demonstrated, operations would exceed the County’s GHG thresholds. Therefore, Project operational activities will be evaluated compared to the San Bernardino County Greenhouse Gas Emissions Reduction Plan Screening Tables. Mitigation Measure GHG-1 shall be implemented to ensure that operational emissions comply with the County’s GHG Plan. With implementation of the GHG reduction Measures and design features, the Proposed Project would need to garner 100 points using the Screening Tables. Therefore, it would provide a fair share contribution of reductions and is considered consistent with the County’s Greenhouse Gas Emissions Reduction Plan. Impacts would be less than significant with mitigation.

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

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

The Project’s total net operational GHG emissions exceed the County’s screening threshold of 3,000 MTCO₂e per year. Therefore, the Proposed Project will need to comply with GHG Reduction Plan by accumulating 100 points per the GHG emission screening tables. Mitigation measure **GHG-1** would bring the Project into compliance with the Greenhouse Gas Emissions Reduction Plan and reduce GHG emission impacts to a less than significant level.

Mitigation Measures

GHG-1: The Proposed Project proponent shall demonstrate the ability to accrue 100 points using the County of San Bernardino Greenhouse Gas Emissions

Development Review Process Screening Tables for commercial development (Table 2) to show consistency with the Regional Greenhouse Gas Reduction Plan (e.g., installation of an enhanced cool roof, thermal storage, solar photovoltaic panels, water-efficient appliances).

Possible significant adverse impacts have been identified or anticipated and therefore Mitigation Measure GHG-1, is required to reduce possible impacts to a less than significant level.

IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; Policy Plan Hazards Element, Maps HZ-5 Fire Hazard Severity Zones, HZ-6 Fire Responsibility Area and HZ-9 Airport Safety & Planning; Phase I Environmental Site Assessment March 3, 2022, The Westmark Group (Appendix E); Limited Phase II Environmental Site Assessment April 1, 2022, The Westmark Group (Appendix E-1).

Impact Analysis

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

Less than Significant Impact. Components of the Proposed Project that may involve potential impacts from hazardous materials include the gas station, and underground storage tanks (USTs). A permit to operate a UST system is required per California Code of

Regulations Title 23, Division 3, Chapter 16, California Health and Safety Code Section (25280-25299.8) and San Bernardino County Ordinance 617. These regulations mandate the testing and frequent inspections of UST facilities. The United States Department of Transportation, California Department of Transportation, and MDAQMD regulate the transportation and delivery of gasoline and diesel fuel.

With compliance with federal, state, and local requirements for fueling facilities, the Project would have a less than significant impact to the public or the environment. Therefore, less than significant impacts would occur.

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

Less than Significant Impact. USTs would meet all federal, state, and local requirements before building and operation (occupancy) permits are issued. The Proposed Project is not anticipated to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The Project Applicant would be required to prepare a Spill Contingency Plan to be filed with the County of San Bernardino Hazardous Materials Department. All operations of the fueling station and related USTs would be required to comply with all federal, state, and local laws regulating the management and use of hazardous materials. The use and storage of any hazardous materials is also subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. Less than significant impacts are expected, and no mitigation measures are required.

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

No Impact. There are no existing or planned schools within a quarter mile from the Project Site. Baker Valley Unified School District (BVUSD) is the nearest school district to the Project site at approximately 18 miles southwest. Therefore, no impacts will occur, and no mitigation is required.

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

No Impact. The Project Site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5¹⁷ and therefore, will not create a significant hazard to the public or environment.

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

No Impact. According to San Bernardino County Hazards Element Overlay Maps the Project Site is not within Airport Safety Review Area (AR4) and not subject to military review. The Project Site is not within two miles of an active public airport or private airstrip.¹⁸ Therefore,

¹⁷ <https://dtsc.ca.gov/CaliforniaDepartmentofToxicSubstancesControl/EnviroStor>. Accessed February 2, 2024.

¹⁸ San Bernardino County Policy Plan; Hazards Element, *Maps HZ-9 Airport Safety & Planning*

the Proposed Project would not result in a safety hazard for people residing or working in the Project area. As a result, less than significant impacts are anticipated, and no mitigation measures are required.

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

Less than Significant Impact. Activities associated with the Proposed Project would not impede existing emergency response plans for the Project Site and/or other land uses in the Project vicinity. Vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Proposed Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. No impacts are identified or are anticipated, and no mitigation measures would be required.

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

Less than Significant Impact. According to San Bernardino County Hazard Overlay Map HZ-5 Fire Hazard Severity Zones the Project Site is not within a Fire Safety overlay, fire severity threat at the Project Site is considered moderate.¹⁹ Implementation of the Project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. No impacts are identified or are anticipated, and no mitigation measures are required.

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

¹⁹ San Bernardino County Hazard Overlay Map HZ-5 Fire Hazard Severity Zones

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?				
I. Result in substantial erosion or siltation on – or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site;	<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 the existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; *Preliminary Drainage Report, Terrible Herbst Travel Center*, January 19, 2024, Horrocks (Appendix G); *Geotechnical Investigation*, April 29, 2024, GeoTek, Inc. (Appendix D); Policy Plan Hazards Element, Maps *HZ-4 Flood Hazards*.

Impact Analysis

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

Less than Significant Impact. From the Geological Investigation, based on a review of information contained on the California Department of Water Resources, Water Data Library, and the USGS Water Resources of the United States, groundwater is reported at a depth greater than 100 feet below ground surface. The depth to groundwater is expected to vary seasonally and localized perched groundwater conditions could be encountered. However, groundwater is not anticipated to impact the proposed development. The planned on-site wastewater disposal system, if utilized and maintained properly, is not anticipated to adversely impact the site or adjacent properties. Further, based on the data presented in the

Geotechnical Investigation and using the recommendations set forth, it is the opinion of GeoTek that there is sufficient area on this site to support a primary and expansion on-site wastewater treatment system that will meet the current standards of the County of San Bernardino LAMP. Compliance with San Bernardino County Development Code Standards would ensure that the Proposed Project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater.

Surface water was not observed during the site reconnaissance or investigation conducted as part of the Geotechnical Investigation (Appendix D). If encountered during earthwork construction, surface water on this site is the result of precipitation or possibly some minor surface run-off from immediately surrounding areas. Overall site drainage is generally in an easternly direction, as directed by site topography. Provisions for surface drainage will need to be accounted for by the project civil engineer.

Also, the General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a SWPPP. The SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include BMPs to prevent project-related pollutants from impacting surface waters. Therefore, impacts would be less than significant, and no mitigation measures are required.

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

Less than Significant Impact. For preparation of the Geotechnical Investigation (Appendix D), subsurface conditions were explored using a truck mounted hollow stem auger drill rig. Twelve explorations were advanced onsite, in addition to seven percolation borings. The diameter of the borings was approximately 8 inches. Logs of each exploration are included within Geotechnical Investigation Report as *Appendix A*. Field studies were completed in January 2024. Groundwater was not encountered in any of the borings at the time of drilling. Based on a review of information contained on the California Department of Water Resources, Water Data Library, and the USGS Water Resources of the United States, groundwater is reported at a depth greater than 100 feet below ground surface. The depth to groundwater is expected to vary seasonally and localized perched groundwater conditions could be encountered. A new water well will be drilled to provide water to the site. The Project will be required to adhere to the San Bernardino County Public Health Division of Environmental Health Services including the Desert Groundwater Management Ordinance (DGMO) County Ordinance 33.06551 et al.²⁰ to ensure that the system will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. No significant adverse impacts are anticipated, and no mitigation measures are required.

- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?*
- I. *Result in substantial erosion or siltation on – or off-site;*

²⁰ [Water Wells – Environmental Health Services \(sbcounty.gov\)](https://www.sbcounty.gov/EnvironmentalHealthServices/water-wells)

- II. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site;*
- III. *Create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff; or*

I. **Less than Significant Impact.** The Proposed Project is not within a High Erodibility Zone according to the County of San Bernardino General Plan Hazards Policy Map: *HZ-11 Wind Erosions Hazards*.²¹ The Project Site is formerly disturbed and contains some remaining concrete coverage. Any conversion to paved surfaces would generally help to reduce the potential for soil erosion from the site during operation. Therefore, compliance with any required permitting and/or site-specific SWPPP, associated BMPs, and MDAQMD Rule 403, would reduce the Project's impacts related to soil erosion to less than significant. Therefore, the Proposed Project will not substantially alter the existing drainage pattern that would result in substantial erosion or siltation or runoff on- or off-site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

II. **Less than Significant Impact.** According to the Preliminary Drainage Report prepared by Horrocks (Appendix G), Bentley's StormCAD hydraulic modeling software was used to design the storm drain system for the Proposed Project. The storm drains are proposed as reinforced concrete pipe (RCP) with a minimum diameter of 24-inches.

Onsite detention will be provided in the northeast corner of the site. The detention pond will provide water quality of the first flush volume, which will drain from the pond by way of infiltration. The detention pond has been sized to detain the proposed peak 100-year flow and reduce the release rate to match existing conditions. The 100-year event will drain from the pond by way of a 24" RCP.

The detention pond has been designed to use 3:1 side slopes on all embankments. Additionally, 1 foot of freeboard is provided above the 100-year water surface elevation. An emergency spillway on the north side of the pond will convey the full unattenuated proposed 100-year peak flow in the event the outlet structure fails. The spillway will drain to the right of way of Interstate 15. Therefore, the Proposed Project will not substantially alter the existing drainage pattern that would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

III. **No Impact.** The Preliminary Drainage Report presents findings of the storm drain analysis. The report confirms that there are no existing stormwater drainage systems for capture of runoff from the Project Site. The off-site drainage impacts for the Proposed Project are discussed in c)ii) above. A stormwater detention system has been designed (see Appendix G) to detain flows from a 100-year event and reduce the release of stormwater off-site to match existing conditions. Therefore, the Proposed Project is not anticipated to create or contribute runoff water which would provide substantial additional sources of polluted runoff. No

²¹ San Bernardino County Policy Plan, Hazard Element *Map HZ-11 Wind Erosion Hazards*

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

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

No Impact. As shown by San Bernardino County Hazards Element *Map HZ-4 Flood Hazards* – The Project Site is not located within Flood Plain Safety (FP) Overlay District or within a dam inundation area.²² Tsunamis are large waves generated in open bodies of water by fault displacement of major ground movement. Due to the inland location of the Project Site, tsunamis are not considered to be a risk. Seiches are standing waves generated in enclosed bodies of water in response to ground shaking. The Project Site is not located in the immediate vicinity of a known large body of water or water storage facility and therefore impacts from potential seiches are not anticipated. Therefore, the Proposed Project is not anticipated to risk release of pollutants due to project inundation. No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

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

²² San Bernardino County Policy Plan; Hazards Element, *Maps HZ-4 Flood Hazards*

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; San Bernardino County Development Code

Impact Analysis

a) *Physically divide an established community?*

No Impact. The Proposed Project is adjacent to Interstate 15 at the Halloran Summit Road exit and otherwise surrounded by open desert. There is no residential development nearby, thus the Project would not divide an established community.

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

No Impact. The Project Site has a current land use designation of Commercial (C), and zoning designation of Highway Commercial (CH). The Proposed Project is a compatible use as determined by the San Bernardino County Development Code and would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Mitigation Measures:

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

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; Policy Plan Natural Resources Element, Map *NR-4 Mineral Resources Zones*

Impact Analysis

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

No Impact. The Project Site is not in an area designated as a Mineral Resource Zone according to the San Bernardino County Countywide Plan. The Proposed Project is within a Commercial land use designation and Highway Commercial (CH) zone and compatible with the San Bernardino County Countywide Plan/Policy Plan 2020 and San Bernardino County Development Code. This zone is not defined as an area containing mineral deposits according to the San Bernardino County Countywide Plan/Policy Plan 2020; Policy Plan Natural Resources Element, Map *NR-4 Mineral Resources Zones*. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. The Project Site is not in an area designated as a Mineral Resource Zone according to the San Bernardino County Countywide Plan. The Proposed Project is within a Commercial land use designation and Highway Commercial (CH) zone and compatible with the San Bernardino County Countywide Plan/Policy Plan 2020 and San Bernardino County Development Code. The Project Site is not located within a planning area designated for mining. Therefore, the Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

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

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 of groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; Policy Plan Hazards Element, Map HZ-9 Airport Safety & Planning Areas

Impact Analysis

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

Less than Significant Impact. The Proposed Project consists of the construction and operation of an auto/truck fueling center with a convenience store. The Project location is the south side of Interstate 15 at the Halloran Summit Road exit surrounded by vacant desert land. The existing adjacent roadways would affect any noise sensitive land uses within the area. However, the Project Site is being developed with a use similar to what previously existed and no sensitive land uses are nearby. Post-construction noise associated with the Proposed Project would be project-generated traffic. As depicted in the San Bernardino Countywide Plan EIR, Table 5.12-3²³ shows that for a commercial operation the normal compatible community sound levels and shall not exceed a Leg of 72. The Countywide Plan Draft EIR includes the Project Site within an existing noise level of 70 Leg and a projected future noise level of 70 Leg. The ambient noise levels in the area would not violate the San Bernardino Development Code, or General Plan Noise Element. Therefore, less than significant impacts would occur.

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

Less than Significant Impact. County Development Code Section 83.01.090, Vibration, establishes standards for acceptable vibration levels: temporary construction, maintenance,

²³ [Ch_05-12-N.pdf \(countywideplan.com\)](#)

repair, or demolition activities between 7 a.m. and 7 p.m. are exempt from this vibration limit, except on Sundays and federal holidays, when construction is prohibited. Potential impacts due to groundborne vibration or noise would be short-term and temporary during construction. Motor vehicle use during Project operation is also exempt from the County vibration standards. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. The Project Site is not located within the vicinity of a private airstrip or an airport land use plan and is not within two miles of a public use airport resulting in exposure to excessive noise levels to people residing in the area. Given the Projects remote location, there would be no impact.

Mitigation Measures:

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

XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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/Policy Plan 2020

Impact Analysis

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

No Impact. The Proposed Project is to establish a convenience store and fueling station to serve travelers along Interstate 15 between Barstow and Las Vegas, NV. The Project does not involve construction of new homes, nor would it induce unplanned population growth by creating new jobs. Construction activities would be temporary and would likely attract employees from the area, as would on-going operations. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. There is no existing housing or residents in the area of the Project Site. Therefore, the Proposed Project would not displace substantial numbers of existing people or housing units or require the construction of replacement housing. No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

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

XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Recreation/Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; Policy Plan Hazards Element, Maps *HZ-5 Fire Hazard Severity Zones and HZ-6 Fire Responsibility Area*; San Bernardino County Fire [Service Zone FP-5 | 2024 Information – San Bernardino County Fire Protection District \(sbcfire.org\)](http://sbcfire.org)

Impact Analysis

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

i. **Fire Protection**

Less than Significant Impact. San Bernardino County Fire Station 53, at 72734 Baker Boulevard, Baker CA. is located approximately 18 miles southwest of the Project Site and is the closest responding fire station. Response times in the can range up to an hour in this part of the desert but are considered maximum in the case of a structural fire. Fire station organization, distance, grade and road conditions affect response times. The San Bernardino County Fire Department serves the unincorporated portions of the counties within the North Desert Service Zone-District 1.

Comprehensive safety measures that comply with federal, state, and local worker safety and fire protection codes and regulations would be implemented into project design to

minimize the potential for fires to occur during construction and operations. The Proposed Project would be required to comply with County fire suppression standards, (e.g. fire sprinkler systems, fire extinguishers, fire hydrants, vegetation clearance around buildings), provide adequate fire access and pay required development impact fees. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

ii. Police Protection

Less than Significant Impact. Personnel organization, distance, grade and road conditions as well as other physical factors influence response times by law enforcement. The unincorporated portions of San Bernardino County between Barstow and the California border along Interstate 15 is patrolled by the San Bernardino Sheriff's Department (SBCSD) Baker Substation, which is a satellite substation to the Barstow Station. It is located approximately 18 miles southwest of the Project Site. The Baker deputies work with California Highway Patrol (CHP) to respond to stranded motorists, traffic collisions and many other issues the officers may face.²⁴ The SBCSD reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Additionally, development impact fees are collected at the time of building permit issuance to offset project impacts. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

iii. Schools

No Impact. The Project Site is a proposed commercial facility to serve motorists and trucking needs along a major interstate freeway. There are no schools within 0.25 miles of the Project Site. The nearest schools are within the Baker Unified School District approximately 18 miles southwest of the Project Site. The Proposed Project is not expected to draw any new residents to the region that would require expansion of existing schools or additional schools. With the collection of development impact fees, there would be no impacts related to school facilities and no mitigation measures are required.

iv. Parks

No Impact. The Proposed Project would provide auto/truck fueling services and a convenience store to provide essential items while traveling a remote portion of Interstate 15 through the Mojave Desert. The Proposed Project would not induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of any facilities would result. Operation of the Proposed Project would place no demands on parks because it would not involve the construction of housing and would not involve the introduction of a temporary or permanent human population into the area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

v. Other Public Facilities

No Impact. The Proposed Project is not expected to result in a demand for other public facilities/services, such as libraries, community recreation centers, and/or animal shelters. Implementation of the Proposed Project would not adversely affect other public facilities

²⁴ [Barstow/Trona – San Bernardino County Sheriff's Department \(sbcounty.gov\)](https://www.sbcounty.gov)

or require the construction of new or modified facilities. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

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

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; National Park Service, Mojave Wilderness [Mojave Wilderness - Mojave National Preserve \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/subjects/wilderness/mojave-national-preserve.htm); National park Service, Mojave National Preserve, [Mojave National Preserve \(U.S. National Park Service\) \(nps.gov\)](https://www.nps.gov/subjects/wilderness/mojave-national-preserve.htm)

Impact Analysis

- 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 would occur or be accelerated?*

No Impact. The Proposed Project includes the construction and operation of a convenience store and fueling service station on Interstate 15, off the Halloran Summit exit. South of I-15 surrounding the CH zone where the Project would be located lies the Mojave National Preserve and Mojave Wilderness, zoned RC, managed by the National Park Service (NPS). This area is intended for recreational activities such as camping and hiking. The Proposed Project would not lead to substantial physical deterioration of these recreational areas. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. The Proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

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

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; *Terrible Herbst Travel Center Transportation Impact Study*, January 26, 2024, Greenlight Traffic Engineering (Appendix F); *Traffic Safety Report*, January 26, 2024, Greenlight Traffic Engineering (Appendix F-1).

Impact Analysis

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

No Impact. The Proposed Project is situated in a rural, unincorporated community in San Bernardino County, featuring a distinctive land use type not readily matched by those available in the vehicle miles travelled (VMT) Tool for analyzing VMT results. The Proposed Project is expected to generate approximately 531 Weekend AM peak hour trips, 531 Weekday PM peak hour trips, and 6,956 daily trips on a typical weekday. However, all the trips are expected to be pass-by trips due to its remote location. It is expected that trips are only going to be diverted from I-15 and continue back to the original destination. It is highly unlikely that Project will be a final destination for the traffic along I-15 indicating that the Proposed Project can be screened from VMT assessment.

Therefore, the Proposed Project does not conflict with an applicable plan, ordinance, or policy establishing measure of effectiveness for the performance of the circulation system. No public transit, pedestrian facilities, or bicycle lanes exist in the area of the Project Site; thus, no significant impacts are expected, and no mitigation measures are required.

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

Less Than Significant Impact. The Proposed Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b). The following conclusions are based on the findings of the Project Transportation Impact Study (Appendix F):

1. The Proposed Project is forecast to generate approximately 531 Weekend AM peak hour trips, 531 Weekday PM peak hour trips, and 6,956 daily trips on a typical weekday.
2. Based on the capacity analysis performed, the study intersections are all expected to perform at an acceptable level of service for all scenarios with and without the Proposed Project. Therefore, no mitigations are recommended.
3. The VMT analysis shows that the Proposed Project does not meet the Transit Priority Area Screening, Low VMT Area Screening and Project Type Screening. However, the substantial generation of pass-by trips and the remote location of the Project indicate that the Project can be screened from VMT assessment.

Therefore, the impacts would be less than significant.

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

Less than Significant Impact. The Proposed Project would not substantially increase hazards due to a design feature or incompatible uses because the Project Site is adjacent to Interstate 15 on the south side and will occupy the site of a former service station. A Traffic Safety Report was prepared for the Project by Greenlight Traffic Engineering (Appendix F-1).

The following conclusions are based on the findings of the Project Safety Analysis:

- The existing crash data, traffic volumes, combined with the remote location of the Project Site and the expectation that the ramps will primarily serve trips related to the Proposed Project, leading to fewer potential conflicts, indicate that the Proposed Project should not have significant impact on the safety along the study roadway segments.
- Based on the predictive analysis, the projected average crash frequency related to the intersection is higher with Proposed Project traffic. However, the existing traffic volumes at the intersection are quite low, and any development with traffic that accesses the interchange is likely to significantly raise the crash frequency.

There are no incompatible uses or design features proposed by the Proposed Project that would impact surrounding land uses or that would jeopardize the safety of the general public. Therefore, impacts would be less than significant.

- d) *Result in inadequate emergency access?*

Less than Significant Impact. The Project Site is designed to allow emergency vehicles to respond to a possible event. Adequate access to ingress to egress points including turnaround areas, perimeter roads, and interior travel ways that are of adequate width are provided. Plans shall be reviewed and approved by County Fire before grading, building, and occupancy permits are issued. Therefore, less than significant impacts would occur.

Mitigation Measures:

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

XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
a) Listed or eligible for listing in California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; *Cultural Resources Study for the High Desert Gas Station Project, July 24, 2024, BFSA Environmental Services, a Perennial Company. (Appendix C); Paleontological Assessment for the High Desert Gas Station Project, July 25, 2024, BFSA Environmental Services, a Perennial Company. (Appendix C-1).*

Regulatory Framework

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to those California Native American tribes that requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include Tribal Cultural Resources (TCRs), the potential significance of project impacts, the type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1. Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
 - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
 - c. 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a historical resource under CEQA, a TCR may also require additional consideration as a historical resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their tribal cultural resources and heritage, AB 52 requires that CEQA lead agencies provide tribes that requested notification an opportunity to consult at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures.

Summary of AB 52 Consultation

On May 31, 2024, the County of San Bernardino initiated environmental review under CEQA for the Proposed Project. Opportunity to consult letters were sent to the following California Native American tribes, which had previously submitted general consultation request letters pursuant to 21080.3.1(d) of the Public Resources Code:

- Kern Valley Indian Community
- Morongo Band of Mission Indians
- Fort Yuma Quechan Tribe
- Yuhaaviatam of San Manuel Nation
- Twenty-Nine Palms Band of Mission Indians
- Colorado River Indian Tribe
- Fort Mojave Indian Tribe
- Chemehuevi Indian Tribe

Each recipient was provided with a brief description of the Proposed Project and its location, the lead agency contact information, and a notification that the tribe has 30 days to request consultation. The 30-day response period concluded on June 30, 2024.

The Morongo Tribe responded with a letter dated July 17, 2024, stating that the Project Site is not within their ancestral territory, and did not request consultation. None of the other tribes responded to the Project notification for requests to consult.

Environmental Setting

The Project Site is located approximately 18 miles northeast of the Town of Baker, California, and 75 miles southwest of the City of Las Vegas, Nevada along heavily traveled Interstate 15 (I-15), which connects Las Vegas to southern California. The 9.18-acre site currently contains two abandoned structures that are remnants from the former commercial service (fueling) station that occupied the property and a single residence. Project implementation will require the demolition of these structures. The Project Site has been disturbed and graded to accommodate the former development thus there is an average slope from west to east at approximately 2.1%. The Site is located off the Halloran Summit Road exit (Yucca Grove) of I-15. South of the Project site lies the Mojave National Preserve/Mojave Wilderness, managed by the National Park Service (NPS). The north side of I-15 is the Bureau of Land Management (BLM) Shadow Valley ACEC (Area of Critical Environmental Concern). The Project Site is located in Section 10, Township 15 North, Range 11 East (T15N, R11E),

Sacred Lands File Record Search

A search of the Sacred Lands File by the Native American Heritage Commission (NAHC) in Sacramento, California was requested by BFSA. This search was requested to determine whether there are sensitive or sacred Native American resources in the vicinity of the Project area that could be affected by the Proposed Project. The NAHC was also asked to provide a list of Native American groups that have historic or traditional ties to the Project area who may have knowledge about the Project area. The results of the search of the Sacred Lands File by the NAHC did not indicate the presence of any Native American cultural resources within one mile of the Project area. The NAHC also provided a list of nine Native American groups that have historic or traditional ties to the Project area who may have knowledge about the Project area. It should be noted that this does not constitute consultation in compliance with AB 52.

Impact Analysis

- a) *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)?*

Less than Significant with Mitigation Incorporated. As concluded in Section 5(a), above, the Historical/Archaeological Resources Survey Report concluded that no “historical resources” are anticipated to be impacted by the Proposed Project. However, the possibility of discovering a significant unanticipated find remains and therefore Mitigation Measure **CUL-1** and Mitigation Measure **CUL-2** shall be implemented to ensure that less than significant impacts to potential historical resources occur. No additional mitigation measures are required.

- b) *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?*

Less than Significant with Mitigation Incorporated. No TCRs were identified within the project area during AB 52 consultation. The Proposed Project would not result in significant impacts to known TCRs. However, as a result of AB 52 consultation the Tribes identified a potential for the discovery of unknown TCRs during construction, which may result in a significant impact if such resources are found and affected. Impacts to unknown TCRs would be less than significant with the implementation of Mitigation Measures **TCR-1** through **TCR-2**.

As stated in Section 5, above, the Proposed Project will not cause a substantial adverse change in the significance or integrity of Site 36-004276, the only “historical resource” or potential “historical resources” encountered within or partially within the Project Site, and the geoarchaeological analysis suggests that the project location is low in sensitivity for archaeological remains of prehistoric or early historic origin in buried deposits. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Mitigation Measures

TCR-1 Appropriate consulting Tribe(s) shall be contacted, as detailed in **CUL-1**, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input within 48 hours with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2018), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with consulting Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents consulting Tribe(s) for the remainder of the project, should Tribe(s) elect to place a monitor on-site at the Tribe’s cost.

As necessary, and in accordance with Project-Specific consultations conducted with the NAHC and various Tribal entities in association with AB52, SB18, and/or any other legal guidelines relating to Native American consultations, the specific language noted in **CUL-1** and **CUL-2** may change to reflect Project-Specific needs and requirements.

TCR-2 If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to **CUL-2** and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.

With implementation of the above-listed measures, less than significant impacts would occur.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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

San Bernardino County Countywide Plan/Policy Plan 2020

Impact Analysis

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?*

No Impact. With approval of a Minor Use Permit (MUP) the Project Site would be developed as a fueling station and convenience store. The Project Site would require private wells for water and an on-site septic system for sewer as those services are not available to the Project Site. Southern California Gas (SoCal Gas) for natural gas and Southern California Edison (SCE) for electricity currently have lines that would serve the Proposed Project. The prior use on-site was provided SoCal Gas natural gas and SCE electrical service. Therefore, the Proposed Project would not require construction of new or expanded water, electric power, natural gas facilities. Additionally, implementation of the Proposed Project would not result in a significant increase in demand for phone services. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

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

Less than Significant Impact. Implementation of the Proposed Project would require a private water supply that would require approval from the San Bernardino County Environmental Health Department (EHS). Approval of the well would be dependent on well production rates being sufficient to meet the Proposed Project's demands and no interference with the use of other nearby wells. The Project Site is not located within the area of an adjudicated groundwater basin. Prior development of the Project Site was reliant on groundwater from on-site wells. Water supplies are therefore anticipated to be sufficient to serve the Proposed Project. Impacts would be less than significant, and no mitigation measures are required.

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

No Impact. The fueling station and convenience store will utilize an on-site septic system. Since the Proposed Project would not connect to an existing wastewater treatment facility, no impacts are identified or anticipated, and no mitigation measures are required.

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

Less than Significant Impact. Solid waste generated at the Project Site would be taken to the Baker Transfer Station at Kelbaker Road and Interstate 15 approximately 18 miles southwest of the Project site and transferred to either the Landers or Barstow Landfill or other active landfills as necessary. Waste Management operators determine the final disposal location on a case-by-case basis. The Barstow Landfill has a maximum throughput of 1,500 tons per day, an expected operational life through 2071, and a remaining capacity of 71,481,660 cubic yards. Based on CalRecycle Service Sector Generation Rates the Proposed Project would generate approximately 218 pounds of solid waste per day which is approximately 0.007 percent of the maximum tonnage per day that Barstow Landfill can accept. Demand for waste services would be less than significant and no mitigation measures are required.

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

Less than Significant Impact. The Project 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 would 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.

The purpose of California Assembly Bill 341 is to reduce greenhouse gas emissions by diverting commercial solid waste from landfills by recycling. It mandates businesses and public entities generating 4-cubic yards or more of trash to establish and maintain recycling services. The County of San Bernardino Solid Waste Management Division reviews and approves all new construction projects that require a Construction and Demolition Solid Waste Management Plan (waste management plan).

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

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

Mitigation Measures

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

XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Substantiation

San Bernardino County Countywide Plan/Policy Plan 2020; Policy Plan Hazards Element, Map HZ-4 Flood Hazards, and Map HZ-5 Fire Hazard Severity Zones

Impact Analysis

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

No Impact. Construction and operations of the Proposed Project would not interfere with the use of routes during an evacuation. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Furthermore, the Project Site does not contain any emergency facilities. Continued operations at the Project Site would not interfere with an adopted emergency response or evacuation plan. Existing driveways would be maintained for ingress/egress and no new driveways are proposed. No impacts are identified or anticipated, and no mitigation measures are required.

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

Less than Significant Impact. The Project Site is relatively flat and occurs at an average elevation of 4123 feet amsl. The Project Site would be developed with a fueling station and convenience store and is surrounded by open desert. Due to the lack of wildfire fuel factors within the Project Area, the risk of wildfires is less than significant and no mitigation measures are required.

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

No Impact. The Project Site would be developed with a fueling station and convenience store that will provide food, and fuel services to travelers along Interstate 15. The Proposed Project does not include the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Therefore, no impacts are identified, and no mitigation measures are required.

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

Less than Significant Impact. The Project Site and its immediate vicinity are relatively flat, not located within a Fire Safety Overlay District, and therefore post-fire slope instability is not anticipated. The implementation of associated storm water BMPs will ensure that the Proposed Project appropriately conveys storm water runoff without affecting upstream or downstream drainage characteristics. As a result, the Proposed Project would not expose people or structures to significant risks, such as downslope flooding or landslides. No significant impacts are identified or anticipated, and no mitigation measures are required.

Mitigation Measures:

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

MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Less than Significant Impact with Mitigation Incorporated. The results of the Initial Study show that there are potentially significant impacts to Biological Resources and Cultural Resources. These impacts will be reduced to less than significant levels after incorporation of Biological Resource mitigation measure **BIO-1** and **BIO-2**, and Cultural Resource mitigation measures **CUL-1** and **CUL-2** as well as compliance with existing rules and regulations. Therefore, the Proposed Project will not substantially degrade the quality of the environment and impacts to habitat, wildlife populations, plant and animal communities, rare and endangered species or important examples of the major periods of California history or prehistory; no additional mitigation is warranted. Also, no Tribal Cultural Resources (TCRs) were identified within the project area during AB 52 consultation. The Proposed Project would not result in significant impacts to known TCRs. However, as a result of AB 52 consultation the Tribes identified a potential for the discovery of unknown TCRs during construction, which may result in a significant impact if such resources are found and affected. Impacts to unknown TCRs would be less than significant with the implementation of Mitigation Measures **TCR-1** through **TCR-2**.

b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable*

when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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

- (a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

The Proposed Project is surrounded by vacant open desert at the Halloran Summit Road exit on Interstate-15 between the Town of Baker and the California/Nevada state line. Similar services are more than 15 miles from the Project site in either direction. Impacts associated with the Proposed Project would not be considered individually adverse or unfavorable. The Proposed Project is a conditionally acceptable use identified in and previously evaluated as part of the San Bernardino County General Plan. No cumulative impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant Impact with Mitigation Incorporated. Implementation of the existing rules and regulations, conditions from permit approvals and the mitigation measures identified in this Initial Study checklist would result in a less than significant impact due to the Projects implementation. Greenhouse gas emissions have been determined to exceed the County threshold of 3,000 MTCO₂e and will require implementation of mitigation measure **GHG-1** to reduce impacts to a less than significant level. Through incorporation of design measures, County policies, standards, and guidelines indicates there shall be no substantial adverse effects on human beings, either directly or indirectly. No such impacts have been identified by the studies conducted for this Project that cannot be mitigated. There would be no substantial adverse effects on human beings, either directly or indirectly. No additional mitigation measures are required.

SUMMARY OF MITIGATION MEASURES

The following mitigation measures summarized below were identified to reduce potential impacts to less than significant:

BIOLOGICAL RESOURCES:

BIO-1: Pre-construction surveys for burrowing owls, desert tortoise, 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.

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

BIO-2: Per the San Bernardino County Development Code *Section 88.01.060 Desert Native Plant Protection* the removal of any Eastern Joshua trees would be required to comply with *Section 88.01.050 Native Tree or Plant Removal Permits*. Applicant shall obtain a Tree or Plant Removal Permit prior to the removal of any Eastern Joshua trees from the Project Site.

CULTURAL RESOURCES:

CUL-1 If cultural/historical/archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall cease and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service [NPS] 1983) shall be contacted immediately to evaluate the find(s). If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted and will be reported to the County.

CUL-2 Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be called and informed of the discovery. The coroner will determine if the bones are historic/archaeological or a modern legal case. The coroner

will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section 5097.98. All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless of if the remains are modern or archaeological.

Greenhouse Gas Emissions

GHG-1: The Proposed Project proponent shall demonstrate the ability to accrue 100 points using the County of San Bernardino Greenhouse Gas Emission Reduction Plan screening tables for commercial development to show consistency with the Plan.

TRIBAL CULTURAL RESOURCES:

TCR-1 Appropriate consulting Tribe(s) shall be contacted, as detailed in **CUL-1**, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input within 48 hours with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2018), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with consulting Tribe(s), and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents consulting Tribe(s) for the remainder of the project, should Tribe(s) elect to place a monitor on-site at the Tribe's cost.

TCR-2 If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to **CUL-2** and State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the project.

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