



# Conditions of Approval

<b>Record:</b>	PROJ-2022-00071	<b>System Date:</b>	05/08/2024
<b>Record Type:</b>	Project Application	<b>Primary APN:</b>	0521051080000
<b>Record Status:</b>	In Review	<b>Application Name:</b>	CF - CONDITIONAL USE PERMIT AND TENTATIVE PARCEL MAP - MINNEOLA SOLAR
<b>Effective Date:</b>		<b>Expiration Date:</b>	

**Description:** CONCURRENT FILING - CONDITIONAL USE PERMIT AND TENTATIVE PARCEL MAP - SUBDIVISION INTO TWO PARCELS, SOLAR PLACEMENT

**This document does not signify project approval.**

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

## ON-GOING

### Land Use Services - Planning

- 1 **Project Approval Description (CUP/MUP)** - Status: Outstanding  
This Tentative Parcel Map and Conditional Use Permit is conditionally approved to create two parcels, one of which will have a community-oriented solar facility, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.
- 2 **Project Location** - Status:Outstanding  
The Project site is located west of Minneola Road, south of the extension of Chloride Road, and north of the Burlington Northern and Santa Fe Railroad Line.

3 **Revisions** - Status:Outstanding

Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

4 **Indemnification** - Status:Outstanding

In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5 **Additional Permits** - Status:Outstanding

The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:

6 **Expiration** - Status:Outstanding

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

7 **Continous Effect/Revocation** - Status:Outstanding

All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

**8 Extension of Time** - Status:Outstanding

Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

**9 Project Account** - Status:Outstanding

The Project account number is PROJ-2022-00071. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

**10 Development Impact Fees** - Status:Outstanding

Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

**11 Performance Standards** - Status:Outstanding

The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste

12 **Continous Maintenance** - Status:Outstanding

The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

13 **Clear Sight Triangle** - Status:Outstanding

Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic

14 **Lighting** - Status:Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

15 **Underground Utilities** - Status:Outstanding

No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.

- 16 **Construction Hours** - Status:Outstanding  
Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
- 17 **Construction Noise** - Status:Outstanding  
The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
- 18 **Cultural Resources** - Status:Outstanding  
During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone ( 909) 798-8570.
- 19 **GHG - Operational Standards** - Status:Outstanding  
The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

## **Public Health– Environmental Health Services**

- 20 **Noise Levels** - Status:Outstanding  
Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.
- 21 **OWTS Maintenance** - Status:Outstanding  
The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.
- 22 **Refuse Storage and Disposal** - Status:Outstanding  
All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.

## INFORMATIONAL

### County Fire - Community Safety

23 **F01 Jurisdiction** - Status:Outstanding

The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

24 **F04 Fire Permit Expiration** - Status:Outstanding

Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

25 **F08 Fire Safety Overlay** - Status:Outstanding

The County General Plan designates this property as being within the Fire Safety Review Area. All construction shall adhere to all applicable standards and requirements of the Fire Safety Review Area as adopted in the San Bernardino County Development Code.

26 **F60 Solar Plans** - Status:Outstanding

Solar/PV Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

27 **F61 Solar Surface** - Status:Outstanding

Fire apparatus access roads for photovoltaic facilities without buildings can be designed with native soil compacted to 85% and hold the weight of Fire Apparatus at a minimum of 80K pounds.

28 **F62 Solar Access** - Status:Outstanding

The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Photovoltaic solar facilities without buildings on the site shall have access provided by approved roads, alleys and private drives. Perimeter access roads shall have a minimum twenty (20) foot unobstructed width and vertically clearance of fourteen (14) feet six (6) inches. Interior access roads shall have a minimum fifteen (15) foot unobstructed width and vertical clearance of fourteen (14) feet six (6) inches. Access shall be provided within 300 feet of all solar panels. Access Requirements. Perimeter roads shall be a minimum of 26 foot wide and interior access roads shall be a minimum 20 foot wide.

### Land Use Services - Land Development

29 **Additional Drainage Requirements** - Status: Outstanding

In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

- 30 **Erosion Control Installation** - Status:Outstanding  
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
- 31 **Project Specific Conditions** - Status:Outstanding  
FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C4600H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
- 32 **Project Specific Conditions** - Status:Outstanding  
Grading Plans. Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
- 33 **Project Specific Conditions** - Status:Outstanding  
NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.  
[www.swrcb.ca.gov](http://www.swrcb.ca.gov)
- 34 **Project Specific Conditions** - Status:Outstanding  
Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one ( 1) acre of land total.
- 35 **Project Specific Conditions** - Status:Outstanding  
Joshua Trees. Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally effect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel.  
<http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>
- 36 **Tributary Drainage** - Status:Outstanding  
Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.

## PRIOR TO LAND DISTURBANCE

### Land Use Services - Planning

- 37 **Grading/Land Disturbance Condition** - Status:Outstanding  
A Dust Control Plan shall be submitted and accepted by the County and Mojave Desert AQMD prior issuance of any construction related permits. The Plan shall include methods to stabilize and/or bind the soil as part of construction and operational activities, along with screening to reduce potential dust to the east and south consistent with Development Code Findings 84.29.035(22).

**38 Grading/Land Disturbance Condition - Status:Outstanding**

Prior to ground disturbance activities, the Applicant must prepare a Valley Fever Management Plan (VFMP), including a Valley Fever training program, to be implemented during construction to address potential risks from CI by minimizing the potential for unsafe dust exposure during construction. The VFMP will identify best management practices, including: - Development of an educational Valley Fever Training Handout for distribution to onsite workers, which should include general information about the causes, symptoms, and treatment instructions regarding Valley Fever, including contact information of local health departments and clinics knowledgeable about Valley Fever. - Conducting Valley Fever training sessions to educate all Project construction workers regarding appropriate dust management and safety procedures, symptoms of Valley Fever, testing and treatment options. This training must be completed by all workers and visitors (expected to be on site for more than 2 days) prior to participating in or working in proximity to any ground-disturbing activities. Signed documentation of successful completion of the training is to be kept on-site for the duration of construction. - Develop a job-specific Job Hazard Analysis (JHA), in accordance with Cal/OSHA regulations, to analyze the risk of worker exposure to dust and maintain and manage safety supplies identified by the JHA. - Provide and/or require, if determined to be needed based on the applicable JHA, OSHA-approved half-face respirators equipped with a minimum N-95 protection factor for use during collocation with surface disturbance activities, following completion of medical evaluations, fit-testing, and proper training on use of respirators.

**39 Air Quality - Status:Outstanding**

Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

**40 Diesel Regulations - Status:Outstanding**

The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.



41 **GHG - Construction Standards** - Status:Outstanding

The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

42 **Mitigation Measures** - Status:Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

## Land Use Services - Building and Safety

43 **Geotechnical Report** - Status:Outstanding

A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

## Land Use Services - Land Development

44 **Drainage Improvements** - Status:Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

45 **Grading Plans** - Status:Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage improvements shall be shown on the grading plans according to the approved final drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

46 **On-site Flows** - Status:Outstanding

On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

## Public Health– Environmental Health Services

### 47 **Vector Control Requirement** - Status: Outstanding

The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

## Public Works - Surveyor

### 48 **Corner Records Required Before Grading** - Status: Outstanding

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

### 49 **Monument Disturbed by Grading** - Status: Outstanding

If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

## PRIOR TO BUILDING PERMIT ISSUANCE

### Land Use Services - Planning

#### 50 **Issuance/Building Permit Condition** - Status: Outstanding

Fencing. Install an 8-foot steel tube fence slats along the easterly property boundary for screening of the structures.

#### 51 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to building permit issuance

#### 52 **Signs** - Status: Outstanding

All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

## County Fire - Community Safety

### 53 **F02 Fire Fee** - Status:Outstanding

The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

## Land Use Services - Building and Safety

### 54 A closure plan, prepared in compliance with Development Code Section 84.29.070, shall be submitted prior to the issuance of a building permit.

### 55 **Avigation Easement** - Status:Outstanding

An Avigation Easement shall be granted to the appropriate airport and recorded prior to the issuance of building permits for all construction in the AR overlay areas. Plans submitted in the AR overlays shall conform to the interior noise levels as per San Bernardino County standards.

### 56 **Construction Plans** - Status:Outstanding

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

### 57 **Temporary Use Permit** - Status:Outstanding

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

## Land Use Services - Land Development

### 58 **Encroachment Permits** - Status:Outstanding

Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

### 59 **Road Dedication/Improvements** - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: Minneola Road (Major Highway - 104 feet): •Road Dedication. A 27-foot grant of easement is required to provide a half-width right-of-way of 52 feet, and a 35-foot radius return grant of easement is required at the intersection of Minneola Road and Chloride Road. •Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (width = 12 feet min – 26 feet max) and located per County Standard 130. Chloride Road (1/4th Section Line - 88 feet): •Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

### 60 **Road Standards and Design** - Status:Outstanding

All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

### 61 **Transitional Improvements** - Status:Outstanding

Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

62 **Utilities.** - Status:Outstanding

**Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County Public Health– Environmental Health Services**

63 **California Regional Water Quality Control Board Clearance** - Status: Outstanding

Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day. Lahontan Region, 15095 Amargosa Road Bldg 2 Suite 210 Victorville, CA 92392.

64 **Demolition Inspection Required** - Status: Outstanding

All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any premises. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

65 **Existing OWTS** - Status:Outstanding

Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

66 **Existing Wells** - Status:Outstanding

If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.

67 **Preliminary Acoustical Information** - Status: Outstanding

Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.

68 **Sewage Disposal** - Status:Outstanding

Method of sewage disposal shall be sewer service provided by an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

69 **Sewer Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

70 **Water Purveyor** - Status:Outstanding

Water purveyor shall be Daggett CSD or EHS approved.

71 **Water Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

## Public Works - Surveyor

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

## PRIOR TO OCCUPANCY

### Land Use Services - Planning

- 74 **Permit Required** - Status: Outstanding  
Prior to Occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material and/or hazardous waste generator permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.
- 75 **Petroleum Product Storage** - Status: Outstanding  
Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909)386-8401.
- 76 **Fees Paid** - Status: Outstanding  
Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2022-00071.
- 77 **Installation of Improvements** - Status: Outstanding  
All required on-site improvements shall be installed per approved plans.
- 78 **Landscaping/Irrigation** - Status: Outstanding  
All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
- 79 **Mitigation Measures** - Status: Outstanding  
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

80 **Shield Lights** - Status:Outstanding

Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

81 **Condition Compliance** - Status:Outstanding

Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

82 **GHG - Installation/Implementation Standards** - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:

a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

### County Fire - Hazardous Materials

83 **County Agency Condition** - Status:Outstanding

Prior to Occupancy, the County Hazardous Materials Section requires an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/>.

### Land Use Services - Building and Safety

84 **Condition Compliance Release Form Sign-off** - Status:Outstanding

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

### Land Use Services - Land Development

85 **Drainage Improvements** - Status:Outstanding

All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.

86 **LDD Requirements** - Status:Outstanding

All LDD requirements shall be completed by the applicant prior to occupancy.

87 **Road Improvements** - Status:Outstanding

All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

## PRIOR TO RECORDATION

### Land Use Services - Planning

88 **Mitigation Measures** - Status:Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to recordation.

89 **Subdivision - CDP/Planning Division** - Status:Outstanding

The following shall be delineated or noted on the CDP (Statements in quotations shall be verbatim):

90 **Subdivision - Composite Development Plan (CDP)** - Status: Outstanding

A Composite development plan ("CDP"), complying with the County Development Code, shall be submitted for review and approval by the County Surveyor and filed with Land Use Services prior to recordation of the Parcel Map.

91 **Subdivision - Funds** - Status:Outstanding

Sufficient funds shall remain in PROJ-2022-00071 to verify compliance with the conditions of approval for the Parcel Map.

## County Fire - Community Safety

92 **F59 CDP** - Status:Outstanding

"CDP. The project applicant shall submit for review and approval a "Composite Development Plan" (CDP). The following statements shall be placed verbatim on the CDP. a) Fire Jurisdiction. This project is protected by the San Bernardino County Fire Department. Prior to building permits being issued on any parcel, the applicant shall comply with the adopted California Fire Code requirements and all other applicable codes, ordinances, and standards of San Bernardino County and local Fire Department standards. b) Fire Requirements. Individual lot owners shall be required to provide their own fire protection measures as determined and approved by the Fire Department prior to any building permit issuance. Fire protection measures may include Fire Department approval of Individual fire protection water systems (e.g. fire flow) for each lot, Automatic fire sprinklers for all structures, Surfacing of access roads and driveways.

## Land Use Services - Building and Safety

93 **Composite Development Plan (CDP) Note Requirements** - Status: Outstanding

The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division. Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

## Land Use Services - Land Development

94 **Drainage Improvements** - Status:Outstanding

All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

95 **Road Dedication/Improvements** - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements designed by a Registered Civil Engineer (RCE) licensed in the State of California: Minneola Road (Major Highway - 104 feet): • Road Dedication. A 27-foot grant of easement is required to provide a half-width right-of-way of 52 feet. • Curb Returns. A 35-foot radius return grant of easement is required at the intersection of Minneola Road and Chloride Road. Chloride Road (1/4th Section Line - 88 feet): • Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

## Public Health– Environmental Health Services

### 96 **New OWTS for Parcel Maps and Tracts** - Status: Outstanding

1. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. The following note shall be placed on a Composite Development Plan (CDP): "An approved percolation report, (EHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with EHS."

## Public Works - Surveyor

### 97 **Easements** - Status:Outstanding

Easements within the reminder portion of the map are to be dedicated by separate document.

### 98 **Easements of Record** - Status:Outstanding

Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

### 99 **Final Map Review** - Status:Outstanding

Review of the Parcel Map by our office is based on actual cost, and requires an initial \$3,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.

### 100 **Final Map Signatures** - Status:Outstanding

Final Parcel map notarized signatures by the Owner (and Beneficiaries if applicable), County Auditor, Land Surveyor or Engineer of Record.

### 101 **Non-Interference Letter** - Status:Outstanding

Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

### 102 **Parcel Map Required** - Status:Outstanding

A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.

### 103 **Title Report** - Status:Outstanding

A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

## Land Use Services - Planning

### 104 **Occupancy Condition** - Status:Outstanding

Applicant/Developer shall provide documentation to the Planning Division that they are in the process of obtaining approval from Southern California Edison as part of their Community Renewables program to provide energy to the local area. In the event the Community Renewables Program is no longer utilized by Southern California Edison (SCE), the applicant shall be responsible for utilizing any applicable program adopted by SCE to replace the intent of the Community Renewables Program. If a replacement program is not adopted by SCE, then the applicant shall provide documentation to the County that demonstrates that the Project fulfills the criteria contained in the County's Renewable Energy Conservation Element to primarily provide electricity for local off-site use.



105 **On-going Condition** - Status:Outstanding

The Applicant/Developer shall obtain approval from Southern California Edison as part of their Community Renewables program prior to and/or during operation of the use, including executing a Customer Developer Agreement(s) and Power Purchase Agreement. In the event the Community Renewables Program is no longer utilized by Southern California Edison (SCE), the applicant shall be responsible for utilizing any applicable program adopted by SCE to replace the intent of the Community Renewables Program. If a replacement program is not adopted by SCE, then the applicant shall provide documentation to the County that demonstrates that the Project fulfills the criteria contained in the County's Renewable Energy Conservation Element to primarily provide electricity for local off-site use.

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

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

# Minneola Solar Project

## Final Initial Study, Mitigated Negative Declaration

*prepared by*

**County of San Bernardino**

Land Use Services Department

County Government Center

385 N. Arrowhead Ave.

Email: Aron.Liang@lus.sbcounty.gov

Office: (909) 387-8311

*prepared with the assistance of*

**Elevated Entitlements**

5716 Corsa Ave. Suite 201,

Westlake Village, CA 91364

**May 6, 2024**

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# 1 Introduction

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This Final Initial Study, Mitigated Negative Declaration (IS/MND) has been prepared for the Minneola Solar project, a community solar electrical generation facility being developed by BMT Minneola, LLC located at APN: 0521-051-08 (also referred to as the “proposed project” or “project”). This Final IS/MND has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) statutes (California Public Resources Code [PRC], Section 21000 et. seq., as amended) and implementing guidelines (California Code of Regulations, Title 14, Section 15000 et. seq.).

Before approving a project, CEQA requires the lead agency to prepare and certify a Final IS/MND. The County has the principal responsibility for approval of the proposed project and is therefore considered the lead agency under CEQA Section 21067. According to the CEQA Guidelines, Section 15132, the Final IS/MND shall consist of:

- The Draft IS/MND or a revision of the Draft IS/MND
- Comments and recommendations received on the Draft IS/MND either verbatim or in summary.
- A list of persons, organizations, and public agencies commenting on the Draft IS/MND
- The responses of the lead agency to significant environmental points raised in the review and consultation process; and
- Any other information added by the lead agency

## 1.1 Format of the Final IS/MND

The Final IS/MND consists of the following four chapters:

- **Section 1: Project Description.** This chapter summarizes the contents of the Final IS/MND and the environmental review process.
- **Section 2: Response to Comments.** During the public review period for the Draft IS/MND, written comment letters were received by the County. This chapter contains these comment letters and the County’s responses to the comments.
- **Section 3: Mitigation Monitoring and Reporting Program (MMRP).** This section of the Final IS/MND provides the MMRP for the proposed project. The MMRP is presented in table format and identifies mitigation measures for the proposed project, the implementation period for each measure, the monitoring period for each measure, and the enforcing agency. The MMRP also provides a section for recordation of mitigation reporting.

## 1.2 Environmental Review Process

### CEQA Noticing

A Notice of Intent (NOI) was submitted by the County on May 28, 2023, and ended on June 12, 2023. The Draft IS/MND was filed on November 17, 2023 and circulation concluded December 18, 2023. The Draft IS/MND was filed with the San Bernardino County Clerk-Recorder and submitted to the State Clearinghouse (SCH No. 2023110357), as well as provided on the County’s website. The NOI provided information about the proposed project to members of public agencies, interested stakeholders and residents/community members. The County received letters from seventeen (17)

agencies/community members in response to the NOI during the public review period and three (3) were received in response to the circulation of the Draft IS/MND.

## Final IS/MND

The Final IS/MND addresses the comments received during the public review period and includes minor changes to the text of the Draft IS/MND in accordance with comments that necessitated revisions. This Final IS/MND will be presented to the County for potential certification as the environmental document for the proposed project. All agencies that commented on the Draft IS/MND will be provided with written responses at least 10 days before certification of the Final IS/MND, pursuant to CEQA Guidelines Section 15088(b). The Final IS/MND will also be posted on the County's website.

The proposed project would establish a community photovoltaic (PV) solar facility on a 27.2-acre (net) portion of a 91.9 acre (gross) site at the northwest corner of the intersection of Minneola Road and Larch Street in the community of Newberry Springs. The proposed Tentative Parcel Map would create one parcel of 64.7 net acres and a separate 27.2 net acre parcel for a proposed community solar project. The property is assigned the Assessor Parcel Number (APN) 052-105-108. The proposed community solar project would have a capacity of 3 megawatts (MW) and would utilize approximately 7,000 crystalline photovoltaic modules, which would be mounted on single axis trackers.

In addition, when approving a project, public agencies must also adopt a MMRP describing the changes that were incorporated into the proposed project or made a condition of project approval to mitigate or avoid significant effects on the environment (CEQA Guidelines Section 15097). The MMRP is adopted at the time of project approval and is designed to ensure compliance during project implementation. Upon approval of the proposed project, the County will be responsible for implementation of the proposed project's MMRP.

## 2 Responses to Comments

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This section includes comments received during the circulation of the Draft IS/MND (State Clearinghouse No. 2023110357) prepared for the Minneola Solar project developed by BMT Minneola, LLC (the project). The Draft IS/MND was circulated for a 30-day public review period that began on November 17, 2023, and ended on December 18, 2023. The County received 27 comment letters. The commenters and the page number on which each commenter's letter appears are listed below.

Letter No.	Commenter	Date	Page No.
C1	Amanda Prudy	June 12, 2023	3
C2	William and Kathryn Wallace	June 12, 2023	3
C3	Judy Hohman	December 17, 2023	4
C4	Renee Kaminski RN	June 12, 2023	4
C5	Anna Kelly and Elizabeth Pyatt	June 12, 2023	5
C6	Rose Beardshear	June 12, 2023	6
C7	Cortney Rasplicka	June 12, 2023	7
C8	Robyn McMullin	June 10, 2023	7
C9	Gail Schatz	June 16, 2023	8
C10	Ranel Schwab	June 12, 2023	9
C11	Chris Ternes	June 09, 2023	10
C12	Jame and Cheryl Mitchell	N/A	10
C13	Frederic Stearn	November 14, 2023	11
C14	Claudia Horta	June 12, 2023	12
C15	Mike Currier	June 12, 2023	13
C16	Claudia Contreras	June 12, 2023	14
C17	Matt Cantor	June 20, 2023	14
C18	Dominic Prudy	June 12, 2023	15
C19	Andy and Ali Jones	June 10, 2023	15
C20	Desert Tortoise Council	December 17, 2023	16
C21	Ted Stimpfel & Fredrick Stean	December 07, 2023	34
C22	Ted Stimpfel	December 18, 2023	35
C23	Fredrick Stearn	December 07, 2023	37
C24	Norm Park	June 12, 2023	38
C25	Michele Naval	June 04, 2023	39
C26	Elizabeth Hilyard	June 10, 2023	40
C27	Wayne Clemons Jr.	December 02, 2023	41

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter has been addressed.

## Letter C1

**COMMENTER:** Amanda Purdy

**DATE:** June 12, 2023

### Comment C1

This comment is in reference to the Notice of Intent (NOI).

The commenter states that the current solar project that is being constructed on Minneola Road has caused health deficits to her and her family. Commenter is concerned that the proposed Minneola Solar project will cause dust issues during construction similar to that of the solar site being currently developed.

### Response C1

The “current project” commenter references is part of Clearway’s Daggett Project being built by Blattner which is over 100 times larger than the proposed Project. The proposed Project was designed as a Community Oriented Renewable Energy (CORE) project and meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.



## Letter C2

**COMMENTER:** Kathy Wallace

**DATE:** June 12, 2023

### Comment C2

This comment is in reference to the Notice of Intent (NOI).

The commenter states that they are concerned about health problems related to the Project. The commenter states that they are currently dealing with health problems related to the Blattner project that was in progress at the time of the letter.

### Response C2

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

## Letter C3

**COMMENTER:** Judy Hohman

**DATE:** December 17, 2023

### **Comment C3**

This comment is in reference to the IS/MND.

The commenter references and attached the Desert Tortoise Council Comments

### **Response C3**

Please see response C20

## Letter C4

**COMMENTER:** Renee Kaminski RN, Owner of The Barn Route 66

**DATE:** June 12, 2023

### Comment C4

This comment is in reference to the Notice of Intent (NOI).

The commenter states that they are concerned about health problems related to the Project. The commenter states that they are currently dealing with health problems related to the Blattner project that was under construction at the time of the letter. The commenter brings up the following concerns.

- 1) Silica Dust related health conditions, cancer, emphysema, chronic lung disease. My husband with cancer has already suffered the effects with O2 machine filter filled with silica dust.
- 2) Decrease in property values as homes are filled with sand as the dust BLOWS towards Newberry Springs and the current mitigation efforts by Clearwater, Edison and the County-are NOT effective.
- 3) The topography is decimated by these solar fields; the upper crust is gone. Unable to support the natural fauna and animals residing there. It is a barren wasteland.
- 4) Ruins the beauty of our federal and state designated corridor
- 5) Contributes to our food desert. Social impacts to underserved populations now. As land sold to solar farms, does NOT lend itself to commercial, restaurants, or families wanting to live in Newberry Springs.
- 6) PEOPLE LIVE HERE. Families LIVE here. We do not want solar farms in our front, or back yards.
- 7) The County and your office have an OBLIGATION to protect underserved populations verses throwing them under the bus with big Companies doing what they want in our Neighborhoods. We need your help!
- 8) There must be a more logically and better situated space for these solar fields. Literally ruining Route 66 and our corridor. Out and up by Hinkley. Not here by family homes.
- 9) Absolutely opposed- take the solar fields away from our already County underserved area-
- 10) If you APPROVE this project, you will be going AGAINST every COUNTY identified challenged listed in the SB County approved plan for Newberry

### Response C4

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to

air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

The Project is significantly smaller in scale and size than the Clearway's Daggett Solar Project being constructed by Blattner. Additionally, the Project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community, in part by offering prevailing wages and supporting apprenticeship programs.

The proposed Project is located off Minneola Road, over 0.5 mile away from Route 66/National Trails Highway and separated by four (4) parcels from the road. This project does not abut any scenic highways or corridors.

## Letter C5

**COMMENTER:** Anna Kelly, 41170 Coventry Street Newberry Springs, CA 92365

**DATE:** June 12, 2023

### Comment C5

This comment is in reference to the Notice of Intent (NOI).

The commenter states that they are concerned about health problems related to the Project. The commenter states that they are currently dealing with health problems related to Clearway's Daggett Solar Project being constructed by Blattner north of the proposed project that was under construction at the time of the letter. The commenter is concerned about their koi pond due to a potential increase in dust.

### Response C5

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

Finally, this project is independent of the Clearway's Daggett Solar Project being constructed by Blattner to the north. The Clearway Solar project is disproportionately larger than Minneola Solar project. Clearway has constructed a 482 MW solar farm with a 392 megawatt-hour battery energy storage system situated on 3,500 acres of land. This project has completed an air quality report to implement the required mitigation measures such as spraying water which will control potential dust emission during construction.

## Letter C6

**COMMENTER:** Rose Beardshear, Newberry Springs

**DATE:** June 12, 2023

### Comment C6

This comment is in reference to the Notice of Intent (NOI).

The commenter states that they are concerned about the proposed project impeding on the state scenic highway. The commenter states that they are also concerned about the project being a utility-oriented project as it was voted to prohibit utility-oriented projects.

### Response C6

The site is not abutting a state scenic highway. There are no protected trees, rock outcroppings, or historic buildings on the Project site. Therefore, the proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings.

The proposed Project would not substantially degrade the existing visual character of the site and its surroundings. The proposed Project includes eight-foot-tall solar panels, 10-foot-tall switchgear, surrounded by a six-foot-tall chain link (topped with three strand barbed wire) security fence. The conditions of approval would include requirements for the development to comply with all County Development Codes and ordinances. The proposed Project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.

Additionally, the Project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community, in part by offering prevailing wages and supporting apprenticeship programs.

## Letter C7

**COMMENTER:** Cortney Rasplicka, 33077 Minneola Road Newberry Springs, CA

**DATE:** June 12, 2023

### Comment C7

This comment is in reference to the Notice of Intent (NOI).

The commenter states that they are concerned about their health and homes due to potential sand and dust issues.

### Response C7

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

The project will only be affecting approximately 27 acres of land out of the total 91.9 acres. The natural landscaping in the area is depleted due to previous illegal off-roading use on the property.

## Letter C8

**COMMENTER:** Robyn McMullin, Newberry Springs, CA

**DATE:** June 10, 2023

### Comment C8

This comment is in reference to the Notice of Intent (NOI).

The commenter states that they are concerned about their health and homes due to potential sand and dust issues. They are concerned regarding the viewshed and the solar panels changing said viewshed. The commentor mentions how they have had issues of sand piling up since the construction of Clearway's Daggett Solar project being constructed by Blattner. The commenter is concerned that grubbing the entire 91.9-acre lot would cause significant soil erosion and affect her home.

The commenter is concerned about a potential increase in asthma and lung cancer due to the approval of the solar project.

The commenter has previously had issues of brown-outs in the area during the windy seasons and is concerned they will occur again.

The commenter is concerned that the land use is not appropriate for solar farms and is taking over farmland.

The commenter is questioning whether an Environmental Impact Assessment was conducted as part of the project.

### Response C8

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

The Clearway's Daggett Solar project being constructed by Blattner is disproportionation larger than Minneola Solar project. Clearway has constructed a 482 MW solar farm with a 392 megawatt-hour battery energy storage system situated on 3,500 acres of land. The Project is significantly smaller in scale and size as compared to the Clearway's Daggett Solar Project being constructed by Blattner. Additionally, the Project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community, in part by offering prevailing wages and supporting apprenticeship programs.



The Project will provide power to the local community and thus it may help prevent brownouts rather than contributing to them.

The Project is not in a designated Williamson-Act protected farmland area and has never previously been used as farmland.

The comments came in before the IS/MND was completed and circulated and thus did not see our Environmental Assessment.

Finally, the Project will only be affecting roughly 27 acres of the 91.9 acres.

## Letter C9

**COMMENTER:** Gail Schatz

**DATE:** June 16, 2023

### **Comment C9**

This comment is in reference to the Notice of Intent (NOI).

The commenter is concerned regarding the potential increase in fine sand being airborne due to the loss of shrubbery.

### **Response C9**

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

The project will only be affecting approximately 27 acres of land out of the total 91.9 acres. The natural landscaping in the area is depleted due to previous illegal off-roading use on the property.

## Letter C10

**COMMENTER:** Ranel Schwab

**DATE:** June 12, 2023

### Comment C10

This comment is in reference to the Notice of Intent (NOI).

The commenter states that they are concerned about health problems related to the Project. The commenter states that they are currently dealing with health problems related to the current project north of the proposed BMT Minneola, LLC project that was in progress at the time of the letter.

The commenter is concerned about traffic in and out of the site and street improvements.

The commenter is concerned regarding reflections from the solar panels.

### Response C10

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

The Project is significantly smaller in scale and size as compared to the Clearway's Daggett Solar Project being constructed by Blattner. Additionally, the Project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community, in part by offering prevailing wages and supporting apprenticeship programs.

The Project did consult with the Federal Aviation Administration on April 10, 2023, and was deemed to be no hazard to aviation or the airport.

The proposed site will only be visited twice annually for routine maintenance once construction is completed. The project site ingress and egress is off Minneola Road, which will be partially improved as part of the project conditions of approval.

## Letter C11

**COMMENTER:** Chris Ternes

**DATE:** June 09, 2023

### Comment C11

This comment is in reference to the Notice of Intent (NOI).

The commenter is concerned regarding the potential damage to the environment and landscape. They state that the view from the freeway has been ruined and is no longer green farmland and scattered home.

### Response C11

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

The proposed Project is located off Minneola Road and does not abut any scenic corridors or highways.

Finally, the proposed Project is proposed on land that has not previously been used as farmland and is not dedicated as prime farmland. Rather this land has been an area frequently disturbed by illegal ATV and off-road truck activity.

## Letter C12

**COMMENTER:** James and Cheryl Mitchell

**DATE:** N/A

### Comment C12

This comment is in reference to the Notice of Intent (NOI).

The commenter states that they are concerned about health problems related to the Project due to particulate matter (PM 10) potentially generated during construction.

The commenter is concerned about potential spills and disposal of damaged panels and its affects to the soil and groundwater.

The commenter is concerned about interference with local air traffic.

The commenter is concerned regarding how much electricity the solar site will use as well as how they will be cooled.

### Response C12

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

There will be no onsite disposal of any waste. All waste generated will be taken directly to the nearest dumping site.

Studies confirm that solar panels do generate some heat, but it is minimal at a difference of 1.3° C at 1.5 meters away. The heat generated from these panels would thus have no impact on the neighboring community or public right of way.

The Project did consult with the Federal Aviation Administration on April 10, 2023, and was deemed to be no hazard to aviation or the airport.

The project use of electricity from the grid is quite limited, on par with the power used by a few homes, and typically drawn during nighttime hours. During the daytime, the project exports enough power at peak production to power approximately 3,000 homes in the local community. Additionally, the panels do not need to be cooled.

Any water use on site will be for dust control during the construction phase and will be trucked in. There will not be a well drilled on site and nor will there be water lines connected to the site.

The proposed site will only be visited twice annually for routine maintenance once construction is completed. The project site ingress and egress is off Minneola Road which will be partially improved as part of the project conditions of approval.

## Letter C13

**COMMENTER:** Frederic Stearn

**DATE:** November 14, 2023

### Comment C13

This comment is in reference to the IS/MND.

The commenter states that they are concerned about health problems related to the Project due to particulate matter (PM 10) potentially generated during construction. They claim that air quality would be affected by the development of the proposed solar project.

The commenter is concerned that the proposed Minneola Solar project will result in similar issues as the Clearway's Daggett Solar Project being constructed by Blattner.

### Response C13

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

Clearway's Daggett Solar project being constructed by Blattner is disproportionation larger than Minneola Solar project. Clearway has constructed a 482 MW solar farm with a 392 megawatt-hour battery energy storage system situated on 3,500 acres of land. Minneola BMT, LLC's proposed Minneola Solar project is a 3 MW solar system that would occupy about 27 acres of a 91.9-acre parcel. The IS/MND proposed the use of water trucks to mitigate any dust creation during construction. Additionally, the air quality report did not find any significant increase in PM2.5 and PM10 during construction or operations of the Minneola Solar project.

In reviewing the EPA's AirNow Map and going back to its oldest data point in 2019, there is no evidence that there has been an increase or permanent change in the air quality or PM2.5 & PM10 concentrations in the area over the last four years during which Clearway's Daggett Solar Project being constructed by Blattner has undergone construction.

## Letter C14

**COMMENTER:** Claudia Contreras, 22926 Fort Cady Road Newberry Springs, CA 92365

**DATE:** June 12, 2023

### **Comment C14**

The commenter states that they are concerned about health problems related to the Project due to potential air quality concerns.

### **Response C14**

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

## Letter C15

**COMMENTER:** Claudia Contreras, 22926 Fort Cady Road Newberry Springs, CA 92365

**DATE:** June 12, 2023

### Comment C15

The commenter is upset that they were not notified of the project expansion.

The commenter states that they are concerned about potential health problems related to the Project due to potential air quality concerns.

The commenter is concerned about sand stabilization and the sand being potentially displaced due to the project.

### Response C15

This comment was received during the Notice of Intent period in accordance with CEQA Guidelines. The proposed project is not an expansion of the existing Daggett Solar Project being constructed by Blattner north of Daggett Airport. The proposed Project is a new project that is proposed by BMT Minneola, LLC. Proper notification and for this project have been followed and all circulation periods have been upheld.

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

The Project is significantly smaller in scale and size as compared to the Clearway's Daggett Solar Project being constructed by Blattner. Additionally, the Project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community, in part by offering prevailing wages and supporting apprenticeship programs.



## Letter C16

**COMMENTER:** Claudia Horta, 22926 Fort Cady Road Newberry Springs, CA 92365

**DATE:** June 12, 2023

### **Comment C16**

The commenter states that they are concerned about potential health problems related to the Project due to potential air quality concerns.

### **Response C16**

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

Additionally, the Project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community, in part by offering prevailing wages and supporting apprenticeship programs.

## Letter C17

**COMMENTER:** Matt Cantor

**DATE:** June 20, 2023

### **Comment C17**

The commenter states that they are concerned about potential health problems related to the Project due to potential air quality concerns from silica dust.

The commenter is concerned about the solar panels potentially increasing the ambient temperature in the surrounding area.

### **Response C17**

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

Studies confirm that solar panels do generate some heat, but it is minimal at a difference of 1.3° Celcius at 1.5 meters away. The heat generated from these panels would thus have no impact on the neighboring community or public right of way.

## Letter C18

**COMMENTER:** Dominic Prudy

**DATE:** June 12, 2023

### **Comment C18**

The commenter states that they are concerned about potential health problems related to the Project due to potential air quality concerns.

### **Response C18**

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could be produced.

## Letter C19

**COMMENTER:** Andy and Ali Jones

**DATE:** June 10, 2023

### Comment C19

The commenter states that they are concerned about potential health problems related to the Project due to potential air quality concerns, dust storms, and no benefit to the community.

### Response C19

The project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community.

The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

The Air Quality report completed for the IS/MND addressed the potential risks related to air quality and health. The air quality report found that during operations there will be no tangible effects to air quality in the area due to this project. During construction the IS/MND issued a requirement for water to be sprayed to mitigate potential dust that could produce.

## Letter C20

**COMMENTER:** Desert Tortoise Council

**DATE:** December 17, 2023

### Comment C20

This comment is in reference to the IS/MND.

1. The County neglected to include the U.S. Fish and Wildlife Service (USFWS) under “Federal” agencies from which additional approval may be required. The tortoise is also protected under the Federal Endangered Species Act (FESA). We request that USFWS be added to the list of agencies whose approval may be required before implementing the proposed project.
2. The County’s response includes the following, “the Project Study Area will not affect any sensitive trees or shrubs.”
  - a. From information provided in the IS/MND and the Biological Assessment Report (BA Report), we were unable to determine whether CDFW protocols were followed and implemented. Please ensure that these protocols are implemented, and the results provided to CDFW and included in the IS/MND and to provide a complete administrative record and document that the County has complied with CDFW requirements.
3. The County’s response continues, “Based upon the completion of a Biological Survey of the property, which included a visual survey and trapping sessions performed by W.O.W. Environmental Consultants, no species or habitat were found for Mojave Ground Squirrel.”
  - a. The IS/MND and BA Report do not provide information on whether the CDFW trapping protocol for the Mohave ground squirrel (CDFW 2023) was implemented. CDFW protocol trapping surveys are required to ascertain the presence or absence of Mohave ground squirrel. These include multiple trapping events and during specific times of the year. Alternately, the Project Proponent may forego trapping surveys, assume presence, and acquire a 2081 Incidental Take Permit from the CDFW. We request that information on the methodology implemented when trapping for Mohave ground squirrels and the CDFW’s protocol be added to one of these documents to provide a complete administrative record and document that the County has complied with CDFW requirements.
4. The County’s response continues, “Consultants also conducted field surveys for Burrowing Owl (BUOW) and Desert Tortoise during the Spring of 2023. No BUOW were observed during the survey. The field results were negative for Desert Tortoise as well.”
  - a. Western Burrowing Owl – Surveys for western burrowing owl should be coordinated with the USFWS, because the species is protected under the Migratory Bird Treaty Act, and the CDFW because the species is protected under California Fish and Game Code. CDFW has a survey protocol survey for the western burrowing owl (CDFG 2012) that W.O.W. Environmental Consultants may/may not have implemented. In addition to the project footprint, the survey protocol requires that peripheral transects be surveyed at 30-, 60-, 90-, 120-, and 150-meter intervals in all suitable habitats adjacent to the subject property to determine the potential indirect impacts of the project to this species. We request that information on the methodology implemented when surveying for the western burrowing owl and the CDFW’s western burrowing owl protocol be added to the IS/MND or BA Report to

provide a complete administrative record and document that the County has complied with CDFW requirements.

- b. Mojave Desert Tortoise – The USFWS has two types of surveys for the Mojave Desert tortoise, 100% coverage surveys (USFWS 2019) and tortoise clearance surveys (USFWS 2009). One-hundred-percent surveys are specific to transect width, approval of the biologist conducting the surveys, area to be surveyed (i.e., actions area), and in some cases, the time of year. One-hundred-percent surveys are conducted to determine whether tortoises/tortoise sign are present in the “action area” for the proposed project (USFWS 2019). The “action area” is defined in 50 Code of Federal Regulations 402.2 and the USFWS Desert Tortoise Field Manual (USFWS 2009) as “all areas to be affected directly or indirectly by proposed development and not merely the immediate area involved in the action” (50 Code of Federal Regulations §402.02). Thus, the 100% coverage survey area is larger than the project footprint/project site. CDFW has adopted the USFWS’s 100% coverage survey as the methodology to use (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281283-reptiles>) to determine tortoise presence/use of the action area.

The methodology and results of the 100% coverage survey are described and submitted to USFWS and CDFW. If any tortoise sign is found, the Project Proponent should coordinate with USFWS and CDFW to determine whether “take” under FESA or CESA is likely to occur from implementation of the proposed project. If USFWS or CDFW determines that the construction, operation/use, maintenance, or decommissioning of the proposed project is likely to result in take of the tortoise, the Project Proponent must obtain a Section 10(a)(1)(B) incidental take permit from the USFWS and a Section 2081 incidental take permit from the CDFW prior to conducting any ground disturbance. Note that “take” includes capture, harm, or harass.

The incidental take permit will require that the Project Proponent conduct clearance surveys (USFWS 2009). If any tortoises are found, the incidental take permit(s) will include instructions on moving tortoises, which is a type of take, from the area to be impacted as well as other measures to minimize and mitigate the impacts of the taking.

We remind the County that this and any other action funded, carried out, or authorized by the County such as issuance of a permit, must comply with FESA and CESA. Therefore, the County should require the Project Proponent to comply with the USFWS (2019) and CDFW 100% coverage survey protocol for the tortoise, and if the agencies determine an incidental take permit is required, the Project Proponent must obtain these incidental permits prior to initiating any clearance surveys (USFWS 2009) or ground disturbing activities. The County should require the Applicant to obtain incidental take permits if USFWS and/or CDFW determine that a permit is needed.

We request that the County require the Project Proponent to implement CDFW’s western burrowing owl survey protocol and USFWS’s 100% coverage survey protocol for the tortoise. The results of these surveys should be added to the IS/MND or BA Report to provide a complete administrative record and document that the County has complied with USFWS and CDFW requirements.

5. The County’s response continues, “One burrow appeared to be inactive and the other appeared to be for Mojave Desert kit fox (*Vulpes macrotis arsipus*).”

- a. Desert Kit Fox: As mentioned above, California Fish and Game Code prohibits “take” of desert kit fox for any reason. CDFW uses the USFWS’s (2011) protocol for San Joaquin kit fox, (<https://www.fws.gov/sites/default/files/documents/survey-protocols-for-the-san-joaquin-kit-fox.pdf>) for surveying for the desert kit fox. We request that information on the methodology implemented when surveying for the desert kit fox and the CDFW’s desert kit fox protocol be added to the IS/MND or BA Report to provide a complete administrative record and document that the County has complied with CDFW requirements.
6. The County’s response continues, “The proposed project is expected to impact no more than 27.2 acres.”
    - a. This statement should be modified to read, “The proposed project is expected to directly impact no more than 27.2 acres but indirectly impact a larger area.” The IS/MND should include a description of indirect impacts to special status species including the tortoise.

Species may use areas adjacent to the project site along with the project site. Species in the area of the proposed project may be indirectly impacted by the construction, operation/use, maintenance, and/or decommissioning of the Proposed Project, and these activities may result in incidental take of these species that would violate federal laws/regulations and/or state laws/California Fish and Game Codes.

The proposed project would increase the availability of human-provided subsidies for predators of the tortoise including the common raven and coyote primarily during construction and decommissioning, and to a lesser extent during operation/use/maintenance. For example, during the construction phase we presume that water would be used to control dust from soil that is disturbed (i.e., excavated, bladed, compacted, etc.) and the solid waste generated during construction including food brought to the project site by workers for meals, etc., are examples of food and water subsidies for ravens and coyotes that would attract these predators to the project site and increase their numbers in the surrounding area. Grading or digging at the site would unearth and injure or kill fossorial animals and provide a subsidized food source for ravens and coyotes. During the operation/use/maintenance activities, the presence of food waste in waste containers/dumpsters may provide food subsidies for ravens and coyotes and water used for washing solar panels may provide a water source for these predators.

These subsidies of tortoise predators could be easily mitigated by requiring Best Management Practices (BMPs) that include limiting the use of water for dust suppression/cleaning panels so it does not form puddles or streams, requiring solid waste containers that are predator-proof, wind-proof, and regularly maintained by the Applicant/Owner of the property, and ensuring that any vertical structures (e.g., poles buildings, etc.) do not provide nesting substrate for ravens. We request that these BMPs be added to the CEQA document, and the Applicant/Owner be required to implement them. Please see the Council’s (2017) “A Compilation of Frequently Implemented Best Management Practices to Protect Mojave Desert Tortoise during Implementation of Federal Actions” ([https://deserttortoise.org/wp-content/uploads/dtc\\_construction\\_BMPs\\_090517.pdf](https://deserttortoise.org/wp-content/uploads/dtc_construction_BMPs_090517.pdf)) for examples of BMPs for the tortoise, many of which are applicable to the Proposed Project. While the title mentions implementation of Federal actions, the BMPs should also be implemented on non-Federal projects to avoid/minimize the likelihood of take under FESA and

CESA.

We request that the County revise the CEQA document to include an analysis of increased predation and other indirect impacts to the tortoise that are likely to occur from the construction, operation/use, maintenance, and decommissioning of the proposed project. The County should require the Project Proponent to implement BMPs to substantially reduce/eliminate these indirect impacts to the tortoise and other special status species. Coordination with the USFWS and CFDW should occur in the finalization of these BMPs. In addition, the County should require the Project Proponent to contribute to the National Fish and Wildlife Foundation's Raven Management Fund for regional and cumulative impacts of projects that subsidize common ravens (USFWS 2010) and other predators of the tortoise and other wildlife, as other project proponents have done for projects on private property in San Bernardino County.

7. The County's response includes the following, "Due to the absence of sensitive biological species as described in the biological reports prepared by W.O.W. Environmental Consultants the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the project site. Therefore, no impacts would occur."

- a. The BA Report provided online to the public by the County did not provide information that protocol surveys for special status species (e.g., Mojave Desert tortoise, Mohave ground squirrel, burrowing owl, kit fox) were conducted. Without this information, the County does not have sufficient data to claim that sensitive biological species are absent. Further, wildlife corridors are areas that are used periodically; they are not continuously occupied by wildlife species. Consequently, a one-day visit to a project site would not provide sufficient information that the project site or nearby areas would not interfere substantially with the movement of any native resident wildlife species or established native resident wildlife corridors.

We were disappointed that examination of species reports, and the scientific literature were not conducted and cited to help determine whether wildlife corridors would be impacted by the proposed project. An online search of scientific literature (e.g., Google Scholar) would reveal the existence of scientific papers on areas important for connectivity for species such as the Mojave Desert tortoise and Mohave ground squirrel. For example, for the tortoise, Averill-Murray et al. (2021) published a paper on connectivity of Mojave Desert tortoise populations and linkage habitat. The authors emphasized that "maintaining an ecological network for the Mojave Desert tortoise, with a system of core habitats (TCAs = Tortoise Conservation Areas) connected by linkages, is necessary to support demographically viable populations and long-term gene flow within and between TCAs."

8. The County's response includes the following, "Based on literature review and survey results, it has been concluded that the proposed project will result in minimal to no effects to special status species, including state or federal endangered and/or state or federal threatened species. There will be no effects on any sensitive plant communities or designated critical habitat because of this project location. No resource agency permits are anticipated because of this project. Therefore, impacts would be less than significant."

- a. We note that the project site was visited on April 16 to determine the potential for impacts to native vegetation, sensitive biological resources, jurisdictional waters,



and/or wildlife. From this limited information, it appears that CDFW and USFWS protocol level surveys for special status species were not conducted. Until these surveys are conducted, the County is unable to say whether resource agency permits would be needed. The County should require the project proponent to (1) conduct protocol surveys for special status species and include these results in the revised BA Report, (2) conduct a search of the scientific literature to determine the needs of special status species with respect to linkage habitats, and (3) coordinate with USFWS and CDFW by presenting the results of the protocol surveys and search about linkage habitats to these agencies and requesting a determination from them on whether they would need to obtain incidental take permits. The project proponent should include this information in the BA Report to the County. With this information the County would have data to support a determination.

9. 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?

and

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?)

- a. To assist the County in answering these two questions regarding the impacts to the tortoise, we are attaching "Appendix A – Demographic Status and Trend of the Mojave Desert Tortoise including the Western Mojave Recovery Unit." Note that the Proposed Project is in the Western Mojave Recovery Unit, the tortoise populations in this Recovery Unit continue to be below the densities needed for population viability for almost a decade, and the density of tortoises continues to decline in the Western Mojave Recovery Unit. Also note that the tortoise cannot achieve recovery, that is, be removed from the list of threatened species under FESA unless recovery is achieved in all five recovery units including the Western Mojave Recovery Unit (USFWS 2011). Recovery criteria include having viable tortoise populations. We conclude that having populations below the density needed for population viability means these population are below the level needed to be self-sustaining and any additional impact to these populations would exacerbate this density below the level of self-sustaining, contribute to ongoing population declines, and extirpation. We conclude from these data that the answer to these two questions is "yes." Please include this information on the status and trend of the Mojave Desert tortoise in the final, revised CEQA document.
10. Please note that removing a tortoise from the work area requires capturing. Take under FESA is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Take under CESA is defined as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Take includes capture, and under FESA, harm and harass. Take does not need to result in the injury or death of the tortoise. Consequently, implementation to this mitigation measure would violate both the FESA and CESA unless the Project Proponent first obtains an incidental take permit from USFWS and CDFW. Please correct the IS/MND to reflect this

requirement.

11. We recommend that the County require the Project Proponent to consult with the USFWS and CDFW prior to conducting the 100% coverage and presence/absence protocol surveys for special status species to ensure those that are needed are implemented correctly, the results of these surveys are provided to the USFWS and CDFW, and additional consultation with these agencies occurs to determine the mitigation measures they deem necessary to avoid take of listed/protected species for all phases of the proposed project. If avoidance of take is not possible, the County should require the Project Proponent to obtain incidental take permits from USFWS and CDFW for the respective federally- and state-listed/protected species. These permits would likely require implementation of protocol clearance surveys.
12. The comments below are for the Biological Assessment Report, Minneola Solar Project, City [sic] of Newberry Springs, San Bernardino County, California- July 2023.
  - a. Page 3: “The biologists conducted a site visit on the project site on April 16th, 2023 to determine the potential for impacts to native vegetation, sensitive biological resources, jurisdictional waters, and/or wildlife. In addition, the biologists reviewed “the project description, project plans, aerial and ground imagery (i.e., Google Earth and Google Maps), and project species lists provided by the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) website (Appendix A), and California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB) (Appendix B), California Native Plant Society (Appendix C).” Accessing IPaC, CNDDDB, and CNPS data are the initial sources of biological information the biologists should access, and we appreciate that these federal and state resources were accessed. However, we did not find the three Appendices referenced in the BA Report. The County should ensure that the entire BA Report is available for public review.
  - b. Pages 4, 8, and 13: The BA Report discusses federal jurisdictional waters of the United States under the Federal Clean Water Act, Sections 404 and 401 (see sections on 4 – Results – Project Impacts and 5 - Conclusions & Regulatory Determination – Wetlands and Other Waters Coordination Summary). However, we found no information on compliance with California Fish and Game Code 1600 and whether a streambed alteration agreement would be needed from CDFW. Please add this information to the IS/MND and BA Report for jurisdictional waters of the State of California.
  - c. Page 10: “If any species of concern are observed during any phase or construction, the RE will need to contact the Biologist...” We searched the BA Report but were unable to find what “RE” means. Please add this information to the BA Report.
  - d. Page 11: Under Section 4 - Results: Biological Resources, Discussion of Impacts & Mitigation – Avoidance and Minimization Efforts/Compensatory Mitigation, the BA Report says, “No work should commence until the vegetation to be removed has been surveyed for nesting birds, desert tortoise, desert wildlife and has been cleared by the Project Biologist.” If this is referring to clearance surveys for the tortoise as described by USFWS (2009), only authorized biologists approved by USFWS and CDFW can conduct clearance surveys. We are unsure whether the Project biologist has submitted their experience to these agencies and received approval to conduct clearance surveys for the tortoise. Please provide this information in the BA Report and IS/MND. In addition, the clearance survey protocol for the tortoise should be implemented as described in USFWS (2009).

In addition, on page 6, the BA Report mentions, “Biological Study Area (BSA) consists of a 200-foot buffer from the project vicinity.” The USFWS (2019) survey protocol for the tortoise is for the action area. The “action area” is defined above on page 5. Thus, the survey area is larger than the project footprint/project site and may be larger than the project site plus 200-foot buffer. CDFW has adopted the USFWS’s 100% coverage survey as the methodology to use (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281283-reptiles>) to determine tortoise presence/use of the action area.

Clearance surveys should be conducted after the tortoise exclusionary fence has been completed. The construction of this fence should occur under the supervision of an authorized tortoise biologist.

- e. Page 12: “3. INSTALLATION OF DESERT TORTOISE EXCLUSIONARY FENCING around the construction site to prevent the entrance (sic) of surrounding wildlife present.” The tortoise exclusionary fence will not exclude all wildlife. It is designed to exclude tortoises from the project site. In addition, we are unsure from the information provided in the BA Report whether the exclusionary fence will be removed following completion of the construction phase or maintained for the life of the project. If the latter, the BA Report should require that the fence be regularly inspected for damage including immediately after a rain event, and the fence should be repaired/replaced immediately to eliminate the likelihood that a tortoise from nearby areas will wander onto the project site and possibly become trapped within the site. This would constitute take under FESA and CESA and violate these two laws.
- f. Page 12: “DO NOT HANDLE OR MOVE A TORTOISE – yourself. Only a qualified biologist is authorized to do so.” We found no information in the BA Report that the Project Proponent was obtaining an incidental take permit under section 10(a)(1)(B) of FESA or section 2081 of CESA for the tortoise. Consequently, no one would be authorized to handle or move a tortoise without these permits. Please revise the BA Report to reflect these restrictions/requirements.
- g. Page 13, Section 5 – Conclusions & Regulatory Determination – Federal Endangered Species Act Section 7 Consultation Summary: The BA Report says, “no formal Endangered Species Act Section 7 consultation with federal agencies is required. Informal consultation for Endangered Species Act Section 7 was initiated through the generation of IpaC species list.” This statement is true because there is no federal nexus. Section 7 of the FESA only applies to projects that are authorized, funded, or carried out by a federal agency. Rather as a non-federal project, the proposed project falls under the jurisdiction of section 10(a)(1)(B) of the FESA and section 2081 of the CESA if any phase of the proposed project is likely to result in take (which includes capture, harm, and harass) of the tortoise or a federal or state listed species. Please modify the BA Report to show requirements and compliance with these laws.
- h. Page 13: Wetlands and Other Waters Coordination Summary – “The proposed project will not result in any effects to wetlands or jurisdictional waters due to the absence of (Waters of the State, Waters of the U.S., etc.); therefore, no resource agency coordination or permits are required.” We found no discussion on compliance with California Fish and Game Code 1600 and whether a streambed alteration agreement would be needed from CDFW. Please add this information to the IS/MND and BA Report about this for jurisdictional waters of the State of California in this section.

## Response C20

1. U.S. Fish and Wildlife Service (USFWS) have been added under “Federal” agencies from which additional approval may be required.
2. The IS/MND and the Biological Assessment Report (BA Report) have been updated to confirm that CDFW protocols were followed and implemented.
3. The IS/MND and Biological Assessment have been updated to include information stating that CDFW trapping protocol was implemented.
4.
  - a. The IS/MND and Biological Assessment have been updated to include information about what agencies were coordinated with during the onsite biological surveys.
  - b. The project survey expanded beyond the direct impact area and addressed the possibilities of Desert Tortoise presence. The Biological Assessment has been updated to specify survey methods and survey area.
5. The survey methodology for the Desert Kit Fox has been refined in the Biological Assessment to include more detail regarding how the original surveys were completed. The IS/MND has been updated to address CDFW requirements.
6. The IS/MND has been updated to clarify that, *“The proposed project is expected to directly impact no more than 27.2 acres of project area, but may indirectly impact a larger area of the project site.”* The project site is bounded by existing railroads to the south, Minneola Road which includes steep dirt culverts to the east and the existing Barstow-Daggett Airport to the north. These existing environmental constraints restrict access to the project site for the Desert Tortoise. The proposed Project does not propose development of the west side of the property so will not be affected by construction, operations, or maintenance due to the proposed Project. The IS/MND was updated to address the concern for excessive water usage and the mitigation measure for dust control now clarifies that water should not be used excessively to lead to pooling.  
Additionally, the IS/MND does state that trash will not be collected on site and all waste will be disposed of off-site.
7. The Biological Assessment has been updated to include information pertaining to which protocol surveys were conducted for the special status species.
8. The Biological Assessment has been updated to include information pertaining to which protocol surveys were conducted for the special status species.
9. The IS/MND denotes Less Than Significant with Mitigation Incorporated, for the question, *“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?”*  
The project site is bounded by an existing railroad to the south, Minneola Road which includes steep dirt culverts to the east and the existing Barstow-Daggett Airport to the north. These existing environmental constraints restrict access to the project site for the Desert Tortoise. The proposed Project does not propose development of the west side of the property so will not be affected by construction, operations, or maintenance due to the proposed Project. Therefore, there will not be a Significant Impact and the proposed Project can mitigate the potential impact to Desert Tortoise with the proposed mitigation measures.
10. A mitigation measure has been added to the Biological Assessment and the IS/MND to state that if a Desert Tortoise is found within the job site and needs to be relocated then all work

will stop until an Incidental Take Permit is acquired. (Please see page 5 of MMRP & page 21 of the ISMND)

11. Consultation will be conducted with the USFWS and CDFW prior to conducting the presence/absence protocol surveys for the Desert Tortoise and Desert Kit Fox as stated in BIO-1.
12.
  - a. The Biological Assessment has been updated to include the referenced appendices.
  - b. The Biological Assessment has been updated to show compliance with California Fish and Game Code 1600. There will be no impact to federal jurisdictional waters and no streambed alteration agreement is required for this project.
  - c. The Biological Assessment has been updated to remove the term “RE (Resident Engineer)”.
  - d. No biologist is contracted for the responsibility of clearance surveys at this time, whomever is selected will submit their qualifications to the USFWS and CDFW prior to beginning of construction. The Biological Study area has been clarified to portray that the survey encompassed the entire project site plus a 200-foot buffer not just the impact area.
  - e. A mitigation measure has been added to require a clearance survey after the installation of exclusionary fencing. (Please see page 5 of MMRP & page 21 of the ISMND)
  - f. A mitigation measure has been added to require the inspection of exclusionary fencing during all site visits by the project proponent maintenance staff. (Please see page 5 of MMRP & page 21 of the ISMND)
  - g. The biological report and mitigation measures have been updated to include the requirement for an Incidental Take Permit prior to any potential Desert Tortoise relocation.
  - h. The Biological Assessment has been updated to show the requirements and compliance with FESA and CESA laws.
  - i. The Biological Assessment has been updated to show compliance with the California Fish and Game Code 1600. There is no streambed alteration agreement required for this project.

## Letter C21

**COMMENTER:** Ted Stimpfl and Fredrick Stearn

**DATE:** December 07, 2023

### **Comment C21**

The commenter states, *“The County board members are directly responsible for the negligent permitting of these hazardous solar facilities. By state law, as elected officials, Board members hold a fiduciary relationship with their constituents. In short, this means that the Board members have the legal obligation to always act in the best interests of the people they represent. This duty is based on the legal principle that elected officials hold a position of trust and responsibility to their constituents. (Mucho case law on this!) On top of that list is the safety of their constituents. These solar facilities do not benefit this county. They remove our taxable land and damage our tourism vistas. And some ruin long established communities and like PG&E in Hinkley, gravely injure people. The Board's obligation is not to other areas of the state or other states, or corporations, but to their constituents. If a Board member acts outside the scope of their authority, there is a possibility that they can be held personally liable. The County will have the deep pockets on this liability, but I wouldn't want to leave out any Board member. That would be discrimination.”*

### **Response C21**

The proposed Project was designed as a Community Oriented Renewable Energy (CORE) project and meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The proposed Project will directly benefit the community.

The Air Quality Report completed for the IS/MND addressed the potential risks related to air quality and health. The Air Quality Report found that during operations there will be no tangible effects to air quality in the area due to the development and operation of the proposed Project. During construction, the IS/MND conditioned the Project to include mitigation measures that request water to be sprayed on the property in order to mitigate potential dust that could be produced during ground disturbance activities.

In addition, in regards to the commentor's comment regarding viewshed issues, the proposed Project is in fact over half a mile away from a scenic corridor and is buffered by National Trails Highway, a single-family residence, and the existing railroad tracks.

## Letter C22

**COMMENTER:** Ted Stimpfl

**DATE:** December 18, 2023

### **Comment C22**

The commenter states, *“That while the promoters of BMT Solar are presenting the proposal under the guise of a Community Oriented Renewable Energy (CORE) project, it is not a project that the neighbors across the road from it want. Nor does Newberry Springs want it. This project would only add to the cumulative carcinogenic crystalline silica dust. The project represents an additional spread of a recognized toxic matter upon an Environmental Justice Focus Area. The project is in direct conflict with Social and Environmental Justice, and the project by its placement requires by law a full Environment Impact Study.*

*The project's IS fails to address and establish a reasonable ability for the County to declare an end-to-life determination on the project and to subject the project to an environmentally friendly removal. The current language is inadequate. The existing 27-acre Soitec solar project in Newberry Springs, after only a decade, is now a broken-down facility and a community eyesore that needs to be removed. To avoid or delay the expense of removal or to bring the facility up to proper operation standards, the owner reportedly has declared the site an experimental facility. San Bernardino County has failed to inspect and hold the owner responsible for the purpose of the licensed permit.*

*The County lacks and needs stronger permit language to decommission a derelict solar facility and it needs the willingness to inspect and decommission a facility should a solar operation fall below a reasonable standard of operational care (which needs to be defined in the Code) for which a permit was issued. Failure to have done this may now lead to the 5.5-square-mile Clearway project, covered with hazardous photovoltaic materials, to be later abandoned for decades if neglect is found to be more economical for the owner.*

*The County needs muscle to prevent owners from walking away from maintenance and continued operation for which a facility is permitted.”*

### **Response C22**

Radiant BMT, LLC is proposing a 3-MW community solar project off Minneola Road in the County of San Bernardino. The Project will improve local electric reliability and will be cohesive with nearby solar projects. The Project site falls within an Environmental Justice area as designated in the Countywide Plan. Radiant BMT, LLC has taken the following measures to address environmental justice concerns potentially created by the project in accordance with Policy HZ-3.18 of the Countywide Plan.

Unlike conventional fossil fuel power plants, community solar projects are generally benign and do not emit air pollutants or present risks to public safety. The proposed project will not create a significant hazard to the public or the surrounding environment since there will be no routine transport or use of hazardous materials, including no battery energy storage system for grid export. As such, the proposed Project does not pose a risk of thermal runaway events or catastrophic battery failure that could potentially release hazardous materials into the environment.

The proposed Project site is located in a less populated area of the County and is not located within one-quarter mile of an existing or proposed school. Overall, the proposed project will provide a community benefit to the County by providing local reliable clean energy. Under the proposed project's power contract, renewable energy produced by the proposed community solar project will be sold by the utility at a twenty percent (20%) bill discount to income-qualified (CARE- and FERA-eligible) residential customers.

In addition, the development of this property will add further security to the area and deter the potential of illegal dumping onsite. The site currently experiences illegal off-roading and illegal dumping, which is not only a nuisance to local neighbors, but also an environmental health hazard as the ATVs and trucks used create air pollution through both dust and exhaust. The project site will be fenced and gated to ensure security and deterrence of these nuisances in the area.

The proposed Project may provide local job creation during construction activities. During operation, the project will be unmanned and will be maintained regularly for overall maintenance of the project site.

Per the Conditions of Approval of the Project Conditional Use Permit, the proposed Project would only allow for operation of the facility for 30 years before the need for an extension or dismantling of the facility. The County Code outlines decommissioning standards and requirements for the Project after its operational life.

Overall, the proposed community solar project will provide clean reliable energy to a disadvantaged community without causing significant environmental concerns to the local community.



## Letter C23

**COMMENTER:** Fredrick Stearn  
**DATE:** December 07, 2023

### **Comment C23**

The commenter states *“JIM: Congratulations on your environmental offensive against our Environmental Justice Focus Area community and Scenic Route 66, in the BMT Minneola LLC solar energy project proposal; in a much documented sand-transport path.*

*Have you read those professional sand-transport path studies on Daggett & Newberry Springs? Have you ever read SB 1000? It gives you directions and instructions on the subject of Environmental Justice Focus Areas?*

*And have you ever read Pages 43 through 50 in the County Policy Plan on the subject of special protections for Environmental Justice Focus Areas?”*

### **Response C23**

The proposed Project was designed as a Community Oriented Renewable Energy (CORE) project and meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. Therefore, the Project will directly benefit the community.

The Air Quality Report completed for the IS/MND addresses the potential risks related to air quality and health. The Air Quality Report found that during operations there will be no tangible effects to air quality in the area due to the development and operation of the proposed Project. During construction, the IS/MND conditioned the Project to include mitigation measures that request water to be sprayed on the property in order to mitigate potential dust that could be produced during ground disturbance activities.

In addition, in regards to the commentor’s comment regarding viewshed issues, the proposed Project is in fact over half a mile away from a scenic corridor and is buffered by National Trails Highway, a single-family residence, and the existing railroad tracks.

## Letter C24

**COMMENTER:** Norm Park

**DATE:** June 12, 2023

### **Comment C24**

The commenter states *"We disapprove of another solar plant in our area. as we will benefit nothing, again!"*

### **Response C24**

The commentor does not issue any concerns with the Initial Study/ Mitigated Negative Declaration nor provides substantiating evidence to support their concern. Additionally, the project is a CORE Community project and will provide power directly to the community.

## Letter C25

**COMMENTER:** Michele Naval

**DATE:** June 04, 2023

### **Comment C25**

The commenter states *"I am not in favor of this solar facility project"*

### **Response C25**

The commentator does not issue any concerns with the Initial Study/ Mitigated Negative Declaration nor provides substantiating evidence to support their concern. Additionally, the project is a CORE Community project and will provide power directly to the community.

## Letter C26

**COMMENTER:** Elizabeth Hilyard

**DATE:** June 10, 2023

### **Comment C26**

The commenter states *“Please, if you give money to the community from your donation money. Make sure this time the money is used for the community not for personal like last time.”*

### **Response C26**

The commentor does not issue any concerns with the Initial Study/ Mitigated Negative Declaration nor provides substantiating evidence to support their concern. Additionally, the project is a CORE Community project and will provide power directly to the community.

## Letter C27

**COMMENTER:** Wayne Clemons Jr

**DATE:** December 02, 2023

### **Comment C27**

The commenter states *"I found this study notice online and have one comment to make, this property is not located in Newberry Springs. The property is located in Daggett."*

### **Response C27**

Noted, thank you.

## Conclusion

This Final Initial Study, Mitigated Negative Declaration (IS/MND) has been prepared for the Minneola Solar project, a community solar electrical generation facility being developed by BMT Minneola, LLC located at APN: 0521-051-08 (also referred to as the “proposed project” or “project”). This Final IS/MND has been prepared in conformance with the California Environmental Quality Act of 1970 (CEQA) statutes (California Public Resources Code [PRC], Section 21000 et. seq., as amended) and implementing guidelines (California Code of Regulations, Title14, Section 15000 et. seq.).

In review of all of the public comments there is no significant change that would justify the need for recirculation of the ISMND nor the need for the preparation of an Environmental Impact Report (EIR). The project will have a less than significant impact to the environment following the implementation of the required mitigation measures of the Project IS/MND.

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## **3 Mitigation Monitoring and Reporting Program**

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### 3.1 Introduction to the MMRP

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code [PRC] 21081.6). PRC Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the IS/MND.

This mitigation monitoring and reporting program (MMRP) is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Draft Initial Study Mitigated Negative Declaration (Draft IS/MND), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

### 3.2 MMRP

The Mitigation Monitoring and Reporting Program below lists mitigation measures and project design features that are required to reduce the significant effects of the proposed project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised that identifies the timing and responsible entity for monitoring each measure. The County of San Bernardino will have the responsibility for implementing the measures, and various public agencies will have the primary responsibility for enforcing, monitoring, and reporting the implementation of the mitigation measures.



## Biological Resources MMRPS

**BIO-1:** Change in Project Scope: If the project scope should change for any reason, Elevated Entitlements and the County of San Bernardino shall be notified to determine whether current environmental documentation is adequate.

**BIO-2:** Pre-Construction Meeting: The Project biologist shall conduct a pre-construction meeting one week prior to construction notice.

**BIO-3:** Use of water onsite shall be controlled as to not allow pooling of water or creation of streams.

**BIO-4:** Pre-construction surveys must be conducted between fourteen (14) days and thirty (30) days prior to vegetation clearing, earthwork and ground disturbing activities.

**BIO-5:** Biological monitors shall be present during vegetation clearing, earthwork and ground disturbing activities.

**BIO-6:** Equipment operators shall check under motorized equipment & vehicles that have been parked over night or stationery for some length of time before moving the vehicle to determine the presence or absence of potential species.

**BIO-7:** If a desert tortoise is present within the construction area, all work and any activities that could harm the tortoise shall stop. The project manager shall notify a certified biologist to safely remove the desert tortoise prior to commencing construction.

**BIO-8:** If a desert tortoise is required to be removed from the construction area, a Take Permit shall be acquired from the California Department of Fish and Wildlife prior to handling of the desert tortoise by a certified biologist.

**BIO-9:** This project shall employ all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) during construction, and these must be incorporated into the project specifications. Prior to the start of construction, all drain inlets must be protected with BMPs to prevent construction materials and debris from entering drainages.

**BIO-10:** Installation of desert tortoise exclusionary fencing shall be installed around the construction site to prevent the entrance of surrounding wildlife present. The fence shall be regularly inspected for damage during each routine on-site visit by the project onsite manager.

**BIO-11:** Immediately following installation of exclusionary fencing around the construction site a clearance survey shall be conducted by a certified biologist.

**BIO-12:** Construction Staging Areas and Access Roads: Temporary construction staging areas and access roads shall be used to avoid and/or minimize impacts to vegetation outside the construction areas.

**BIO-13:** High-Visibility Fencing (Type ESA): High-visibility fencing (Type ESA) shall be placed around environmentally sensitive areas under the supervision of the certified biologist.

**BIO-14:** Nesting Bird Surveys and Exclusionary Measures: A certified biologist shall recommend approved limits of disturbance, including construction staging areas and access routes, to minimize impacts to adjacent habitat. If work is to occur during the bird nesting season (which is February 1st through September 1st), a certified biologist, shall be notified two weeks prior to the start of

construction to determine if nesting birds are present so that preconstruction surveys may be conducted and exclusionary devices and methods may be discussed, per the following standard specification: 14-6.03 Bird Protection. No work shall commence until vegetation to be removed has been surveyed for nesting birds and cleared by a certified biologist. In the event that nesting birds are observed, the construction project manager shall pause work until a certified biologist has determined that fledglings have left the nest. If this is not possible, the construction project manager shall coordinate with a certified biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). A certified biologist shall require a buffer of 150 ft. for songbirds and a buffer of 500 ft. for raptors during all phases of construction. Nesting birds are protected under the MBTA and cannot be impacted by construction activities, including but not limited to noise, dust pollution, and habitat disturbance.

**BIO-15: Control of Invasive Plant Species:** The construction contractor shall inspect and clean construction equipment at the beginning of each day prior to transporting equipment to the construction site. During construction, soil and vegetation disturbance will be minimized to the greatest extent feasible. During construction, the contractor shall ensure that all active portions of the construction site are watered a minimum of twice daily or more often when needed due to dry or windy conditions to prevent excessive amounts of dust. During construction, the contractor shall ensure that all material stockpiled is sufficiently watered or covered to prevent excessive amounts of dust. During construction, soil/gravel/rock will be obtained from weed-free sources. Only certified weed-free straw, mulch, and/or fiber rolls will be used for erosion control. The use of herbicides shall be prohibited within and adjacent to native vegetation, except as specifically authorized and monitored by the County Biologist and Landscape Architect.

**BIO-16: Pollution and Litter:** All pollution and litter laws and regulations shall be followed by all personnel on site.

## **Cultural Resources MMRPS**

**CUL-1:** Initial construction-related ground disturbances activities associated with the development of the Project be monitored by an archaeologist if the resources cannot be avoided during construction.

**CUL-2:** Prior to construction of the proposed Project, a qualified archaeological monitor with relevant San Bernardino County experience and who will work directly under the direction of a Secretary of the Interior's (SOI) professional archaeologist, shall be retained by the Project proponent. If resources cannot be avoided, an Archaeological Management Plan shall be prepared to establish procedures for monitoring.

**CUL-3:** The Project archaeologist may, at their discretion, terminate monitoring if no subsurface cultural resources have been detected. If buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor will have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct subsurface testing (Phase II), as indicated in the Archaeological Management Plan. A research design associated with such work must be written before any subsurface fieldwork begins. The Plan shall include a description of how and where artifacts will be curated. If the site is determined to be significant through the testing process, continued impacts to the site would be considered significant and possibly unavoidable thus requiring an Environmental Impact Report. Impacts to the significance resource must take place either through avoidance or a Phase 3 excavation. Should any prehistoric or tribal cultural resources be identified within the Project Area, Native American consulting parties shall be contacted regarding the disposition and treatment of the resource(s).

**CUL-4:** In the event unanticipated human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to CEQA, Section 15064.5(e), State of California Health and Safety Code Section 7050.5 and PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the Coroner determines that the human remains are of Native American in origin, then the Coroner shall notify the NAHC, who is responsible for identifying and notifying the Native American most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and make recommendations regarding the treatment and disposition of human remains and items associated with Native American burials. If an agreement regarding disposition of human remains between the MLD and the Landowner or a MLD cannot be identified the landowner shall comply with the disposition and documentation required as defined by PCR 5097.98 Section (e).

**CUL-5:** In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.

## **Tribal Resources MMRPS**

### **TCR-1: Treatment of Tribal Cultural Resources**

If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended sixty (60) feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.

Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur

until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined from any future impacts (vis a vis Project plans, conservation/preservation easements, etc.). Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

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

#### **TCR-2: Inadvertent Discoveries of Human Remains/Funerary Objects**

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

Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD, in consultation with the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties. It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The coroner, parties, and Lead Agencies would be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254(r).



# Conditions of Approval

<b>Record:</b>	PROJ-2022-00071	<b>System Date:</b>	05/08/2024
<b>Record Type:</b>	Project Application	<b>Primary APN:</b>	0521051080000
<b>Record Status:</b>	In Review	<b>Application Name:</b>	CF - CONDITIONAL USE PERMIT AND TENTATIVE PARCEL MAP - MINNEOLA SOLAR
<b>Effective Date:</b>		<b>Expiration Date:</b>	
<b>Description:</b>	CONCURRENT FILING - CONDITIONAL USE PERMIT AND TENTATIVE PARCEL MAP - SUBDIVISION INTO TWO PARCELS, SOLAR PLACEMENT		

**This document does not signify project approval.**

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

## ON-GOING

### Land Use Services - Planning

- 1 **Project Approval Description (CUP/MUP)** - Status: Outstanding  
This Tentative Parcel Map and Conditional Use Permit is conditionally approved to create two parcels, one of which will have a community-oriented solar facility, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.
- 2 **Project Location** - Status: Outstanding  
The Project site is located west of Minneola Road, south of the extension of Chloride Road, and north of the Burlington Northern and Santa Fe Railroad Line.

3 **Revisions** - Status: Outstanding

Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

4 **Indemnification** - Status: Outstanding

In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5 **Additional Permits** - Status: Outstanding

The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:

6 **Expiration** - Status: Outstanding

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

7 **Continous Effect/Revocation** - Status: Outstanding

All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

**8 Extension of Time** - Status: Outstanding

Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

**9 Project Account** - Status: Outstanding

The Project account number is PROJ-2022-00071. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

**10 Development Impact Fees** - Status: Outstanding

Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

**11 Performance Standards** - Status: Outstanding

The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste

**12 Continous Maintenance** - Status: Outstanding

The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

**13 Clear Sight Triangle** - Status: Outstanding

Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic

**14 Lighting** - Status: Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

**15 Underground Utilities** - Status: Outstanding

No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.



16 **Construction Hours** - Status: Outstanding

Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

17 **Construction Noise** - Status: Outstanding

The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

18 **Cultural Resources** - Status: Outstanding

During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone ( 909) 798-8570.

19 **GHG - Operational Standards** - Status: Outstanding

The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

## **Public Health– Environmental Health Services**

20 **Noise Levels** - Status: Outstanding

Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

21 **OWTS Maintenance** - Status: Outstanding

The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

22 **Refuse Storage and Disposal** - Status: Outstanding

All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.

## INFORMATIONAL

### County Fire - Community Safety

23 **F01 Jurisdiction** - Status: Outstanding

The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

24 **F04 Fire Permit Expiration** - Status: Outstanding

Construction permits shall automatically expire and become invalid unless the work authorized such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the permit may be made in writing PRIOR TO the expiration date justifying the reason that the permit should be extended.

25 **F08 Fire Safety Overlay** - Status: Outstanding

The County General Plan designates this property as being within the Fire Safety Review Area. All construction shall adhere to all applicable standards and requirements of the Fire Safety Review Area as adopted in the San Bernardino County Development Code.

26 **F60 Solar Plans** - Status: Outstanding

Solar/PV Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

27 **F61 Solar Surface** - Status: Outstanding

Fire apparatus access roads for photovoltaic facilities without buildings can be designed with native soil compacted to 85% and hold the weight of Fire Apparatus at a minimum of 80K pounds.

28 **F62 Solar Access** - Status: Outstanding

The development shall have a minimum of \_\_\_two\_\_\_ points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Photovoltaic solar facilities without buildings on the site shall have access provided by approved roads, alleys and private drives. Perimeter access roads shall have a minimum twenty (20) foot unobstructed width and vertically clearance of fourteen (14) feet six (6) inches. Interior access roads shall have a minimum fifteen (15) foot unobstructed width and vertical clearance of fourteen (14) feet six (6) inches. Access shall be provided within 300 feet of all solar panels. Access Requirements. Perimeter roads shall be a minimum of 26 foot wide and interior access roads shall be a minimum 20 foot wide.

### Land Use Services - Land Development

29 **Additional Drainage Requirements** - Status: Outstanding

In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

- 30 **Erosion Control Installation** - Status: Outstanding  
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
- 31 **Project Specific Conditions** - Status: Outstanding  
FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C4600H dated 08/28/2008. Flood hazards are undetermined in this area, but they are still possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
- 32 **Project Specific Conditions** - Status: Outstanding  
Grading Plans. Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
- 33 **Project Specific Conditions** - Status: Outstanding  
NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.  
[www.swrcb.ca.gov](http://www.swrcb.ca.gov)
- 34 **Project Specific Conditions** - Status: Outstanding  
Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one ( 1) acre of land total.
- 35 **Project Specific Conditions** - Status: Outstanding  
Joshua Trees. Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally effect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel.  
<http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>
- 36 **Tributary Drainage** - Status: Outstanding  
Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.

## PRIOR TO LAND DISTURBANCE

### Land Use Services - Planning

- 37 **Grading/Land Disturbance Condition** - Status: Outstanding  
A Dust Control Plan shall be submitted and accepted by the County and Mojave Desert AQMD prior issuance of any construction related permits. The Plan shall include methods to stabilize and/or bind the soil as part of construction and operational activities, along with screening to reduce potential dust to the east and south consistent with Development Code Findings 84.29.035(22).

**38 Grading/Land Disturbance Condition** - Status: Outstanding

Prior to ground disturbance activities, the Applicant must prepare a Valley Fever Management Plan (VFMP), including a Valley Fever training program, to be implemented during construction to address potential risks from CI by minimizing the potential for unsafe dust exposure during construction. The VFMP will identify best management practices, including: - Development of an educational Valley Fever Training Handout for distribution to onsite workers, which should include general information about the causes, symptoms, and treatment instructions regarding Valley Fever, including contact information of local health departments and clinics knowledgeable about Valley Fever. - Conducting Valley Fever training sessions to educate all Project construction workers regarding appropriate dust management and safety procedures, symptoms of Valley Fever, testing and treatment options. This training must be completed by all workers and visitors (expected to be on site for more than 2 days) prior to participating in or working in proximity to any ground-disturbing activities. Signed documentation of successful completion of the training is to be kept on-site for the duration of construction. - Develop a job-specific Job Hazard Analysis (JHA), in accordance with Cal/OSHA regulations, to analyze the risk of worker exposure to dust and maintain and manage safety supplies identified by the JHA. - Provide and/or require, if determined to be needed based on the applicable JHA, OSHA-approved half-face respirators equipped with a minimum N-95 protection factor for use during collocation with surface disturbance activities, following completion of medical evaluations, fit-testing, and proper training on use of respirators.

**39 Air Quality** - Status: Outstanding

Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

**40 Diesel Regulations** - Status: Outstanding

The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

41 **GHG - Construction Standards** - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

42 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

## Land Use Services - Building and Safety

43 **Geotechnical Report** - Status: Outstanding

A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

## Land Use Services - Land Development

44 **Drainage Improvements** - Status: Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

45 **Grading Plans** - Status: Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage improvements shall be shown on the grading plans according to the approved final drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

46 **On-site Flows** - Status: Outstanding

On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

## Public Health– Environmental Health Services

### 47 **Vector Control Requirement** - Status: Outstanding

The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

## Public Works - Surveyor

### 48 **Corner Records Required Before Grading** - Status: Outstanding

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

### 49 **Monument Disturbed by Grading** - Status: Outstanding

If any activity on this project will disturb ANY land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying PRIOR to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.

## PRIOR TO BUILDING PERMIT ISSUANCE

### Land Use Services - Planning

#### 50 **Issuance/Building Permit Condition** - Status: Outstanding

Fencing. Install an 8-foot steel tube fence slats along the easterly property boundary for screening of the structures.

#### 51 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to building permit issuance

#### 52 **Signs** - Status: Outstanding

All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

## County Fire - Community Safety

### 53 **F02 Fire Fee** - Status: Outstanding

The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

## Land Use Services - Building and Safety

### 54 **Avigation Easement** - Status: Outstanding

An Avigation Easement shall be granted to the appropriate airport and recorded prior to the issuance of building permits for all construction in the AR overlay areas. Plans submitted in the AR overlays shall conform to the interior noise levels as per San Bernardino County standards.

### 55 **Construction Plans** - Status: Outstanding

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

### 56 **Temporary Use Permit** - Status: Outstanding

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

## Land Use Services - Land Development

### 57 **Encroachment Permits** - Status: Outstanding

Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

### 58 **Road Dedication/Improvements** - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: Minneola Road (Major Highway - 104 feet): •Road Dedication. A 27-foot grant of easement is required to provide a half-width right-of-way of 52 feet, and a 35-foot radius return grant of easement is required at the intersection of Minneola Road and Chloride Road. •Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (width = 12 feet min – 26 feet max) and located per County Standard 130. Chloride Road (1/4th Section Line - 88 feet): •Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

### 59 **Road Standards and Design** - Status: Outstanding

All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

### 60 **Transitional Improvements** - Status: Outstanding

Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

### 61 **Utilities.** - Status: Outstanding

Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

## Public Health– Environmental Health Services

- 62 **California Regional Water Quality Control Board Clearance** - Status: Outstanding  
Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day. Lahontan Region, 15095 Amargosa Road Bldg 2 Suite 210 Victorville, CA 92392.
- 63 **Demolition Inspection Required** - Status: Outstanding  
All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any premises. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.
- 64 **Existing OWTS** - Status: Outstanding  
Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.
- 65 **Existing Wells** - Status: Outstanding  
If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.
- 66 **Preliminary Acoustical Information** - Status: Outstanding  
Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.
- 67 **Sewage Disposal** - Status: Outstanding  
Method of sewage disposal shall be sewer service provided by an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).
- 68 **Sewer Service Verification Letter** - Status: Outstanding  
Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
- 69 **Water Purveyor** - Status: Outstanding  
Water purveyor shall be Daggett CSD or EHS approved.
- 70 **Water Service Verification Letter** - Status: Outstanding  
Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.



## Public Works - Surveyor

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

## PRIOR TO OCCUPANCY

### Land Use Services - Planning

- 73 **Permit Required** - Status: Outstanding  
Prior to Occupancy, a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material and/or hazardous waste generator permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.
- 74 **Petroleum Product Storage** - Status: Outstanding  
Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a). Additional information can be found at <http://www.sbcfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
- 75 **Fees Paid** - Status: Outstanding  
Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2022-00071.
- 76 **Installation of Improvements** - Status: Outstanding  
All required on-site improvements shall be installed per approved plans.
- 77 **Landscaping/Irrigation** - Status: Outstanding  
All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
- 78 **Mitigation Measures** - Status: Outstanding  
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to occupancy permit issuance

79 **Shield Lights** - Status: Outstanding

Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

80 **Condition Compliance** - Status: Outstanding

Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

81 **GHG - Installation/Implementation Standards** - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:

- a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

### County Fire - Hazardous Materials

82 **County Agency Condition** - Status: Outstanding

Prior to Occupancy, the County Hazardous Materials Section requires an application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/>.

### Land Use Services - Building and Safety

83 **Condition Compliance Release Form Sign-off** - Status: Outstanding

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

### Land Use Services - Land Development

84 **Drainage Improvements** - Status: Outstanding

All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.

85 **LDD Requirements** - Status: Outstanding

All LDD requirements shall be completed by the applicant prior to occupancy.

86 **Road Improvements** - Status: Outstanding

All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

## PRIOR TO RECORDATION

### Land Use Services - Planning

87 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to recordation.

88 **Subdivision - CDP/Planning Division** - Status:Outstanding

The following shall be delineated or noted on the CDP (Statements in quotations shall be verbatim):

89 **Subdivision - Composite Development Plan (CDP)** - Status: Outstanding

A Composite development plan ("CDP"), complying with the County Development Code, shall be submitted for review and approval by the County Surveyor and filed with Land Use Services prior to recordation of the Parcel Map.

90 **Subdivision - Funds** - Status:Outstanding

Sufficient funds shall remain in PROJ-2022-00071 to verify compliance with the conditions of approval for the Parcel Map.

## County Fire - Community Safety

91 **F59 CDP** - Status: Outstanding

"CDP. The project applicant shall submit for review and approval a "Composite Development Plan" (CDP). The following statements shall be placed verbatim on the CDP. a) Fire Jurisdiction. This project is protected by the San Bernardino County Fire Department. Prior to building permits being issued on any parcel, the applicant shall comply with the adopted California Fire Code requirements and all other applicable codes, ordinances, and standards of San Bernardino County and local Fire Department standards. b) Fire Requirements. Individual lot owners shall be required to provide their own fire protection measures as determined and approved by the Fire Department prior to any building permit issuance. Fire protection measures may include Fire Department approval of Individual fire protection water systems (e.g. fire flow) for each lot, Automatic fire sprinklers for all structures, Surfacing of access roads and driveways.

## Land Use Services - Building and Safety

92 **Composite Development Plan (CDP) Note Requirements** - Status: Outstanding

The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division. Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

## Land Use Services - Land Development

93 **Drainage Improvements** - Status:Outstanding

All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

94 **Road Dedication/Improvements** - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements designed by a Registered Civil Engineer (RCE) licensed in the State of California: Minneola Road (Major Highway - 104 feet): • Road Dedication. A 27-foot grant of easement is required to provide a half-width right-of-way of 52 feet. • Curb Returns. A 35-foot radius return grant of easement is required at the intersection of Minneola Road and Chloride Road. Chloride Road (1/4th Section Line - 88 feet): • Road Dedication. A 44-foot grant of easement is required to provide a half-width right-of-way of 44 feet.

## Public Health– Environmental Health Services

### 95 **New OWTS for Parcel Maps and Tracts** - Status: Outstanding

1. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. The following note shall be placed on a Composite Development Plan (CDP): "An approved percolation report, (EHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with EHS."

## Public Works - Surveyor

### 96 **Easements** - Status: Outstanding

Easements within the reminder portion of the map are to be dedicated by separate document.

### 97 **Easements of Record** - Status: Outstanding

Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

### 98 **Final Map Review** - Status: Outstanding

Review of the Parcel Map by our office is based on actual cost, and requires an initial \$3,000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.

### 99 **Final Map Signatures** - Status: Outstanding

Final Parcel map notarized signatures by the Owner (and Beneficiaries if applicable), County Auditor, Land Surveyor or Engineer of Record.

### 100 **Non-Interference Letter** - Status: Outstanding

Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

### 101 **Parcel Map Required** - Status: Outstanding

A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.

### 102 **Title Report** - Status: Outstanding

A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

## Land Use Services - Planning

### 103 **Occupancy Condition** - Status: Outstanding

Applicant/Developer shall provide documentation to the Planning Division that they are in the process of obtaining approval from Southern California Edison as part of their Community Renewables program to provide energy to the local area. In the event the Community Renewables Program is no longer utilized by Southern California Edison (SCE), the applicant shall be responsible for utilizing any applicable program adopted by SCE to replace the intent of the Community Renewables Program. If a replacement program is not adopted by SCE, then the applicant shall provide documentation to the County that demonstrates that the Project fulfills the criteria contained in the County's Renewable Energy Conservation Element to primarily provide electricity for local off-site use.

104 **On-going Condition** - Status: Outstanding

The Applicant/Developer shall obtain approval from Southern California Edison as part of their Community Renewables program prior to and/or during operation of the use, including executing a Customer Developer Agreement(s) and Power Purchase Agreement. In the event the Community Renewables Program is no longer utilized by Southern California Edison (SCE), the applicant shall be responsible for utilizing any applicable program adopted by SCE to replace the intent of the Community Renewables Program. If a replacement program is not adopted by SCE, then the applicant shall provide documentation to the County that demonstrates that the Project fulfills the criteria contained in the County's Renewable Energy Conservation Element to primarily provide electricity for local off-site use.

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

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

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

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

**PROJECT LABEL:**

<b>APN(s):</b> 0521-051-08	<b>USGS</b> Minneola, CA
<b>Applicant:</b> BMT Minneola, LLC	<b>Quad:</b>
	<b>Lat/Long:</b> 34°50'48.89" -116°46'11.26"
	<b>T, R,</b>
	<b>Section:</b> S28 T9N R2E
<b>Project No:</b> PROJ-2022-00071	<b>Community</b> Newberry Springs
<b>Staff:</b> Jim Morrissey	<b>Plan:</b>
	<b>LUZD:</b> RL

**Rep** Elevated Entitlements, LLC

**Proposal:** Tentative Parcel Map (TPM) and Conditional Use Permit (CUP) to create a separate 27.2 acre (net) parcel from an existing 91.9-gross acre parcel to construct and operate a 3-megawatt community solar photovoltaic facility, northwest of the intersection of Minneola Road and Larch Street in the Newberry Springs area of San Bernardino County.

**PROJECT CONTACT INFORMATION:**

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

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## **PROJECT DESCRIPTION:**

### ***Summary***

Request for a Conditional Use Permit (CUP) and Tentative Parcel Map No. 20538 to establish a community photovoltaic (PV) solar facility on a 27.2-acre (net) portion of a 91.9-gross acre site at the northwest corner of the intersection of Minneola Road and Larch Street in the community of Newberry Springs. The proposed Tentative Parcel Map would create one parcel of 62.6 net acres and a separate 27.2-net acre parcel for a proposed community solar project. The property is assigned the Assessor Parcel Number (APN) 052-105-108.

The proposed community solar project would have a capacity of 3 megawatts (MW) and would utilize approximately 7,000 crystalline photovoltaic modules, which would be mounted on single axis trackers, and use twelve (12) 250 kilowatt (kW) inverters. The number of modules and inverters is subject to change depending on the final design and equipment availability. The facility will interconnect with a 12kv distribution circuit that serves loads in the local area, rather than an interconnection to a transmission circuit that would primarily serve users outside of the region.

The project was designed as a Community Oriented Renewable Energy (CORE) project. It meets the general requirements of CORE, in that the project size is under 10 MW-ac, project footprint is less than 60 acres, and nearly 100% of production will serve local off-site uses. The project will directly benefit the community, in part by offering prevailing wages and supporting apprenticeship programs.

### ***Operation and Maintenance***

The Project would be operated on an autonomous, unstaffed basis and monitored remotely from an existing off-site facility. It is anticipated that maintenance requirements will be minimal as the proposed Project's PV arrays will operate with limited moving parts. No full-time staffing would be required to operate the facility. However, six to eight employees are expected to visit the site approximately fifteen days per year for routine maintenance. Operational activities are limited to monitoring plant performance, preventative, and unscheduled maintenance. The Project will operate during daylight hours only. No heavy equipment will be used during routine Project operation. Operation and maintenance vehicles will include trucks (pickup, flatbed), forklifts, and loaders for routine and unscheduled maintenance, and water trucks for solar module washing. Large heavy-haul transport equipment may be brought to the site infrequently for equipment repair or replacement.

Any required maintenance will be scheduled to avoid peak electric load periods, with unplanned maintenance activity as needed depending on the event. Preventative maintenance kits and certain critical spare components will be stored at the Project site, while all other necessary maintenance components will be available at an offsite location. On an as-needed basis, Southern California Edison (SCE) will make necessary inspections, maintenance and improvements to their facilities that are on-site connecting the Project to the distribution grid.

Vegetation is sparse with little potential for vegetative fuel buildup. The applicant will prepare a weed abatement plan for the Project in compliance with applicable County regulations. The Project would produce a small amount of waste associated with maintenance activities. Solar PV facility wastes typically include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid materials including typical household type refuse generated by workers. These materials will be collected and disposed of.

### **Decommissioning**

At the end of the Project's operational term, the applicant may determine that the site should be decommissioned and deconstructed, or it may seek a revision to its Conditional Use Permit (CUP), as applicable. When the solar arrays, panels, fencing, etc. are removed after the Project's lifetime, the land will be largely restored to its pre-project condition. The Project would utilize Best Management Practices (BMP) to ensure the collection and recycling of solar arrays, panels, fencing, etc. to the extent feasible.

All decommissioning and restoration activities would adhere to the requirements of the appropriate governing authorities and in accordance with all applicable federal, State, and County regulations. Following the implementation of a decommissioning plan, all equipment, foundations, and fencing would be removed, and the Project site would be re-vegetated so that the end use and site condition are consistent with the surrounding landscape. End uses would be consistent with the existing zoning.

### **Surrounding Land Uses and Setting**

Land uses on the Project study area and surrounding parcels are governed by the San Bernardino Countywide Plan/Development Code. The following table lists the existing land uses and zoning districts. The property is zoned Rural Living (RL). The surrounding properties South, East and West share the same zoning designation (RL). While the two properties to the North are Institutional and Agriculture zoning

<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Study Area</b>	Vacant Land	Rural Living
North	Airport & Solar PV	Institutional & Agriculture
South	Vacant Land & Duplex	Rural Living
East	Single Family Residential	Rural Living
West	Vacant Land	Rural Living

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

The Minneola Solar project is proposed to be sited on a portion of APN 052-105-108, adjacent to Minneola Road, in the County of San Bernardino California. The 91.9-gross acre parcel is zoned Rural Living (RL) per the County of San Bernardino Development Code. The 27.2-acre Project site is nearly flat with slopes of 1% with minimal native vegetation, and no known animal habitats, or historical features. There are no defined watercourses on the site.



Figure 1: Project Study Area – Land Use Designation

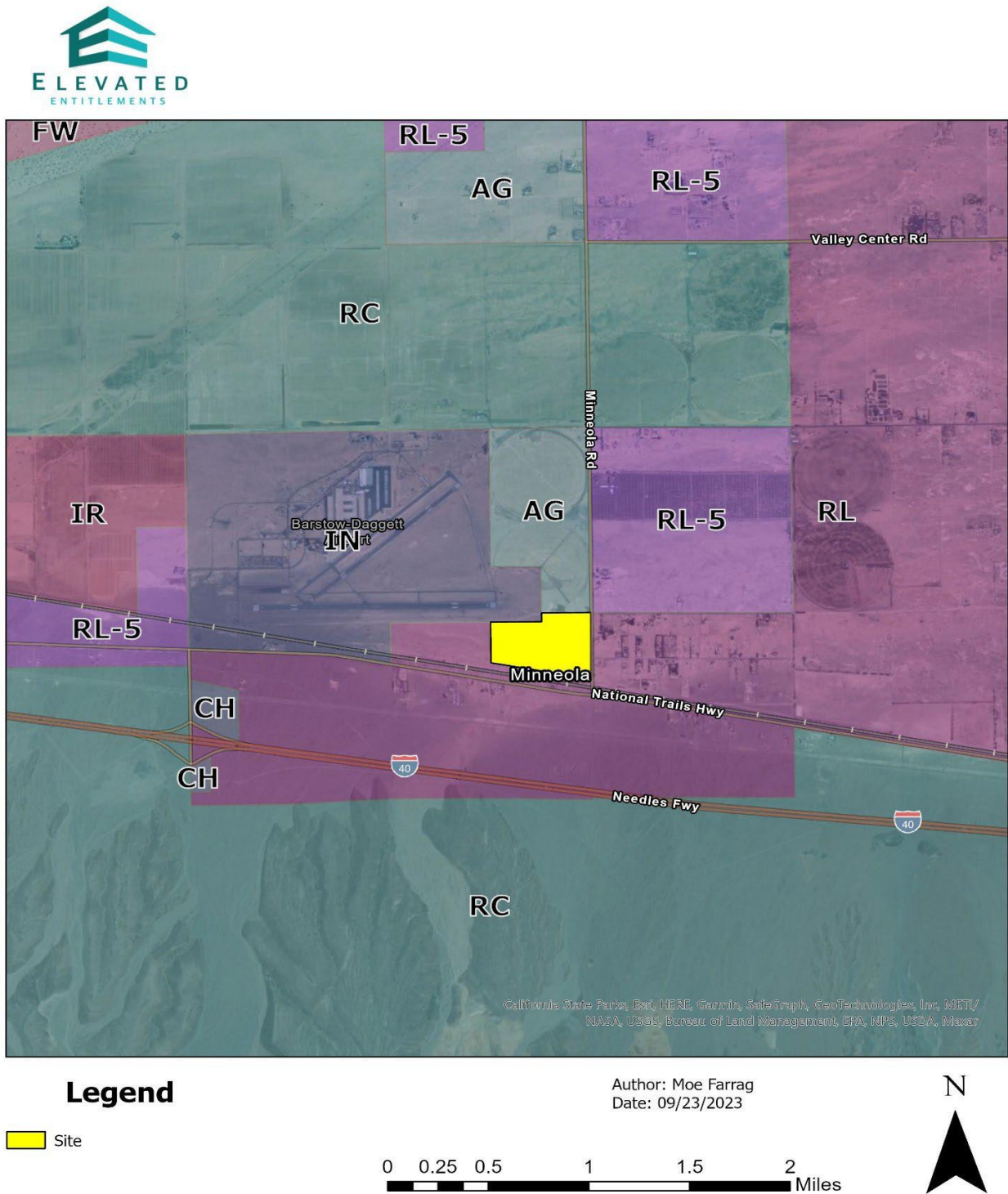


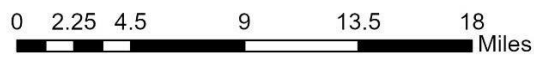
Figure 2: Project Study Area – Regional Location



**Legend**

 Site

Author: Moe Farrag  
Date: 09/23/2023

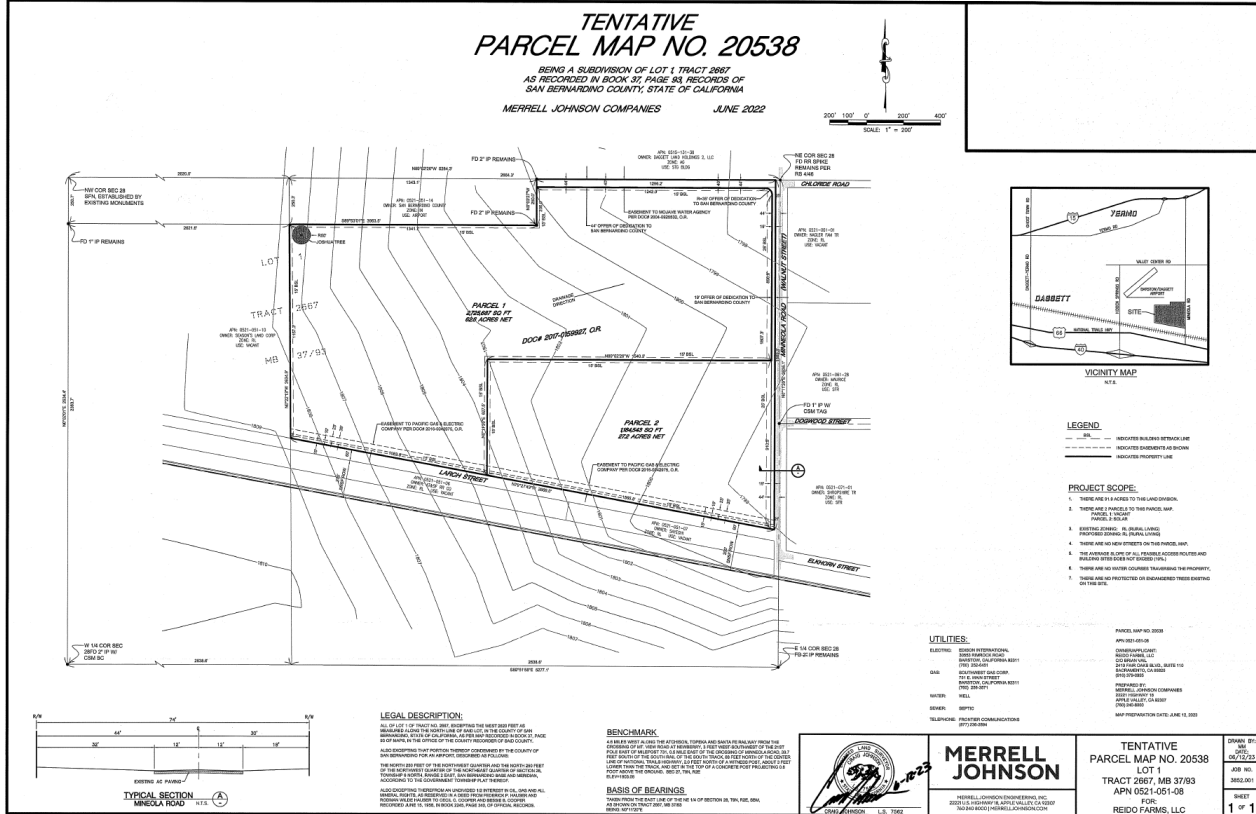




**Figure 3: Overview of land and vegetation**



Figure 4 Site Plan



### **ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES**

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

- Federal: N/A
- State of California: California Fish & Wildlife, Mojave Desert Air Quality Management District (MDAQMD)
- County of San Bernardino: Land Use Services – Building and Safety, Traffic, Land Development Engineering – Roads/Drainage; Public Health – Environmental Health Services; Public Works, Surveyor; and County Fire
- Local: N/A

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

Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? 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.?

Tribal consultation request letters were sent to the San Manuel Band of Mission Indians (SMBMI), Morongo Band of Mission Indians (Morongo), Colorado River Indian Tribes (CRIT), Fort Mohave Indian Tribe (FMIT), and Twenty-Nine Palms Band of Mission Indians. Responses were received from San Manuel and Morongo. On May 26, 2023, the San Manuel Tribe indicated they wished to open consultation and once a Draft copy of the Cultural Resources study was provided to them responded on July 28, 2023, that they would review the report. On May 5, 2023, the Morongo Tribe indicated they wished to open consultation and requested certain documentation, that was provided on May 10, 2023. No further correspondence has been received. The applicant has also contacted the Tribes and based upon correspondence with them has recommended mitigation and monitoring measures that have been added to *Section V Cultural Resources* and *Section XVIII Tribal Cultural Resources* of this document.

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

### **EVALUATION FORMAT**

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. The format of this Initial Study is presented as follows. The Project is evaluated based on its potential effect on twenty (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.

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

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

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

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

*Chris Warrick*

Signature:(Chris Warrick, Supervising Planner)

November 1, 2023

Date

*Jim Morrissey*

Signature:(Jim Morrissey, Planner)

November 10, 2023

Date

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>I. AESTHETICS</b> – 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check if project is located within the view-shed of any Scenic Route listed in the General Plan): **San Bernardino Countywide Plan, 2020; Submitted Project Materials**

- a) **Less than Significant Impact.** The proposed Project is located within an area where most of the surrounding parcels are vacant and undeveloped. Barstow-Daggett Airport is at the northwest corner of the subject site. Given the nature and proposed height for each solar panel averaging eight feet, there would be minimal obstruction to the north and west from the surrounding parcels. The Project would have a less than significant impact.
- b) **No Impact.** The site is not adjacent to a state scenic highway. There are no protected trees, rock outcroppings, or historic buildings on the Project site. Therefore, the proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings.
- c) **Less than Significant Impact.** The proposed Project would not substantially degrade the existing visual character of the site and its surroundings. The proposed Project includes eight foot tall solar panels, 10 foot tall switchgear, surrounded by a six foot tall chain link (topped with three strand barbed wire) security fence. The conditions of approval would include requirements for the development to comply with all County Development Codes and ordinances. The proposed Project would have a less than significant impact on the existing visual character and quality of the site and its surroundings.



- d) **Less than Significant Impact.** The Project proposes motion activated shielded lighting only on the electrical transformer pad. All proposed development must comply with San Bernardino County Code (SBCC) Chapter 83.13 Sign Regulations and SBCC§ 83.07.030 “Glare and Outdoor Lighting – Desert Region”, which includes light trespass onto abutting residential properties, shielding, direction, and type. Additionally, solar projects would be required to comply with solar development standards as outlined in Chapter 8 3.07 Light Trespass, which requires all outdoor light fixtures to be shielded and installed in such a manner that the shielding does not permit light trespass in excess amounts to sensitive receptors. The Project site is not located near any sensitive receptors and the location of the electrical transformer pad where the motion activated light fixture is proposed is shielded away from existing residential uses along Minneola Road. Therefore, the impacts would be less than significant.

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

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>II.</b>	<b>AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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***SUBSTANTIATION:*** (Check  if project is located in the Important Farmlands Overlay):  
***San Bernardino Countywide Plan 2020; California Department of Conservation Farmland Mapping and Monitoring Program, and; Submitted Project Materials***

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- a) **No Impact.** According to the California Department of Conservation, Farmland Mapping and Monitoring Program, the proposed site is not within an area identified as Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance. As proposed the Project would not convert Farmland to non- agricultural use. Therefore, no impacts would occur.
- b) **No Impact.** The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. According to the California Department of Conservation’s Williamson Act Enrollment Finder Map the proposed Project site is not under a Williamson Act contract. There would be no impact and no further analysis is warranted.
- c) **No Impact.** The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The proposed Project area has never been designated as forest land or timberland because the site is within the desert region which does not contain forested lands. Therefore, no impacts would occur.
- d) **No Impact.** The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. The proposed Project site is within the desert region of the County and does not contain forested lands. Therefore, no impacts would occur.
- e) **No Impact.** The proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use. The proposed Project site does not contain forested lands. Therefore, no impacts would occur.

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

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

***SUBSTANTIATION:*** *(Discuss conformity with the South Coast Air Quality Management Plan, if applicable): Air Quality/Greenhouse Gas Study for Radiant BMT Solar, Elevated Entitlements, January 11, 2023; California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Mojave Desert Air Quality Management District 2017 (MDAQMD); San Bernardino Countywide Plan, 2020, and; Submitted Project Materials*

The Project site falls under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD) and is in the Mojave Desert Air Basin (MDAB). The Mojave Desert Air Quality Management Plan (MDAQMP) provides a program for obtaining attainment status for key monitored air pollution standards, based on existing and future air pollution emissions resulting from employment and residential growth projections. The AQMP was developed, in part, by using input from various agencies' General Plans and other projections for population and employment growth. Emissions with regional effects during Project construction, calculated using the California Emissions Estimator Model (CalEEMod); Version 2020.4.0, would not exceed criteria pollutant thresholds established by the MDAQMD.

The proposed Project is expected to have a minimal impact on the air quality of the area and would produce relatively few emissions during construction (three-month period) and negligible emissions during operation. In addition, the development of renewable energy sources is expected to produce cumulative and regional environmental benefits. Therefore, impacts are considered less than significant. **Table 1** below presents the regional air quality significance thresholds.

<b>Table 1: MDAQMD Air Quality Significance Thresholds &amp; Project Maximum Daily Emissions – Temporary Construction and Operations</b>						
<b>Criteria Pollutants (lbs/day)</b>	<b>VOC<sup>1</sup></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>SO<sub>x</sub></b>
<b>Construction</b>						
Construction Emissions	2.10	24.46	35.29	1.88	1.14	negligible
<b>Operation</b>						
Operation Emissions	<b>0.107</b>	<b>9.0000</b> <b>e-</b> <b>005</b>	<b>9.7800</b> <b>e-</b> <b>003</b>	<b>3.0000</b> <b>e-</b> <b>005</b>	<b>3.0000</b> <b>e-</b> <b>005</b>	<b>0.00</b>
MDAQMD Significance Thresholds	137	137	548	82	65	137
<b>Exceeds Threshold</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
1. Volatile Organic Compound (also referred to as ROC or ROG) 2. Source: <a href="https://www.mdaqmd.ca.gov/home/showdocument?id=538">https://www.mdaqmd.ca.gov/home/showdocument?id=538</a>						

- a) **Less than Significant Impact.** As shown in **Table 1**, emissions from construction and operation of the proposed Project would be below MDAQMD air quality significance thresholds for all pollutants. Based on this, the proposed Project would not be expected to conflict with or obstruct implementation of the AQMP. There would be no expected conflict or obstruction of any air quality plans. Most of the polluting emissions would be produced during the construction period where earthmovers, delivery trucks, and personal vehicles would be used during the construction phase. These emissions would be in the form of exhaust and dust.

The proposed Project is located within the MDAQMD which is non-attainment for ozone and PM<sub>10</sub>. The MDAQMD has adopted federal attainment plans (1995 for PM<sub>10</sub> and 2004 for ozone) for these two pollutants. The proposed Project is expected to generate minor particulate and ozone precursors during the approximately three-month construction period. Best Management Practices for the proposed Project shall include use of water trucks as needed, determined by construction activity, humidity, and wind speed to reduce particulate emissions during construction. In addition, a Dust Control Plan shall be developed and submitted to the County and MDAQMD for review and approval prior to issuance of a grading permit and/or land disturbance.

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

As shown in **Table 1**, emissions from construction of the proposed Project would be below MDAQMD air quality significance thresholds for all pollutants. Specifically, the proposed Project would not exceed MDAQMD significance thresholds for ozone precursor pollutants, VOC and NO<sub>x</sub>, as well as PM<sub>10</sub> and PM<sub>2.5</sub> for which the MDAB is in non-attainment. Projects in the Basin with construction or operation related emissions that exceed any of their respective emission thresholds would be considered significant under MDAQMD guidelines. These thresholds, which MDAQMD developed and that apply throughout the Basin, apply as both Project and cumulative thresholds. If a project exceeds these standards, it is considered to have a project-specific and cumulative impact. Since emissions do not exceed threshold standards, no cumulative impact analysis is warranted.

- d) **Less than Significant Impact.** Electricity generation via the use of photovoltaic systems does not generate chemical emissions that would negatively contribute to air quality or produce objectionable odors. Potential odor generation associated with the proposed Project would be limited to construction sources such as diesel exhaust, dust, and road improvements. No significant odor impacts related to Project implementation are anticipated due to the nature and short-term extent of potential sources, as well as the intervening distance to sensitive receptors. Therefore, the operation of the Project would have a less than significant impact associated with the creation of objectionable odors affecting a substantial number of people.

Construction: Heavy-duty equipment in the Project area during construction would emit odors, primarily from the equipment exhaust. No other sources of objectionable odors have been identified for the proposed Project, and no mitigation measures are required. MDAQMD Rule 402 regarding nuisances states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.” The proposed Project is not anticipated to emit any objectionable odors during construction. Therefore, objectionable odors posing a health risk to potential on-site and existing off-site uses would not occur as a result of the proposed Project.

Operation and Maintenance: The Project would be operated as an autonomous, unstaffed facility, and monitored remotely from an existing off-site facility. It is anticipated that maintenance requirements would be minimal as the proposed Project’s PV arrays would operate with limited moving parts. No full-time staffing would be required to operate the facility. Operational activities are limited to monitoring facility performance and responding to facility needs for adjustments along with preventative and unscheduled maintenance. The Project would operate 24/7. No heavy equipment would be used during routine Project operation. Operation and maintenance vehicles would include trucks (pickup, flatbed), forklifts, and loaders for routine and unscheduled maintenance, and water trucks for solar module washing. Large heavy-haul transport equipment may be brought to the site infrequently for equipment repair or replacement. Any required maintenance would be scheduled to avoid peak electric load periods, with unplanned maintenance activity as needed depending on the event. The Project would produce a small amount of waste associated with maintenance activities. Solar PV project wastes typically include broken and rusted metal, defective or malfunctioning modules, electrical materials, empty containers, and other miscellaneous solid materials including typical household type refuse generated by workers. These materials would be collected and disposed of to the extent possible.

Decommissioning: At the end of the Project’s operational term, the applicant may determine that the site should be decommissioned and deconstructed, and/or revision to its Conditional Use Permit, as applicable. When the solar arrays, panels, and fencing are removed after the Project’s lifetime, the land would largely be restored to its pre-project condition. The Project would utilize best management practices (BMP) to ensure the collection and recycling of all components to the extent feasible. All decommissioning and restoration activities would adhere to the requirements of the appropriate governing authorities and in accordance with all applicable Federal, State, and County regulations. Following the implementation of a decommissioning plan, all equipment, foundations, and fencing would be removed and the Project site would be re-vegetated so that the end use and site condition are consistent with the surrounding landscape. End uses would be consistent with the existing zoning. The funding requirements for the implementation of the

decommissioning plan would be provided as a bond or other form of security acceptable to the County and estimated by the project proponent on a timeline reviewed and approved by the County.

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

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

**SUBSTANTIATION:**

(Check  if project is located in the Biological Resources Overlay or contains habitat for any species listed in the California Natural Diversity Database): **Biological Assessment for Minneola Solar Project, Elevated Entitlements, June 28, 2023; San Bernardino Countywide Plan, 2020; Submitted Project Materials;**

- a) **Less than Significant Impact with Mitigation Incorporated.** Development ordinances may include regulations or policies governing biological resources. For example, policies may include tree preservation, locally designated species survey areas, local species of interest, and significant ecological areas. Adhering to the San Bernardino Development Code 84.29.040, the Project Study Area will not affect any sensitive trees or shrubs. However, the proposed project is expected to impact no more than 27.2 acres of creosote scrub, a potential habitat for common desert wildlife and habitat for sensitive wildlife. Based upon the completion of a Biological Survey of the property, which included a visual survey and trapping sessions performed by W.O.W. Environmental Consultants, no species or habitat were found for Mojave Ground Squirrel and, thus, the Project would not have a significant impact upon this species. W.O.W. Environmental Consultants also conducted field surveys for Burrowing Owl (BUOW) and Desert Tortoise during the Spring of 2023. No BUOW were observed during the survey. The field results were negative for Desert Tortoise as well. Two burrows were observed during the field effort, but the burrows were absent of signs of Desert Tortoise. One burrow appeared to be inactive and the other appeared to be for Mojave Desert kit fox (*Vulpes macrotis arsipus*). Neither Desert Tortoise nor scat were observed during the survey effort.

The areas surrounding the project location predominantly consist of naturalized open desert. Other land uses within the vicinity include residential, agricultural and transportation uses. The nearest habitat or natural resource community are the Newberry Spring Mountain wilderness (Five Miles) and the National Mojave Preserve (25 Miles). No sensitive biological resources were observed during site visits.

Sensitive plant species were not observed during the site visit on April 16th, 2023. The current vegetation type contains suitable habitat for sensitive biological resources, however sensitive plant species Darlington's Blazing star (*Mentzelia puberula*) and Creamy Blazing star (*Mentzelia tridentata*) were not observed during the site visit. The proposed project is not expected to have impacts on any sensitive plants due to the absence of sensitive plants on site.

No sensitive wildlife species were observed within the Biological Survey Area (BSA) during the field visit. The Biological Study Area (BSA) contains suitable habitat for endangered and threatened species and, therefore, the impact area should be surveyed prior to any construction activities including staging of equipment and clearing and grubbing of vegetation. The proposed project is expected to impact no more than 27.2 acres of creosote scrub habitat for common desert wildlife and habitat for sensitive wildlife. However, impacts can be minimized with the proper use avoidance mitigation measures.

**BIO-1: Avoidance and Minimization Efforts/Compensatory Mitigation**

- A certified Biologist must be notified two weeks prior to construction so that preconstruction surveys may be conducted.
- The Biologist must be invited to the pre-construction meeting, with one-week prior notice.



- When vegetation removal is needed, it is recommended that all vegetation removal occur outside of bird nesting season (Bird nesting season is February 1st through September 1st). In the event that nesting birds are observed, the Contractor shall pause work until a qualified biologist has determined that fledglings have left the nest. If this is not possible, the contractor shall coordinate with the Project Biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). If nesting bird(s) are discovered, then the Project Biologist will recommend a buffer of 150 ft. for songbirds and a buffer of 500 ft. for raptors during all phases of construction. Nesting birds are protected under the MBTA and cannot be impacted by construction activities, including but not limited to noise, dust pollution, and habitat disturbance.
- No work should commence until the vegetation to be removed has been surveyed for nesting birds, desert tortoise, desert wildlife and has been cleared by the Project Biologist.
- If any species of concern are observed during construction activities, all work shall immediately cease, and the Project Biologist shall be immediately notified. Work shall not resume until clearance is given by the Project Biologist.
- This project must employ all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) during construction, and these must be incorporated into the project specifications. Prior to the start of construction all drain inlets must be protected with BMPs to prevent construction materials and debris from entering drainages. Therefore, this project has very little potential to create water quality impacts. Temporary construction BMPs that may be required include wind erosion control, sediment tracking control, street sweeping and vacuuming, stabilized construction roadway, spill prevention control, solid waste management, hazardous waste management, sanitary/septic waste management, material delivery and storage, material use, vehicle and equipment cleaning, vehicle and equipment fueling, and vehicle maintenance.
- All pollution and litter laws and regulations shall be followed by the Contractor and all personnel on site.
- If the project scope should change for any reason, the Project Biologist shall be notified to determine whether current environmental documentation is adequate.

#### **BIO-2: Avoidance and Minimization Efforts/Compensatory Mitigation**

- Pre-construction surveys must be conducted between fourteen (14) and thirty (30) days prior to vegetation clearing, earthwork and ground disturbing activities.
- Biological monitors are present during vegetation clearing, earthwork and ground disturbing activities.
- Installation of desert tortoise exclusionary fencing around the construction site shall occur to prevent the entrance of surrounding wildlife present.
- Operators are to check under motorized equipment & vehicles that have been parked over night or stationary for some length of time before moving the vehicle.
- Check around material stacks & units that have been stored in the open before moving them.
- Visually check around the work area for the presence of live tortoises that may have wandered into the disturbance zone. It is not intended to divert your attention from your work tasks and create a hazard for you or others on the job, but it is good practice to utilize a few seconds and visually scan the area around you when it is safe to do so.
- If a tortoise is present, all work and any activities that could harm the tortoise is to stop and the Lead Engineer or other designated person, is to be contacted to have the tortoise safely removed.
- If a Desert Tortoise is found within the job site and needs to be relocated, then all work will stop until an Incidental Take Permit is acquired.

**BIO-3: Desert Tortoise**

- If a desert tortoise is required to be removed from the construction area, a Take Permit shall be acquired from the California Department of Fish and Wildlife prior to handling of the desert tortoise by a certified biologist.

**BIO-4: Exclusionary Fencing**

- Immediately following installation of exclusionary fencing around the construction site a clearance survey shall be conducted by a certified biologist.

**BIO-5: Exclusionary Fencing**

- Installation of desert tortoise exclusionary fencing shall be installed around the construction site to prevent the entrance of surrounding wildlife present. The fence shall be regularly inspected for damage during each routine on-site visit by the project onsite manager.

- b) **No Impact.** This Project would not 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 Game or United States Fish and Wildlife Service, because no such habitat has been identified or is known to exist on the Project site. There are no defined watercourses on the site. Therefore, no impacts would occur.
- c) **No Impact.** This Project would not 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 Game or United States Fish and Wildlife Service, because no such habitat has been identified or is known to exist on the Project site. There are no defined watercourses on the site. Therefore, no impacts would occur.
- d) **No Impact.** Due to the absence of sensitive biological species as described in the biological reports prepared by W.O.W. Environmental Consultants the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the Project site. Therefore, no impacts would occur.
- e) **Less than Significant Impact.** The proposed Project will impact no more than 27.2 acres of creosote scrub. Upon implementation of the proper avoidance measures provided herein there will be minimal effects to sensitive biological and natural resources listed under the Endangered Species Act. Construction occurring outside of the paved roadway will only take place in areas previously disturbed and maintained by Caltrans. Based on literature review and survey results, it has been concluded that the proposed project will result in minimal to no effects to special status species, including state or federal endangered and/or state or federal threatened species. There will be no effects on any sensitive plant communities or designated critical habitat because of this project location. No resource agency permits are anticipated because of this project. Therefore, impacts would be less than significant.
- f) **No Impact.** This Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plans have been adopted around the Project site. Therefore, no impacts would occur.

**Therefore, upon incorporation of Mitigation Measures BIO-1 and BIO-2 impacts would be reduced to less than significant.**

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

**SUBSTANTIATION:** (Check if the project is located in the Cultural  or Paleontological Resources overlays or cite results of cultural resource review):  
**Cultural Resources Assessment in Support of the Minneola Solar Project, June 26, 2023, BioCultural LLC; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; San Bernardino Countywide Plan, 2020; Submitted Project Materials**

- a) **Less than Significant Impact.** BioCultural LLC conducted a cultural resource assessment of the 91.9-acre (APN 052-105-108) Project Study Area included research and review of relevant, historic maps, records search results from the South-Central Coastal Information Center (SCCIC), Sacred Land File (SLF) results from the Native American Heritage Commission (NAHC), and an intense pedestrian survey of the Project Study Area. The result of this assessment concluded that two previously recorded historical sites are located within the Project Area. The historical sites were found and updated. BioCultural LLC archaeologists recorded, evaluated, and provided recommendations for one large historic archaeological refuse scatter P-36-026512 (CA-SBR-16781H) and two new concentrations part of site P-36-010627 (CA-SBR-10627H) were recorded. No resources were collected. The historic archaeological refuse scatter site P-36-026512 (CA-SBR-16781H) was evaluated using CRHR eligibility criteria to determine whether it constitutes eligible historical resources under CRHR as required under CEQA. Based on the surficial review of archaeological materials present, this site is recommended not eligible for CRHR under any criteria. Historic Concentrations 1 and 2 are part of site P-36-010627 (CA-SBR-10627H) which is already recommended eligible for CRHR under Status Code 3D. BioCultural LLC also concluded the concentrations part of site P-36-010627 (CA-SBR-10627H) are non-contributing components to the significance of the historic district and have lost any direct historic integrity. However, concentrations 1 and 2 do have integrity of association and setting as they are directly related to the Barstow-Daggett Airport Historic District. Should additional information be identified during subsurface excavation for the Project, such findings would require additional review and consideration for CRHR eligibility. Mitigation Measures have been recommended to reduce any potential disruption to cultural resources. According to the completed research there will be no historical loss at this site. Therefore, less than significant impacts would occur.

- b) **Less than Significant Impact with Mitigation.** The cultural resources assessment resulted in the identification of two previously recorded historic archaeological sites P-36-026512 (CA-SBR-16781H) and P-36-010627 (CA-SBR-10627H) within the Project Study Area during the CHRIS in-person records search at SCCIC. Both sites P-36-026512 (CASBR-16781H) and P-36-010627 (CA-SBR-10627H) were relocated during the pedestrian survey activities. Site P-36-026512 (CA-SBR-16781H) was found to extend to a large historical refuse scatter composed of five large continuing material concentrations from 1914 to Post-1945 lumped together as no clear gaps between materials were observed. The extended and updated site P-36-026512 (CA-SBR-16781H) was evaluated using CRHR eligibility criteria to determine whether the site constitutes an historical site under CEQA. The archeological site lacks potential for significant subsurface deposits and was determined to retain no further research potential beyond recording its location and attributes, which has been completed. However, the potential to encounter buried cultural materials during the grading in the Project site is feasible. Site P-36-010627 (CA-SBR-10627H) was found to have new 1940's WWII perimeter fencing materials which were recorded as Concentration 1 and Concentration 2. Site P-36-010627 (CA-SBR-10627H) has been previously recommended eligible as a whole under Status Code 3D, but the newly recorded Concentration materials have non-contributing components to the significance of the historic district and have lost any direct historic integrity. Both Concentrations have integrity of association and setting as they are directly related to the Barstow-Daggett Airport Historic District.

BioCultural LLC recommends the following mitigation measures (**CUL-1-5**) to be adopted and implemented by the Project proponent and the lead agency to reduce any potential disruption to cultural resources.

- c) **Less than Significant Impact with Mitigation.** The Project area is located in the vicinity of Native American ancestral lands. Therefore, sensitivity for undocumented subsurface resources related to Native American Tribal cultural heritage within the Project area may be inferred. Compliance with mitigation measures described below, and site monitoring would reduce impacts to the inadvertent discovery of human remains to less than significant.

### **Mitigation Measures:**

**CUL-1:** Prior to construction of the proposed Project, a qualified archaeological monitor with relevant San Bernardino County experience and who will work directly under the direction of a Secretary of the Interior's (SOI) professional archaeologist, shall be retained by the Project proponent. If resources cannot be avoided, an Archaeological Management Plan shall be prepared to establish procedures for monitoring.

**CUL-2:** Initial construction-related ground disturbances activities associated with the development of the Project shall be monitored by an archaeologist.

**CUL-3:** The Project archaeologist may, at their discretion, terminate monitoring if no subsurface cultural resources have been detected. If buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor will have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct subsurface testing (Phase II), as indicated in the Archaeological Management Plan. A research design associated with such work must be written before any subsurface fieldwork begins. The Plan shall include a description of how and where artifacts will be curated. Impacts to the resource must take place either through avoidance or a Phase 3 excavation. Should any prehistoric or tribal cultural resources be identified

within the Project Area, Native American consulting parties shall be contacted regarding the disposition and treatment of the resource(s).

**CUL-4:** In the event unanticipated human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to CEQA, Section 15064.5(e), State of California Health and Safety Code Section 7050.5 and PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the Coroner determines that the human remains are of Native American in origin, then the Coroner shall notify the NAHC, who is responsible for identifying and notifying the Native American most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and make recommendations regarding the treatment and disposition of human remains and items associated with Native American burials. If an agreement regarding disposition of human remains between the MLD and the Landowner or a MLD cannot be identified the landowner shall comply with the disposition and documentation required as defined by PCR 5097.98 Section (e).

**CUL-5:** In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.

**Therefore, upon incorporation of Mitigation Measures CUL-1 through CUL-5 impacts would be reduced to less than significant.**

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

***SUBSTANTIATION: San Bernardino Countywide Plan 2020; Renewable Energy and Conservation Element of the General Plan 2020; California Energy Commission Title 24***

- a) **Less than Significant Impact.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays per the County of San Bernardino. The proposed Project would rely on outside energy sources during construction in the form of diesel and gasoline.

**Construction:**

Grading	1.8 Gallons/hour	50 Hours	90 gallons of diesel
Pile Driver	2.0 Gallons/hour	100 hours	200 gallons of diesel
<b>Total</b>		<b>150 hours</b>	<b>290 Gallons</b>

Vendor Trucks	2,000 miles	9 MPG	223 Gallons of Diesel
Worker Vehicles	5,000 miles	18 MPG	278 Gallons of Gasoline
<b>Total</b>	<b>7,000 miles</b>	<b>223 Diesel</b>	<b>278 Gasoline</b>

Construction of the Project would result in fuel consumption from the use of construction tools and equipment, vendor and haul truck trips, and vehicle trips generated from construction workers traveling to and from the site. There are no unusual Project characteristics that would cause the use of construction equipment that would be less energy efficient compared with other similar construction sites within the County of San Bernardino. Therefore, construction-related fuel consumption by the Project would not result in inefficient, wasteful, or unnecessary energy use compared with other construction sites in the region, and impacts would be less than significant.

**Operational Yearly Values:**

Vendor Trucks	750 miles	9 MPG	84 Gallons of Diesel
Maintenance Worker Vehicles	4,500 miles	18 MPG	250 Gallons of Gasoline
<b>Total</b>	<b>1,500 miles</b>	<b>84 Diesel</b>	<b>250 Gasoline</b>

Site operation is minimal, calculations above include six maintenance workers visiting the site about 15 times a year averaging 50 miles roundtrip and water trucks visiting the site about 15 times a year averaging a 50-mile round trip. Therefore, operational-related fuel consumption by the Project would not result in inefficient, wasteful, or unnecessary energy use compared with other solar sites in the region, and impacts would be less than significant.

- b) **Less than Significant Impact.** The County of San Bernardino adopted a Renewable Energy and Conservation Element (RECE) as part of the County's General Plan dated October 27, 2020. The proposed Project would be required to meet Title 24 Energy Efficiency requirements. Adherence would ensure that the Project would not conflict with or obstruct the recently adopted RECE or any other state or local plan for renewable energy or energy efficiency.

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

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<i>Issue</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII. GEOLOGY AND SOILS - Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check  if project is located in the Geologic Hazards Overlay District): **San Bernardino Countywide Plan 2020, Hazards Policy Map: HZ-1 Earthquake Fault Zones, Map: HZ-2 Liquefaction and Landslides, Map: HZ-11 Wind Erosion Hazards; California Department of Conservation Earthquake Zones of Required Investigation Submitted Project Materials; California Building Code; Public Resources Code.**

- a) i) **Less than Significant Impact.** The Project site is not located within an official earthquake fault zone, based on the County of San Bernardino General Plan Hazards Policy Map, HZ-1 *Earthquake Fault Zones*, the Calico-Hidalgo fault zone is the closest to the site at 3.7 miles. However, all of Southern California is subject to major earthquake activity. In terms of proximity to an active fault the impact would be considered less than significant.
- ii) **Less than Significant Impact.** The subject property is within an area that is subject to severe ground shaking due to various faults in the region, as is most of Southern California. There would be a less than significant impact on the unmanned facility as no buildings are proposed. It is acknowledged that solar arrays could sustain damage from a moderate earthquake and would be replaced.
- iii) **No Impact.** According to desktop GIS analysis the Project site is not located in an area of high liquefaction susceptibility, based upon a review of the County's Hazard Mapping program, Parcels & Permits. However, compliance with California Building Code Seismic Design Standards, Chapter 16: *Structural Design* and the fact the facility is unmanned, would minimize potential effects, and assure no impact would occur due to liquefaction.
- iv) **No Impact.** The Project site is generally level and is not close to any hillsides, foothills or mountains that could have the potential to slide during a ground disturbing event such as an earthquake. Therefore, no impacts are identified or anticipated.
- b) **Less than Significant Impact.** The proposed Project is within a High Erodibility zone according to the County of San Bernardino General Plan Hazards Policy Map: HZ-11 *Wind Erosion Hazards*. Near surface sandy soils may be subject to water erosion. Drainage should be provided around the perimeter of all structures and all foundations to guide water away from support posts or transformers and toward streets or approved drainage devices to minimize water infiltrating into the underlying natural and engineered fill soils. During grading, water will be used for dust control and in effect aid in controlling wind erosion. Erosion control plans and grading plans would be required to be submitted, approved, and implemented for the proposed development. Therefore, a less than significant impact would occur.
- c) **Less than Significant Impact.** The Project is not 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 San Bernardino General Plan Hazards Policy Map, HZ-2 *Liquefaction and Landslides*. Therefore, a less than significant impact would occur.

- d) **Less than Significant Impact.** The Project site is not located in an area that has been identified by the County Building and Safety Geologist as having the potential for expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. According to the Natural Resources Conservation Service, the soils present are Cajon Sand 72.5%, Cajon Loamy Sand 3.4%, and Kimberlina Loamy Fine Sand 24.1%, which have a minimal amount of clay and would not be considered expansive. Therefore, a less than significant impact would occur.
- e) **No Impact.** As an unmanned facility no septic or alternative wastewater treatment systems are proposed. Therefore, no further study of onsite soils for this purpose is necessary and no impact would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** *Air Quality/Greenhouse Gas Study for Minneola Solar Project, Elevated Entitlements, July 14, 2020; California Emissions Estimator Model (CalEEMod; Version 2016.3.2); Mojave Desert Air Quality Management District 2017 (MDAQMD); County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011; San Bernardino Countywide Plan, 2020; Submitted Project Materials*

- a) **Less Than Significant Impact.** Construction of the Project would generate GHG emissions and maximum daily emissions as displayed in Table 2 below. The Project's construction emissions would be below the MDAQMD's daily GHG threshold of 548,000 lbs. Therefore, the project would generate GHG emissions that are less than significant.

Construction Activities: During construction of the Project, GHGs would be emitted through the operation of construction equipment and from worker and vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs (e.g., CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O). Furthermore, Methane (CH<sub>4</sub>) is emitted during the fueling of heavy equipment. Construction activities would be of a limited time duration.

Gas, Electricity, and Water Use: Natural gas use results in the emission of two GHGs: CH<sub>4</sub> (the major component of natural gas) and CO<sub>2</sub> (from the combustion of natural gas).

Electricity use can result in GHG production if the electricity is generated by combustion of fossil fuel. California's water conveyance system is energy intensive. Water-related electricity use is 48 terawatt hours per year and accounts for nearly 20 percent of California's total electricity consumption. Based upon the limited construction period and use of the site for a solar facility, gas, electricity, and water use would be minimal during its construction and operation.

**Solid Waste Disposal:** Solid waste generated by maintenance workers or project repairs would contribute to minimal GHG emissions during construction of the facility. During operation, the unmanned solar facility would require the disposal of minimal solid waste, if, for example, some solar panels needed to be replaced.

**Motor Vehicle Use:** During construction, transportation associated with the proposed Project would result in GHG emissions from the combustion of fossil fuels from automobile and truck trips. During operation, as an unmanned facility, these emissions would be minimal and only necessary during the cleaning, periodic repair work, or replacement of the panels.

Construction is estimated to start in 2024 and would take approximately three months to complete. Greenhouse gas (GHG) emissions resulting from the construction and operation of the Project were developed using the CalEEMod California Emissions Estimator Model. The applicant estimated the Project construction activities would occur over a three-month period, while the operational Project life is estimated at 30 years. The total Project related annual GHG emissions were determined to be 97.43 metric tons over 30 years, which would not exceed the adopted threshold of 3,000 metric tons carbon dioxide equivalent per year (MTCO<sub>2</sub>e/yr), or 548,000 lbs/day. As shown in **Table 2** below the temporary construction activities for the Project would not exceed the MDAQMD thresholds. These Project GHG emissions are consistent with the County of San Bernardino's September 2021 Greenhouse Gas Reduction Plan and would present a less than significant impact for GHG emission.

<b>Table 2: Greenhouse Gas (CO<sub>2</sub>) lbs/day</b>	
Project Construction Emissions	35,290
MDAQMD Threshold <sup>1</sup>	548,000
Exceeds Threshold	<b>No</b>
<sup>1</sup> Source: <a href="https://www.mdaqmd.ca.gov/home/showdocument?id=538">https://www.mdaqmd.ca.gov/home/showdocument?id=538</a>	

**Operational Activities:** Mobile source emissions of GHGs would include Project-generated vehicle trips associated with on-site facilities and customers/visitors to the Project site. As proposed the Project would be an unmanned solar facility, with no customer visits to the site. Any operation and maintenance employees that would be required to visit the site would be minimal, resulting in a negligible amount of mobile source emissions of GHG.

- b) **No Impact.** A project’s incremental contribution to a cumulative Greenhouse Gas (GHG) effect is not cumulatively considerable if the Project complies with the requirements in a previously adopted plan or mitigation program. In 2021, the County adopted the GHG Emissions Reduction Plan, and in 2016, the County adopted the GHG Development Review Process (DRP). The GHG Emissions Reduction Plan qualifies as a plan for the reduction of GHG emissions pursuant to the State CEQA Guidelines, and the DRP is a guideline for the GHG Emissions Reduction Plan. The DRP identifies local GHG performance standards that need to be applied to the Project.

The proposed Project would be a net generator of clean, renewable energy that would reduce GHG emissions associated with generation of electricity from fossil fuels at other power plants. As a renewable energy generator, the proposed Project would be consistent with state goals in AB 32 and 2017 Scoping Plan for reducing GHG emissions from fossil fuel sources, as well as support meeting Renewable Portfolio Standard requirements. The proposed Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. As an unmanned solar facility that would produce negligible emissions, the Project would be consistent with the GHG Emissions Reduction Plan, and no significant impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

the project area?

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

***SUBSTANTIATION: San Bernardino Countywide Plan, 2020, Hazards Policy Maps; San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, July 13, 2017; Submitted Project Materials***

a) **Less than Significant Impact.** The construction phase of the Proposed Project may include the transport, storage, and short-term use of petroleum-based fuels, lubricants, and other similar materials. The transport of hazardous materials by truck is regulated by federal safety standards under the jurisdiction of the U.S. Department of Transportation. The oil contained in each transformer would be FR3 fluid, vegetable based, environmentally benign and does not require regular replacement. If needed, replacement would be accomplished by either transporting the entire transformer off-site or by transferring the FR3 fluid to a tanker truck for transport off-site. Oil disposal would be managed in accordance with the Department of Toxic Substances Control hazardous waste regulations.

The PV panels may include solid materials that are considered to be hazardous. Because such materials are in a solid and non-leachable state, broken PV panels would not be a source of pollution to stormwater.

Compliance with federal, state, and local closure requirements, the Project would have a less than significant impact on the public or the environment. A decommissioning plan when the facility reaches its end of life per San Bernardino County Development Code Section 84.29.070 *Decommissioning Requirements* would be required. Therefore, less than significant impacts would occur.

b) **Less than Significant Impact.** Replacement of the transformer oil is not a maintenance item and thus would only occur in the case of repair; in such an instance transformer oil will be properly disposed of and carefully removed. PV panels will be inspected during maintenance thus any damaged panels will be replaced quickly. Furthermore, the hazardous materials in the PV panels are solid and non-leachable. Thus, the Project would have a less than significant impact to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The use and storage of all hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. Therefore, less than significant impacts would occur.

c) **Less than Significant Impact.** The nearest schools are more than eight (8) miles to the east in the City of Adelanto. Emissions and handling of hazardous or acutely hazardous materials, or substances, would have a less than significant impact on any existing or proposed schools that are within a quarter mile from the Project site. Therefore, less than significant impacts would occur.

- d) **No Impact.** The Project site is not included on the San Bernardino County list of hazardous materials sites, compiled pursuant to Government Code 65962.5. Therefore, the Project would not create a significant hazard to the public or environment.
- e) **No Impact.** The proposed Project is within a mile of Barstow-Daggett Airport and approximately forty-two (42) miles east of the Southern California Logistics Airport. The Project site and is not located within an adopted Airport Land Use Plan or within two miles of a public use airport. However, the proposed Project would not result in a safety hazard for people residing or working in the Project area due to Solar Facilities generating no noise during operation. As a result, no impacts would occur.
- f) **No Impact.** The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the Project will only have 6-8 personnel on site about 15 times per year. The Project is also located off an interior road and will not be adding any traffic to the area. Therefore, no impacts would occur.
- g) **No Impact.** The Project site is over 20 miles away from the nearest fire hazard area. Being an unmanned facility in a sparsely populated desert location, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, no impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv. impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:** *Preliminary Drainage Study, Minneola Solar Project, Merrell Johnson, June 2, 2023; San Bernardino Countywide Plan, 2020; Submitted Project Materials*

- a) **No Impact.** This is an unmanned facility with no requirement for water service or an on-site wastewater treatment system. As such, the Project would not violate any water quality standards or waste discharge requirements. Therefore, no impacts would occur.
  
- b) **No Impact.** The Project is not proposing onsite water usage. As such, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, because the Project is not proposing on site water usage. Any water used on site will be trucked in. Therefore, no impacts would occur.



- c) **Less than Significant Impact.** The proposed Project site is located within the high desert region of San Bernardino County and is on the southwest end of the expansive Mojave Desert. The nearby City of Adelanto adopted a Drainage Master Plan Update, prepared by So & Associates Engineers, Inc. in May of 2012. However, the Project site is located to the west of the study watershed limits and is not a part of the latest City's Master Plan update. Mapping and topography were developed from 2,000 scale (7.5 minute) USC&GS quadrangle maps of the entire tributary area to the project site.

A Preliminary Drainage Study was prepared utilizing Geographical Information System (GIS) level site topography along with a conceptual site layout as the basis of design. The Project site is not affected by United States Geological Survey (USGS) mapped blue line streams. The Project site is located in an undefined floodplain with an extensive tributary area. Since no on-site grading is proposed, the proposed Project would not increase the pre-development runoff flowrate. The proposed Project layout maintains the low flow of the main natural drainage course traversing the Project site unoccupied and obstructed. Based on the approved drainage study prepared by Merrell-Johnson the Project would not:

- i. Result in substantial erosion or siltation on- or off-site.
- ii. Increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite as the solar panels are elevated above the surface of the ground allowing movement of any run-off below.
- iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff.
- iv. Impede or redirect flood flows.

Therefore, less than significant impacts would occur.

- d) **No Impact.** Based on existing site conditions, and proposed Project activities, the Project would not substantially alter any existing drainage pattern of the site or area, which includes altering of the course of a stream or river, or creating a substantial increase in the rate or amount of surface runoff in a manner which would result in flooding on or off-site. Therefore, no impacts would occur.
- e) **No Impact.** No grading is proposed as part of Project activities, as such there would be little to no alteration in the natural drainage of flows on site. There would be adequate capacity in the dirt culvert to the south of the property, so that downstream properties are not negatively affected by any increases or changes in volume, velocity or direction of storm water flows originating from or altered by the Project. Since there will be no paving and no leaching of chemicals possible from panels or transformers, water quality would not be affected by the proposed site. Therefore, the proposed Project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. Therefore, no impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING - Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

***SUBSTANTIATION: San Bernardino County General Plan, 2020; Submitted Project Materials***

- a) **No Impact.** The Project would not physically divide an established community, because the Project is in an area of large vacant parcels with no anticipated residential development proposed for the foreseeable future. There are scattered single family residences within a mile of the proposed Project, but the Project would not cause a physical division of an established community. Therefore, no impacts would occur.
- b) **No Impact.** The Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect, because the Project is consistent with all applicable land use policies and regulations of the County Development Code and General Plan. The Project complies with all hazard protection, resource preservation, and land-use-modifying Overlay District regulations. Therefore, no impacts would occur.

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

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

**SUBSTANTIATION:** (Check  if project is located within the Mineral Resource Zone Overlay): **San Bernardino Countywide Plan, 2020, Policy Map NR-4 Mineral Resource Zones; Submitted Project Materials; California Department of Conservation: Mineral Land Classification Maps**

- a) **No Impact.** The Project site is not located within a Mineral Resources Zone within San Bernardino County, based upon a review of Policy Map NR-4 *Mineral Resource Zones* map. The closest mineral resources and/or mines are approximately five (5) to six (6) miles to the north and west, respectively and would not interfere with current mining operations. Therefore, no impacts would occur.
- b) **No Impact.** The Project site lies between five (5) and six (6) miles from any sites where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood of their presence exists. As such, the proposed Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, no impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIII. NOISE - Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:** (Check if the project is located in the Noise Hazard Overlay District or is subject to severe noise levels according to the General Plan Noise Element  ): **San Bernardino Countywide Plan, 2020; Submitted Project Materials**

- a) **No Impact.** During construction the project will stay below 80 dBA withholding section 3.11 of the San Bernardino General Plan. The Project site consists of an unmanned community PV solar facility and would not generate ambient noise levels in the area that would violate the San Bernardino Development Code, or General Plan Noise Element. Therefore, no impacts would occur.
- b) **No Impact.** As an unmanned facility, the Project would not expose persons to or generate excessive ground borne vibration or ground borne noise levels. The Project is required to comply with the vibration standards of the County Development Code. No vibration exceeding these standards is anticipated to be generated, based upon the types of improvements proposed by the Project. Therefore, no impacts would occur.
- c) **No Impact.** The proposed Project is within a mile of Barstow-Daggett Airport, but not within an airport land use plan area. However, Photovoltaic solar and their equipment do not produce any noise or ground borne vibration.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XIV. POPULATION AND HOUSING - Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- a) **Less than Significant Impact.** The Project would not induce population growth in an area either directly or indirectly. Construction of the project is not expected to exceed 3 months thus not requiring any extended housing for workers. As an unmanned photovoltaic solar facility, the Project is not expected to induce population growth or the development of new homes or roads.
- b) **No Impact.** The proposed Project would not displace any housing units, necessitating the construction of replacement housing, because the subject property is vacant, and no

housing units would be demolished because of this proposal. Therefore, no impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES</b>				

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

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: San Bernardino County General Plan, 2020; Submitted Project Materials***

- a) **Less than Significant Impact.** The Project would not 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, or the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire (Daggett Fire Station is approximately 9.4 miles to the west) and police protection (Barstow Sheriff's Station approximately 14.5 miles to the west), schools, parks, or other public facilities. Since the facility is unmanned and has a short construction time there will be no impact on schools, parks, or other public facilities. The proposed Project would increase property tax revenues to provide a source of funding that is sufficient to offset any increases in the anticipated demands for public services generated by this Project. Therefore, less than significant impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVI. RECREATION:</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

- a) **Less than Significant Impact.** The Project being an unmanned facility would not 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. Therefore, less than significant impacts would occur.
- b) **Less than Significant Impact.** The Project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, because the proposed Project does not include new housing or the need for new housing. Therefore, less than significant impacts would occur.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- d) Result in inadequate emergency access?

**SUBSTANTIATION: San Bernardino County General Plan, 2020; Submitted Project Materials**

- a) **Less than Significant Impact.** As an unmanned solar facility, the Project would not cause an increase in traffic. Local roads would only be impacted during temporary construction and maintenance activities occurring about 15 times per year. Therefore, impacts would be less than significant.
- b) **Less than Significant Impact.** As an unmanned solar facility, the Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b). The periodic maintenance activities would result in a negligible increase in vehicle miles traveled (VMT). Therefore, impacts would be less than significant.
- c) **No Impact.** The Project would not substantially increase hazards due to a design feature or incompatible uses, because the Project site is adjacent to an established road that would be accessed at points with good site distance and properly controlled intersections. There are no incompatible uses proposed by the Project that would impact surrounding land uses. Therefore, no impacts would occur.
- d) **Less than Significant Impact.** The Project is designed to allow emergency vehicle access onto the site using a Knox box entry feature. Adequate ingress and egress points including turnaround areas, perimeter roads, and interior roads between panel rows, are of adequate width to meet County Fire Department requirements. Therefore, a less than significant impacts would occur.

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

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

- a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision

(c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

***SUBSTANTIATION: Cultural Resources Assessment in support of the Minneola Solar Project, Newberry Springs, BioCultural LLC June 2023; San Bernardino Countywide Plan, 2020; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials***

Assembly Bill (AB) 52 took effect on July 1, 2015. AB 52 requires a lead agency to make its best efforts to avoid, preserve, and protect tribal cultural resources. Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and Project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Public Resources Code section 21082.3(c) also contains provisions specific to confidentiality.

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

Tribal consultation request letters were sent to the San Manuel Band of Mission Indians (SMBMI), Morongo Band of Mission Indians (Morongo), Colorado River Indian Tribes (CRIT), Fort Mohave Indian Tribe (FMIT), and Twenty-Nine Palms Band of Mission Indians. Response letters were received from SMBMI, and Morongo. The Letters from SMBMI and Morongo expressed concerns regarding the potential for inadvertent discovery of human remains and other archaeological/tribal cultural resources on-site, and proposed mitigation measures in the form of standard language which is included in *Sections V. Cultural Resources, and XVIII. Tribal Cultural Resources* of this document as well as the conditions of approval for the Project. Archaeological/tribal monitoring was also requested by both the San Manuel and Morongo tribes. The CRIT, FMIT, and Twenty-Nine Palms Band of Mission Indians did not respond to the County's consultation letters.



- i) **Less than Significant Impact with Mitigation Incorporated.** The South-Central Coastal Information Center received a records request from the applicant and County for the Project area located on the Yermo USGS 7.5' quadrangle. Records search for the Project area and a 1-mile radius were provided and included a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest, the California Historical Landmarks (CHL), the California Register of Historical Resources (CAL REG), the National Register of Historic Places (NRHP), and the California State Historic Properties Directory (HPD) listings were reviewed for the Project site and a 1-mile radius.

The Project site was surveyed on May 22, 2023. The previously recorded archaeological sites P-36-026512 (CA-SBR-16781H) and P-36-010627 (CA-SBR-10627H) were recorded. Site P-36-026512 (CA-SBR-16781H) was relocated and found to expand and be larger than previously recorded. Site P-36-010627 (CA-SBR-10627H) was recorded as two perimeter reinforced barbed wire with roll wire fencing concentrations (Concentration 1 and Concentration 2). Site P-36-026512 (CA-SBR-16781H) was evaluated using CRHR eligibility criteria to determine whether they constitute historical resources under CEQA. The historical site was found not eligible for the CRHR under any criteria for listing on the CRHR. Site P-36-010627 (CA-SBR-10627H) is already eligible under Status Code 3D - eligible for National Register as a contributor to a National Register eligible district through survey evaluation. Archaeological monitoring shall be required for both archaeological sites in the initial construction-related ground disturbances activities. If any evidence of cultural resources is discovered, all work within the vicinity of the find shall stop until a qualified archaeological consultant can assess the find and make recommendations. Excavation of cultural resources shall not be attempted by Project personnel. The Project applicant shall consult with the Native American Heritage Commission (NAHC) to identify if any additional traditional cultural properties or other sacred sites are known to be in the area. The NAHC shall also refer the Project proponent to local tribes with particular knowledge of potential sensitivity. Archaeological/tribal monitoring was also requested by both the San Manuel and Morongo tribes. The Colorado River Indian Tribes, Fort Mojave Indian Tribe, and Twenty-Nine Palms Band of Mission Indians did not respond to the County's consultation letters.

- ii) **Less than Significant Impact with Mitigation Incorporated.** The Project proponent shall consider the significance of any possible resource to a California Native American tribe. With implementation of TCR-1 and 2 mitigation and monitoring requested by tribes with ancestral interest in the Project area, the impact would be reduced to a less than significant level.

## **Mitigation Measures**

### **TCR-1: Treatment of Tribal Cultural Resources**

If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended sixty (60) feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.

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

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

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

## **TCR-2: Inadvertent Discoveries of Human Remains/Funerary Objects**

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

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

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

**Therefore, upon incorporation of Mitigation Measures TCR-1 and TCR-2 impacts would be reduced to less than significant**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION: County of San Bernardino Countywide Plan 2020; Submitted Project Materials***

a) **No Impact.** As an unmanned solar facility, the proposed Project does not propose the use of wastewater treatment, natural gas or telecommunications facilities. Storm water will not be affected by this site due to the lack of impermeable ground coverage. As an electrical generation facility, it would aid in reducing the demand for the current electrical facility. Therefore, no impacts would occur.

b-c) **No Impact.** The proposed Project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The proposed Project is an unmanned solar facility with no water or wastewater facilities proposed. The Project would utilize water for dust control during construction as well as for washing the panels. However, the amount of water to be used shall have little to no impact on the water basin. Therefore, no impacts would occur.

- d) **No Impact.** The proposed Project is unmanned thus creating minimal solid waste. Any solid waste from construction or maintenance crews will be removed and properly disposed of off-site. Therefore, no impacts would occur.
  
- e) **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 demonstrate adequate handling of waste materials; disposal, reuse, or recycling as required by the County Department of Public Works Solid Waste Management Department. Therefore, impacts would be less than significant.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION: County of San Bernardino Countywide Plan 2020, Hazards Policy Map HZ-5 Fire Hazard Severity Zones; Submitted Project Materials**

- a) **No Impact.** The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan. The Project does not block any road access or major roadways. During the operation, only 6-8 employees are expected to be on site roughly 15 times a year. In the case of an evacuation, roadways would not be disturbed or impacted due to solar facility employee evacuation numbers. Therefore, no impacts would occur.
- b) **Less than Significant Impact.** The proposed Project is within an area designated Moderate, on the Countywide Plan Policy Map HZ-5 *Fire Hazard Severity Zones*. The subject parcel is within a sparsely populated area of the desert surrounded by vacant land. Construction of the solar site and panels includes leveling, driving structural poles into the ground and connecting transformers to the system. These activities would not exacerbate the potential of wildfire. Implementation of the proposed Project would not cause a significant impact due to slope, prevailing winds, and other factors, exacerbate wildfire risks, thereby exposing Project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire. Therefore, less than significant impacts would occur.

- c) **Less than Significant Impact.** The proposed Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities). As part of Project approval, road improvements including a 35-foot radius return grant of easement at the intersection of Minneola Road and Chloride Road. The Project will also include a 26-foot-wide access road within 40 feet of right-of-way, and designed to County standard 114b that ties into maintained paved public road. The Project is not expected to exacerbate fire risks that result as part of temporary construction or ongoing operations. Therefore, less than significant impacts would occur.
- d) **No Impact.** The proposed Project will not modify the drainage on the site and is surrounded by vacant land. Furthermore, there is a drainage culvert just south of the site which would collect any potential water. Thus, the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, because of runoff, post-fire slope instability, or drainage changes. Therefore, no impacts would occur.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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**XXI. MANDATORY FINDINGS OF SIGNIFICANCE:**

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?

a) **Less than Significant Impact with Mitigation.** The Project does not have the potential to significantly degrade the overall quality of the region’s environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

There are identified historic cans that will be conserved. However, there are no prehistoric resources identified on this site based on field surveys conducted by Biocultural in June 2023. No archaeological or paleontological resources have been identified in the Project area. Impacts to Cultural or Tribal Cultural Resources due to inadvertent discoveries during Project development would be reduced to a less than significant level with the implementation of mitigation measures recommended in the Cultural Resources **(CUL-1 through 5)**, and Tribal Cultural Resources **(TCR-1, and TCR-2)**.

b) **No Impact.** The Project does not have impacts that are individually limited, but cumulatively considerable. The proposed Project does not have individually significant or notable impacts that would result in cumulatively significant impacts. Projects in the area to which this Project could add cumulative impacts, have either been planned or would utilize existing infrastructure that is sufficient for all planned uses and would not cause significant environmental impacts that are not mitigated.



- c) **No Impact.** The Project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, as there are no such impacts identified by the studies conducted for this Project or identified by review of other sources or by other agencies.

All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the Project would be required to meet the conditions of approval for the Project to be implemented. It is anticipated that all such conditions of approval would further ensure that no potential for adverse impacts would be introduced by construction activities, initial or future land uses authorized by the Project approval.

### **All Mitigation Measures:**

#### **BIO-1: Avoidance and Minimization Efforts/Compensatory Mitigation**

- A certified Biologist must be notified two weeks prior to construction so that preconstruction surveys may be conducted.
- The Biologist must be invited to the pre-construction meeting with one-week prior notice.
- The use of invasive species, per the California Department of Agriculture list will not be allowed on this project, and the use of native species, such as creosote bush (*Larrea tridentata*) and white bur-sage (*Ambrosia dumosa*) will be maximized, to reduce environmental impacts and increase environmental benefits of the project.
- When vegetation removal is needed, it is recommended that all vegetation removal occur outside of bird nesting season (Bird nesting season is February 1st through September 1st). In the event that nesting birds are observed, the Contractor shall pause work until a qualified biologist has determined that fledglings have left the nest. If this is not possible, the contractor shall coordinate with the Project Biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). If nesting bird(s) are discovered, then the Project Biologist will recommend a buffer of 150 ft. for songbirds and a buffer of 500 ft. for raptors during all phases of construction. Nesting birds are protected under the MBTA and cannot be impacted by construction activities, including but not limited to noise, dust pollution, and habitat disturbance.
- No work should commence until the vegetation to be removed has been surveyed for nesting birds, desert tortoise, desert wildlife and has been cleared by the Project Biologist.
- If any species of concern are observed during construction activities, all work shall immediately cease, and the Project Biologist shall be immediately notified. Work shall not resume until clearance is given by the Project Biologist.
- This project must employ all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) during construction, and these must be incorporated into the project specifications. Prior to the start of construction all drain inlets must be protected with BMPs to prevent construction materials and debris from entering drainages. Therefore, this project has very little potential to create water quality impacts. Temporary construction BMPs that may be required include wind erosion control, sediment tracking control, street sweeping and vacuuming, stabilized construction roadway, spill prevention control, solid waste management, hazardous waste management, sanitary/septic waste management, material delivery and storage, material use, vehicle and equipment cleaning, vehicle and equipment fueling, and vehicle maintenance.
- All pollution and litter laws and regulations shall be followed by the Contractor and all personnel on site.
- If the project scope should change for any reason, the Project Biologist shall be notified to determine whether current environmental documentation is adequate.

## **BIO-2: Avoidance and Minimization Efforts/Compensatory Mitigation**

- Pre-construction surveys must be conducted within fourteen (14) days prior but no greater than thirty (30) days prior to vegetation clearing, earthwork and ground disturbing activities.
- Biological monitors are present during vegetation clearing, earthwork and ground disturbing activities.
- Installation of desert tortoise exclusionary fencing around the construction site shall occur to prevent the entrance of surrounding wildlife present.
- Operators are to check under motorized equipment & vehicles that have been parked over night or stationary for some length of time before moving the vehicle.
- Check around material stacks & units that have been stored in the open before moving them.
  
- Visually check around the work area for the presence of live tortoises that may have wandered into the disturbance zone. It is not intended to divert your attention from your work tasks and create a hazard for you or others on the job, but it is good practice to utilize a few seconds and visually scan the area around you when it is safe to do so.
- If a tortoise is present, all work and any activities that could harm the tortoise is to stop and the Lead Engineer or other designated person, is to be contacted to have the tortoise safely removed.
- If a Desert Tortoise is found within the job site and needs to be relocated, then all work will stop until an Incidental Take Permit is acquired.

### **BIO-3: Desert Tortoise**

- If a desert tortoise is required to be removed from the construction area, a Take Permit shall be acquired from the California Department of Fish and Wildlife prior to handling of the desert tortoise by a certified biologist.

### **BIO-4: Exclusionary Fencing**

- Immediately following installation of exclusionary fencing around the construction site a clearance survey shall be conducted by a certified biologist.

### **BIO-5: Exclusionary Fencing**

- Installation of desert tortoise exclusionary fencing shall be installed around the construction site to prevent the entrance of surrounding wildlife present. The fence shall be regularly inspected for damage during each routine on-site visit by the project onsite manager.

**CUL-1:** Initial construction-related ground disturbances activities associated with the development of the Project be monitored by an archaeologist, if the resources cannot be avoided during construction.

**CUL-2:** Prior to construction of the proposed Project, a qualified archaeological monitor with relevant San Bernardino County experience and who will work directly under the direction of a Secretary of the Interior's (SOI) professional archaeologist, shall be retained by the Project proponent. If resources cannot be avoided, an Archaeological Management Plan shall be prepared to establish procedures for monitoring.

**CUL-3:** The Project archaeologist, may, at their discretion, terminate monitoring if no subsurface cultural resources have been detected. If buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor will have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct subsurface testing (Phase II), as indicated in the Archaeological Management Plan. A research design

associated with such work must be written before any subsurface fieldwork begins. The Plan shall include a description of how and where artifacts will be curated. If the site is determined to be significant through the testing process, continued impacts to the site would be considered significant and possibly unavoidable thus requiring an Environmental Impact Report. Impacts to the significance resource must take place either through avoidance or a Phase 3 excavation. Should any prehistoric or tribal cultural resources be identified within the Project Area, Native American consulting parties shall be contacted regarding the disposition and treatment of the resource(s).

**CUL-4:** In the event unanticipated human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to CEQA, Section 15064.5(e), State of California Health and Safety Code Section 7050.5 and PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the Coroner determines that the human remains are of Native American in origin, then the Coroner shall notify the NAHC, who is responsible for identifying and notifying the Native American most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and make recommendations regarding the treatment and disposition of human remains and items associated with Native American burials. If an agreement regarding disposition of human remains between the MLD and the Landowner or a MLD cannot be identified the landowner shall comply with the disposition and documentation required as defined by PCR 5097.98 Section (e).

**CUL-5:** In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.

#### **TCR-1: Treatment of Tribal Cultural Resources**

If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended sixty (60) feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. A research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.

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

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

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

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

## **TCR-2: Inadvertent Discoveries of Human Remains/Funerary Objects**

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

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

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

## **GENERAL REFERENCES**

- California Department of Conservation, California Geological Survey, Mineral Resources and Mineral Hazards
- County of San Bernardino 2020 Development Code
- County of San Bernardino Geologic Hazards Overlays
- Map County of San Bernardino Hazard Overlay Map
- County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998.
- County of San Bernardino, Countywide Integrated Waste Management Plan, March 1995.
- County of San Bernardino, Greenhouse Gas Emissions Reduction Plan, January 6, 2012.
- County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*.
- County of San Bernardino Road Planning and Design Standards.
- Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map.
- San Bernardino County General Plan, 2020.
- San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, July 13, 2017.
- San Bernardino County General Plan, 2020; Environmental Impact Report
- South Coast Air Quality Management District, CEQA Air Quality Handbook, November 1993.
- U.S. Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey. Available at <http://websoilsurvey.nrcs.usda.gov/>

## **PROJECT-SPECIFIC REFERENCES**

- Air Quality/Greenhouse Gas Study for Minneola Solar Project, Elevated Entitlements, May 30, 2023.
- Archaeological Survey of Approximately 91.9 Acres of Land for the Proposed Minneola Solar Project, BioCultural LLC, June 26, 2023
- Botanical Survey and Search for Sensitive Plants at Minneola Solar Project, W.O.W. Environmental Consultants, April 2023.
- California Historical Resources Information System, South Central Coast Information Center, California State University, Fullerton, Department of Anthropology MH-426, January 9, 2020.
- Hydrology Study for Minneola Solar, Merrell-Johnson, June 2, 2023.



Mitigation Monitoring and Reporting Program  
Initial Study/Mitigated Negative Declaration  
Minneola Solar Project

*Prepared by:*



**County of San Bernardino, Land Use Services Department**

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182  
*Contact: Oliver Mujica, Contract Planner*

**MAY 2024**

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# 1 Introduction

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

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

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

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

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## 2 Mitigation Monitoring and Reporting Program Table

**Table 1 Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<i>Biological Resources</i>				
<p><b>BIO-1: Pre-Construction Nesting Bird Survey.</b></p> <p>a) A certified Biologist must be notified two weeks prior to construction so that preconstruction surveys may be conducted.</p> <p>b) The Biologist must be invited to the pre-construction meeting, with one-week prior notice.</p> <p>c) When vegetation removal is needed, it is recommended that all vegetation removal occur outside of bird nesting season (Bird nesting season is February 1st through September 1st). In the event that nesting birds are observed, the Contractor shall pause work until a qualified biologist has determined that fledglings have left the nest. If this is not possible, the contractor shall coordinate with the Project Biologist to minimize the risk of violating the Migratory Bird Treaty Act (MBTA). If nesting bird(s) are discovered, then the Project Biologist will recommend a buffer of 150 ft. for songbirds and a buffer of 500 ft. for raptors during all phases of construction. Nesting birds are protected under the MBTA and cannot be impacted by construction activities, including but not limited to noise, dust pollution, and habitat disturbance.</p> <p>d) No work should commence until the vegetation to be removed has been surveyed for nesting birds, desert tortoise, desert wildlife and has been cleared by the Project Biologist.</p> <p>e) If any species of concern are observed during construction activities, all work shall immediately cease, and the Project Biologist shall be</p>	<p><b>Prior to issuance of Land Disturbance or Grading Permit</b></p> <p>This measure shall be implemented prior to or during initiation of construction depending on the specifications of the measure.</p> <p>Any mitigation measures that are identified shall be implemented in the time frame specified by the qualified biologist.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>immediately notified. Work shall not resume until clearance is given by the Project Biologist.</p> <p>f) This project must employ all appropriate Stormwater and Erosion Control Best Management Practices (BMPs) during construction, and these must be incorporated into the project specifications. Prior to the start of construction all drain inlets must be protected with BMPs to prevent construction materials and debris from entering drainages. Therefore, this project has very little potential to create water quality impacts. Temporary construction BMPs that may be required include wind erosion control, sediment tracking control, street sweeping and vacuuming, stabilized construction roadway, spill prevention control, solid waste management, hazardous waste management, sanitary/septic waste management, material delivery and storage, material use, vehicle and equipment cleaning, vehicle and equipment fueling, and vehicle maintenance.</p> <p>g) All pollution and litter laws and regulations shall be followed by the Contractor and all personnel on site.</p> <p>h) If the project scope should change for any reason, the Project Biologist shall be notified to determine whether current environmental documentation is adequate.</p>				
<p><b>BIO-2: <u>Pre-Construction Biological Survey.</u></b></p> <p>a) Pre-construction surveys must be conducted between fourteen (14) and thirty (30) days prior to vegetation clearing, earthwork and ground disturbing activities.</p> <p>b) Biological monitors are present during vegetation clearing, earthwork and ground disturbing activities.</p> <p>c) Installation of desert tortoise exclusionary fencing around the construction site shall occur to prevent the entrance of surrounding wildlife present.</p> <p>d) Operators are to check under motorized equipment &amp; vehicles that have been parked over night or</p>	<p><b>Prior to issuance of Land Disturbance or Grading Permit</b></p> <p>This measure shall be implemented prior to or during initiation of construction depending on the specifications of the measure.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>stationery for some length of time before moving the vehicle.</p> <p>e) Check around material stacks &amp; units that have been stored in the open before moving them.</p> <p>f) Visually check around the work area for the presence of live tortoises that may have wandered into the disturbance zone. It is not intended to divert your attention from your work tasks and create a hazard for you or others on the job, but it is good practice to utilize a few seconds and visually scan the area around you when it is safe to do so.</p> <p>g) If a tortoise is present, all work and any activities that could harm the tortoise is to stop and the Lead Engineer or other designated person, is to be contacted to have the tortoise safely removed.</p>	<p>Any mitigation measures that are identified shall be implemented in the time frame specified by the qualified biologist.</p>			
<p><b>BIO-3 Desert Tortoise</b>  <u>If a desert tortoise is required to be removed from the construction area, a Take Permit shall be acquired from the California Department of Fish and Wildlife prior to handling of the desert tortoise by a certified biologist.</u></p>	<p><b><u>During Construction Activities</u></b>  <u>This measure shall be implemented during initiation of construction depending on the specifications of the measure if necessary.</u></p>	<p><u>Project applicant and their construction contractor</u></p>	<p><u>County of San Bernardino</u></p>	
<p><b>BIO-4 Exclusionary Fencing</b>  <u>Immediately following Installation of exclusionary fencing around the construction site a clearance survey shall be conducted by a certified biologist.</u></p>	<p><b><u>During Construction Activities</u></b>  <u>This measure shall be implemented during initiation of construction depending on the specifications of the measure.</u></p>	<p><u>Project applicant and their construction contractor</u></p>	<p><u>County of San Bernardino</u></p>	
<p><b>BIO-5 Exclusionary Fencing</b>  <u>Installation of desert tortoise exclusionary fencing shall be installed around the construction site to prevent the entrance of surrounding wildlife present. The fence shall be regularly inspected for damage during each routine on-site visit by the project onsite manager.</u></p>	<p><b><u>During Construction Activities</u></b>  <u>This measure shall be implemented during initiation of construction depending on the</u></p>	<p><u>Project applicant and their construction contractor</u></p>	<p><u>County of San Bernardino</u></p>	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
	<a href="#"><u>specifications of the measure.</u></a>			
<b><i>Cultural Resources</i></b>				
<p><b>CR-1:</b> Prior to construction of the proposed Project, a qualified archaeological monitor with relevant San Bernardino County experience and who will work directly under the direction of a Secretary of the Interior’s (SOI) professional archaeologist, shall be retained by the Project proponent. If resources cannot be avoided, an Archaeological Management Plan shall be prepared to establish procedures for monitoring.</p>	<p><b>Prior to Issuance of Land Disturbance or Grading Permit</b></p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p><b>CR-2:</b> Initial construction-related ground disturbances activities associated with the development of the Project shall be monitored by an archaeologist.</p>	<p><b>Prior to Issuance of Land Disturbance or Grading Permit</b></p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p><b>CR-3:</b> The Project archaeologist may, at their discretion, terminate monitoring if no subsurface cultural resources have been detected. If buried cultural resource artifacts are uncovered during ground disturbance activities the archaeological monitor will have the authority to re-direct grading activities to other location within the Project to examine the resources and possibly conduct subsurface testing (Phase II), as indicated in the Archaeological Management Plan. A research design associated with such work must be written before any subsurface fieldwork begins. The Plan shall include a description of how and where artifacts will be curated. Impacts to the resource must take place either through avoidance or a Phase 3 excavation. Should any prehistoric or tribal cultural resources be identified within the Project Area, Native American consulting parties shall be contacted regarding the disposition and treatment of the resource(s).</p>	<p><b>Prior to Issuance of Land Disturbance or Grading Permit</b></p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p><b>CR-4:</b> In the event unanticipated human remains, work in the immediate vicinity of the find shall stop and no further disturbance shall occur until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to CEQA, Section 15064.5(e), State of California Health and Safety Code Section 7050.5</p>	<p><b>During all Land Disturbance or Grading Activities</b></p> <p>This measure shall be implemented during</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>and PRC Section 5097.98. The County Coroner shall be notified of the find immediately. If the Coroner determines that the human remains are of Native American in origin, then the Coroner shall notify the NAHC, who is responsible for identifying and notifying the Native American most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and make recommendations regarding the treatment and disposition of human remains and items associated with Native American burials. If an agreement regarding disposition of human remains between the MLD and the Landowner or a MLD cannot be identified the landowner shall comply with the disposition and documentation required as defined by PCR 5097.98 Section (e).</p>	<p>construction and followed through until final disposition of such resources has been achieved.</p>			
<p><b>CR-5:</b> In the event human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner shall notify the NAHC, which would determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD would have the opportunity to offer recommendations for the disposition of the remains.</p>	<p><b>During all Land Disturbance or Grading Activities</b></p> <p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p><b><i>Tribal Cultural Resources</i></b></p>				
<p><b>TCR-1: Treatment of Tribal Cultural Resources:</b> If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended sixty (60) feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. A</p>	<p><b>Prior to issuance of Land Disturbance or Grading Permit</b></p> <p>This measure shall be implemented during</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>research design shall be developed by the archaeologist that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI), the archaeologist/applicant, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the archaeological significance of the resource, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.</p> <p>Should any significant resource and/or TCR not be a candidate for avoidance or preservation in place, and the removal of the resource(s) is necessary to mitigate impacts, the research design shall include a comprehensive discussion of sampling strategies, resource processing, analysis, and reporting protocols/obligations. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by SMBMI. All plans for analysis shall be reviewed and approved by the applicant and SMBMI prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of SMBMI that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by SMBMI, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the Project have</p>	<p>construction and followed through until final disposition of such resources has been achieved.</p>			

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and SMBMI. All reburials are subject to a reburial agreement that shall be developed between the landowner and SMBMI outlining the determined reburial process/ location, and shall include measures and provisions to protect the reburial area from any future impacts (vis a vis Project plans, conservation/ preservation easements, etc.).</p> <p>Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with SMBMI to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriately qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.</p> <p>All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and SMBMI for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
to the local CHRIS Information Center, the Lead Agency, and SMBMI.				
<p><b>TCR-2: Inadvertent Discoveries of Human Remains/ Funerary Objects:</b>                      In the event that any human remains are discovered within the Project area, ground disturbing activities shall be suspended 100 feet around the resource(s) and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The on-site lead/foreman shall then immediately notify SMBMI, the applicant/developer, and the Lead Agency. The Lead Agency and the applicant/developer shall then immediately contact the County Coroner regarding the discovery. If the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner shall ensure that notification is provided to the NAHC within twenty-four (24) hours of the determination, as required by California Health and Safety Code § 7050.5 (c). The NAHC-identified Most Likely Descendant (MLD), shall be allowed, under California Public Resources Code § 5097.98 (a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and funerary objects shall be treated and disposed of with appropriate dignity. The MLD, Lead Agency, and landowner agree to discuss in good faith what constitutes "appropriate dignity" as that term is used in the applicable statutes. The MLD shall complete its inspection and make recommendations within forty-eight (48) hours of the site visit, as required by California Public Resources Code § 5097.98.</p> <p>Reburial of human remains and/or funerary objects (those artifacts associated with any human remains or funerary rites) shall be accomplished in compliance with the California Public Resources Code § 5097.98 (a) and (b). The MLD in consultation with</p>	<p><b>During Construction</b></p> <p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible for Monitoring	Date of Completion/Notes
<p>the landowner, shall make the final discretionary determination regarding the appropriate disposition and treatment of human remains and funerary objects. All parties are aware that the MLD may wish to rebury the human remains and associated funerary objects on or near the site of their discovery, in an area that shall not be subject to future subsurface disturbances. The applicant/developer/landowner should accommodate on-site reburial in a location mutually agreed upon by the Parties.</p> <p>It is understood by all Parties that unless otherwise required by law, the site of any reburial of Native American human remains or cultural artifacts shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, parties, and Lead Agencies, would be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code § 6254 (r).</p>				





**Elevated Entitlements**  
5716 Corsa Avenue Suite 201  
Westlake Village, CA 91362

Date: May 08, 2024

**Attention:** Aron Liang – County of San Bernardino Land Use Development  
**Reference:** Minneola Solar PROJ-2022-00071 – Errata Sheet

### Inconsistencies

1. The Minneola Solar Project (Project) Initial Study Mitigated Negative Declaration (IS/MND) posted to CEQAnet on November 17, 2023, inadvertently stated that the project is not located within an Airport Land Use Plan. However, the Project is located within the Barstow-Daggett Airport Comprehensive Land Use Plan (ACLUP). To address this inconsistency, this addendum has been prepared to reflect the findings of Capitol Airspace Group and the Federal Aviation Administration's determination of no hazard to air navigation as stated within the Aeronautical Study No. 2023-AWP-2257-OE dated April 10, 2023.
2. A mitigation measure has been added at the request of the Desert Tortoise Council to state, "if a Desert Tortoise is found within the job site and needs to be relocated then all work will stop until an Incidental Take Permit is acquired."
3. Biological Assessment Comments
  - a. The original Minneola Solar Project Biological Assessment was missing a referenced appendix.
  - b. The Biological Assessment does not show compliance with the California Fish and Game Code 1600.
  - c. The Biological Assessment has been updated to remove the term "RE (Resident Engineer)".
  - d. The Desert Tortoise Council stated that the project biologist that will conduct clearance surveys must be approved by USFWS and CDFW. Additionally, the Biological Assessment did not specify the buffer which was conducted during the biological survey.
  - e. The Desert Tortoise Council requested that a mitigation measure be added to require a clearance survey after the installation of exclusionary fencing.
  - f. The Desert Tortoise Council requested that a mitigation measure be added to require the inspection of exclusionary fencing during all site visits by the project proponent maintenance staff.
  - g. The biological report and mitigation measures have been updated to include the requirement for an Incidental Take Permit prior to any potential Desert Tortoise relocation.
  - h. The Biological Assessment does not show the requirements and compliance with FESA and CESA laws.

### Proposed Solution

1. The Minneola Solar Project site is located within Safety Review Area 3 of the Barstow-Daggett Airport as illustrated within the ACLUP. For purposes of land use compatibility, Safety Review Area 3 reflects reduced exposure to aircraft operations and aviation hazards. However, two areas within this safety review area that require special consideration are beneath the extension of the approach surface (outer 4000 feet) and beneath the transitional surfaces of the airport as shown in Figure 10 of the Barstow-Daggett Airport Comprehensive Land Use Plan. The Project site is not located beneath the approach surface of the runways or transitional surfaces areas. The Project's Initial Study concludes that the proposed use will not result in a safety hazard for people residing or working in the Project



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area or expose people to excessive noise levels given that the proposed use is for the installation of photovoltaic solar. Additionally, the Project has been conditioned to comply with Section 82.09.060 of the Development Code regarding development standards within an airport safety review area, including, but not limited to, compliance with noise standards, height limits, and conveyance of an aviation easement. The Project was evaluated as being consistent with the Barstow-Daggett Airport Comprehensive Land Use Plan and the Planning Commission will be augmented with two members of the Airport Land Use Commission in compliance with Section 12.4105(b) of the County Code.

Based on the findings of the Capitol Airspace Group and the Federal Aviation Administration's Study No. 2023 AWP-2257-OE, markings and lighting are not necessary for aviation safety. However, if markings/lighting are implemented on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M. This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective November 21, 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure. Per the memo from Capitol Airspace Group to County staff planner, Jim Morrissey on June 22, 2023, the project underwent the FAA aeronautical study process and was thus vetted by up to 10 different offices, both internal and external to the FAA. This aeronautical study included the Department of Defense (DoD) to assess any potential impacts to military airspace and military training routes in proximity to the Project. In April 2023, Radiant Minneola received favorable "Determinations of No Hazard" from the FAA citing that the Project does not exceed obstruction standards as defined by Title 14 of the Code of Federal Regulations and is not considered a hazard to air navigation.

Similar to the other utility-scale solar projects in the immediate vicinity of the Barstow-Daggett Airport, the project proponent was not required under federal rules to conduct a glint and glare study for the Minneola Solar Project in conjunction with filing the Project with the FAA. The FAA's current position continues to be that off-airport solar energy systems present no greater glint and glare hazard to air traffic than other reflective sources such as bodies of water, glass façade buildings, and parking lots.

The San Bernardino County Planning Department Airport Comprehensive Land Use Plan outlines the Barstow-Daggett ACLUP as follows. Its purpose is fourfold:

- A. To promote the development of compatible land uses in the area influenced by airport operations.
- B. To safeguard the general welfare of the inhabitants within the vicinity of the airport by minimizing exposure to excessive noise levels.
- C. To safeguard the general welfare of the inhabitants within the vicinity of the airport by minimizing exposure to crash hazards associated with aircraft operations.
- D. To safeguard the general welfare of aviation activities within the vicinity of the airport by imposing appropriate height restrictions for the protection of aircraft operations.

Barstow-Daggett Airport is a publicly owned, public use airport that is classified in the National Plan of Integrated Airport Systems as a general aviation, general utility facility that accommodates virtually all general aviation aircraft with maximum gross takeoff weights of 12,500 pounds or less. The airport is bounded on all sides by vacant private land including the proposed Project site to the south of the airport.

Reference: Minneola Solar PROJ-2022-00071 – Errata Sheet

The planning boundary for this ACLUP is the airport's horizontal surface, as defined in the FAR Part 77 (Figure 7). The horizontal surface was selected because it provided an adequate review area, provided finite horizontal and vertical limits, and simplified review areas within the planning area boundaries. Within this planning area there are three San Bernardino County ALUC developed Safety Review Areas. The proposed Project falls within Safety Review Area 3. Safety Review Area 3, coterminous with the horizontal surface, provides protection to people, property and aircraft. The area is centered over the airport, extending outward in all directions from the primary surfaces. The perimeter is established by swinging a 5000-foot arc from the center of each end of the primary surfaces of each runway and connecting the adjacent arcs of lines tangent to those arcs. Within this safety review area are three airport imaginary surfaces - the transitional surfaces, the horizontal surface, and the approach surfaces. Safety Review Area 3 has the lowest exposure to aircraft operations and consequently, the lowest potential to be impacted by aviation related hazards.

The Land Use Compatibility Airport Safety Review Areas Table (Table 4) lists Utilities as Normally Acceptable in Safety Review Area 3. Safety Review Area 3 reflects reduced exposure to aircraft operations and aviation hazards. The land use districts within this area are low density single family residential and agriculture. Two areas within this safety review area that require special consideration are beneath the extension of the approach surface (outer 4000 feet) and beneath the transitional surfaces. Land use districts below the approach surface to runways 4, 8, 22 are institutional and low-density single family residential. Land use districts below the approach surface to runway 26 are low density single family residential, institutional and agriculture. Land use districts under the transitional surfaces are low density single family residential, institutional, and agriculture.

2. The Minneola Solar Project Biological Assessment analyzed the potential risks to protected species possibly found within the project site. The Biological Assessment did not find any signs of Desert Tortoise within the study area. However, to satisfy the Desert Tortoise Council an additional mitigation measure has been added to state that "if a Desert Tortoise is found within the job site and needs to be relocated then all work will stop until an Incidental Take Permit is acquired".  
[\(Please see page 5 of MMRP & page 21 of the ISMND\)](#)
3. Biological Assessment Comments
  - a. The original Minneola Solar Project Biological Assessment analyzed all protected species that may have the potential to be present within the project site. While the list was analyzed and referenced in the original report, the updated Biological Assessment with the referenced list has been shared with the Lead Agency. This addition does not have any impact on the validity of the Biological Assessment as the appendix was used in the analysis of the site and addressed in the report.
  - b. The Biological Assessment has been updated to show compliance with California Fish and Game Code 1600. There will be no impact to federal jurisdictional waters and no Streambed Alteration Agreement is required for this project. There are no blueline streams or protected waters within the project site. As such, showing compliance with California Fish and Wildlife Game Code 1600 does not create any analytical changes to the Biological Assessment.
  - c. The term RE (Resident Engineer) has been removed and replaced with Lead Engineer in the report for clarification. This clarification does not reflect any expressive changes to the Biological Assessment.
  - d. First, no biologist is contracted for the responsibility of clearance surveys currently. Whoever is selected will submit their qualifications to the USFWS and CDFW prior to beginning of construction. Second, the Biological Study area has been clarified to portray that the survey encompassed the entire project site plus a 200-foot buffer, not just the impact area. This clarification does not alter the results of the Biological Assessment. Furthermore, the Lead

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- Agency will require the biologist responsible for conducting the surveys to be approved prior to construction. Thus, these changes will have no impact on the validity of the IS/MND or Biological Assessment.
- e. A mitigation measure has been added to require a clearance survey after the installation of exclusionary fencing. This added mitigation measure does not have any impact on the validity of the IS/MND or Biological Assessment. Rather, it is placed to further ensure that the project will not impact any possible wildlife in the area.
  - f. A mitigation measure has been added to require the inspection of exclusionary fencing during all site visits by the project proponent maintenance staff. This added mitigation measure does not have any impact on the validity of the IS/MND or Biological Assessment. Rather, it is placed to further ensure that the project will not impact any possible wildlife in the area. [\(Please see page 5 of MMRP & page 21 of the ISMND\)](#)
  - g. The Minneola Solar Project Biological Assessment analyzed the potential risks to protected species possibly found within the project site. The Biological Assessment did not find any signs of Desert Tortoise within the study area. However, to satisfy the Desert Tortoise Council an additional mitigation measure has been added to state that “if a Desert Tortoise is found within the job site and needs to be relocated then all work will stop until an Incidental Take Permit is acquired.” [\(Please see page 5 of MMRP & page 21 of the ISMND\)](#)
  - h. The Biological Assessment has been updated to show the requirements and compliance with FESA and CESA laws. This change to the standard text of the Biological Assessment and does not have an effect on the validity or results of the Biological Assessment. All requirements of the FESA and CESA laws were followed during the preparation of the Biological Assessment.

### **Conclusion**

1. The proposed Project being a community solar facility will have no impacts per CEQA guidelines and will be in adherence with the Barstow-Daggett ACLUP. The height of the proposed solar panel array is on average eight (8) feet with a maximum height of twelve (12) feet, well below Area 3’s thirty-five (35) foot threshold. Additionally, as discussed in the Noise section of the Minneola Solar Project IS/MND, this Project will only generate temporary noise during construction. The noise generated during construction will not exceed the County of San Bernardino’s General Plan Noise Ordinance. As such, the proposed Minneola Solar Project will have no impact on the Barstow-Daggett Airport Comprehensive Land Use Plan.
2. This added mitigation measure does not change or update any of the biological findings of the original prepared and circulated IS/MND or Biological Assessment.
3. These additions and clarifications have not had any impact on the results and validity of the Biological Assessment and IS/MND. While some changes were made to the Biological Assessment and Mitigation Measures were added, none of the changes were a result of inaccurate findings or data. As such, no significant changes have been made that would constitute the recirculation of the IS/MND.

Overall, no significant changes have been made to the information contained in the IS/MND as a result of the ACLUP, Biological Assessment, or added mitigation measures and no significant new information has been added that would require recirculation of the document. Information provided in this addendum clarifies, amplifies, or makes minor modifications to the IS/MND and this information does not constitute a new environmental impact or substantial new information. As such, recirculation of the IS/MND is not required.

Sincerely,



**Kevin Kohan**  
Principal Planner  
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